

No. 36
STATE OF MICHIGAN
Journal of the Senate
102nd Legislature
REGULAR SESSION OF 2023

Senate Chamber, Lansing, Thursday, April 20, 2023.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Jeremy Moss.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Albert—present
Anthony—present
Bayer—present
Bellino—present
Brinks—present
Bumstead—present
Camilleri—present
Cavanagh—present
Chang—present
Cherry—present
Daley—present
Damoose—present
Geiss—present

Hauck—present
Hertel—present
Hoitenga—present
Huizenga—present
Irwin—present
Johnson—present
Klinefelt—present
Lauwers—present
Lindsey—present
McBroom—excused
McCann—present
McDonald Rivet—present
McMorrow—present

Moss—present
Nesbitt—present
Outman—present
Polehanki—present
Runestad—present
Santana—present
Shink—present
Singh—present
Theis—present
Victory—present
Webber—present
Wojno—present

Senator John Damoose of the 37th District offered the following invocation:

Lord, we thank You for this day, for our families and friends who brighten our lives and keep us going, and for entrusting each of us with this office. Lord, we pray that we will be faithful to the calling You have given each of us. We pray that You will guide us in that duty and that You will help us see this not as a sport but a serious endeavor. We pray that we will not look back at the end of our terms having squandered an opportunity by merely playing political games, but that instead we will have worked together to accomplish the work You asked us to do.

We pray all of this in Your precious name. Amen.

The President pro tempore, Senator Moss, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senator Lauwers moved that Senator McBroom be excused from today's session.
The motion prevailed.

Senator Chang entered the Senate Chamber.

Senator Singh moved that Senators Anthony and Geiss be temporarily excused from today's session.
The motion prevailed.

The following communication was received:
Office of Senator Dayna Polehanki

April 19, 2023

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bills 271-277 which were introduced on April 19th, 2023, and were referred to the Senate Committee on Energy and Environment.

Sincerely,
Dayna Polehanki

The communication was referred to the Secretary for record.

Senator Singh moved that rule 3.902 be suspended to allow the guests of Senators McCann, Webber, Cherry and Bayer admittance to the Senate floor.
The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Geiss entered the Senate Chamber.

Senators Irwin, Outman, Geiss, Santana, Bellino and Chang introduced
Senate Bill No. 279, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7303, 17201, 17210, 17211a, and 17212 (MCL 333.7303, 333.17201, 333.17210, 333.17211a, and 333.17212), section 7303 as amended by 2013 PA 268, sections 17201 and 17212 as amended and section 17211a as added by 2016 PA 499, and section 17210 as amended by 2021 PA 53, and by adding section 17210a.

The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senators Singh, Bellino, Geiss, Hertel, Cherry, Polehanki, Shink, Hauck, Klinefelt, McBroom, Lauwers, Chang, Camilleri, Cavanagh, Santana, Bayer, Irwin, Brinks, Wojno and Anthony introduced

Senate Bill No. 280, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 9316 (MCL 333.9316), as added by 2020 PA 261.

The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senator Singh introduced

Senate Bill No. 281, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 2094.

The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senators Santana, Irwin, Wojno, Geiss, Bayer, Chang, Klinefelt and Shink introduced

Senate Bill No. 282, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 2118 and 2120 (MCL 500.2118 and 500.2120), as amended by 2019 PA 21, and by adding section 2116c.

The bill was read a first and second time by title and referred to the Committee on Finance, Insurance, and Consumer Protection.

Senator Anthony entered the Senate Chamber.

Senators Santana, Irwin, McBroom, Wojno, Geiss, Bayer, Chang and Shink introduced

Senate Bill No. 283, entitled

A bill to amend 1976 PA 331, entitled “Michigan consumer protection act,” by amending section 3 (MCL 445.903), as amended by 2022 PA 152.

The bill was read a first and second time by title and referred to the Committee on Regulatory Affairs.

Senator Cherry introduced

Senate Bill No. 284, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay projects for the fiscal year ending September 30, 2023; to provide for expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

The bill was read a first and second time by title and referred to the Committee on Appropriations.

House Bill No. 4202, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 520/ (MCL 750.520/), as amended by 1988 PA 138.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

Senators Webber, McCann, Irwin, Chang, Cherry and Bayer asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Webber’s statement is as follows:

It’s a special privilege to acknowledge the efforts of a member of my team today—Henry Pasho. Today this exceptional student worker will finish the duration of his legislative internship program with my office. During his time in the Michigan Senate, Henry has shown an attention to detail, a no-nonsense work ethic, and a dedication to the constituents of the 9th Senate District. These skills and the dedication he’s shown to the Michigan Senate will only serve to benefit Henry in his future endeavors.

Next week, Henry will graduate from Western Michigan University from the Haworth College of Business with his degree in business administration. I, myself, started as a legislative intern long ago, and I’m excited to see Henry grow as a young professional. Please join me in congratulating him on completing his internship and graduating from college.

Senator McCann’s statement is as follows:

I also am here to bid farewell to a fantastic intern we’ve had in our office this spring semester—if you will, if you can call it spring. This is Maddy Lankford and she has been in our office through the Western Michigan University Capital Internship Program which a number of offices here have been so kind to host those interns from Western so they get a wonderful, enhanced learning experience working with all of us.

We want to wish Maddy very well. She's wrapping up her junior year at Western Michigan University, off to Rome for studying this summer, and then back for one more year to complete her degree at Western. If you would please, greet her and wish her well; I would appreciate it.

Senator Irwin's statement is as follows:

I also have the distinct honor of bidding farewell to one of the great interns in the District 15 office. I have with me today Keith Spencer Howell. Keith as an intern really picked up the work here in Lansing quickly. He was an incredibly thoughtful and committed intern, he's a great writer, and I hope he continues his interest in public service because we need more people with a passion for future generations, protecting our environment—clean air, clean water, the Great Lakes, and all living creatures—and that's something I noticed and respected immediately in Mr. Howell.

I'd like to ask my colleagues in thanking and bidding well-wishes to our intern Keith Howell.

Senator Chang's statement is as follows:

Today I want to recognize two very special people in the Gallery. Dana Paglia-King is one of our MSW interns from Wayne State University. She has been one of our housing experts; she's been our housing expert in the office. Most housing cases or assignments related to housing policy or housing groups—she has touched all of those. She extended her year-long internship into two and stayed on with us. She's worked full-time for the Community Housing Network in Oakland County and interned for us both during the weekdays and on the weekends. She's built incredibly strong relationships with our community-based organizations and we're really sad to see her go.

I also want to recognize Zabi Najafi who is an intern from the Western Michigan University political program, and he has been with our office since January. Even though he's only been with us for a semester, he's picked up on things so quickly and is a dedicated team player. He does not hesitate to ask questions about what he doesn't yet understand, is always eager to learn, and his passion for immigration reform and student advocacy have made him a huge asset to Team Chang.

Thank you to Dana and Zabi for all of your hard work.

Senator Cherry's statement is as follows:

This morning I have with me our student intern in our office—Terae King—who has been at the University of Michigan-Flint and is finishing up and will graduate this spring in a few weeks. He's been a great asset to our office, has been loved and admired by our constituents, and has shown a great interest and enthusiasm for public policy.

He was recently elected to the Flint school board and is beginning his public service there. I'm sure he's going to have a wonderful future as he works through that experience and leaves college. I would love if my colleagues would recognize his service with me.

Senator Bayer's statement is as follows:

It is my honor and privilege to recognize—we have two interns; the other one is nearby. I want to recognize and thank both Josh Kaplansky and Victoria Miller, both from Western Michigan University, as many of our interns are from there today, and as well over the past years; just an amazing program. They came so prepared to work, both of them—we put them to work; we've been a little short-handed, so they ended up doing a lot more than anybody ever expected and hoped for, and I can't say how much we appreciate that. To two fantastic interns, Victoria and Josh, I just want to say thank you very much and have that printed into the Journal.

By unanimous consent the Senate returned to the order of
General Orders

Senator Singh moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Moss, designated Senator McMorrow as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Moss, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4054, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4t (MCL 205.54t), as amended by 2015 PA 205.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 9, following line 14, by inserting:

“Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 97 of the 102nd Legislature is enacted into law.”

The Senate agreed to the substitute as amended recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 97, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 4o (MCL 205.94o), as amended by 2015 PA 204.

Substitute (S-2).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 9, following line 13, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4055 of the 102nd Legislature is enacted into law.”

The Senate agreed to the substitute as amended recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Singh moved that the rules be suspended and that the following bills, now on Third Reading of Bills, be placed on their immediate passage:

House Bill No. 4054

Senate Bill No. 97

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 88, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending section 1 (MCL 722.111), as amended by 2022 PA 208, and by adding sections 3i, 3j, 3k, and 3l.

The question being on the passage of the bill, Senator Santana offered the following substitute:

Substitute (S-3).

The substitute was not adopted, a majority of the members serving not voting therefor.

Senator Singh moved to reconsider the vote by which the substitute was not adopted.

The motion prevailed, a majority of the members serving voting therefor.

The question being on the adoption of the substitute,

The substitute was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 129

Yeas—31

Albert
Anthony

Chang
Cherry

Klinefelt
Lauwers

Polehanki
Santana

Bayer	Daley	McCann	Shink
Bellino	Damoose	McDonald Rivet	Singh
Brinks	Geiss	McMorrow	Victory
Bumstead	Hertel	Moss	Webber
Camilleri	Huizenga	Nesbitt	Wojno
Cavanagh	Irwin	Outman	

Nays—6

Hauck	Johnson	Runestad	Theis
Hoitenga	Lindsey		

Excused—1

McBroom

Not Voting—0

In The Chair: Moss

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 89, entitled

A bill to create a program to assist certain child care centers and schools with the acquisition, installation, and maintenance of certain filtered water stations and faucets; to provide for the sampling and testing of water from certain water outlets; to create certain funds; and to provide for the duties of certain state departments and officers.

The question being on the passage of the bill, Senator Cherry offered the following substitute: Substitute (S-2).

The substitute was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 130

Yeas—30

Albert	Cherry	Lauwers	Polehanki
Anthony	Daley	McCann	Santana
Bayer	Damoose	McDonald Rivet	Shink
Bellino	Geiss	McMorrow	Singh
Brinks	Hertel	Moss	Victory
Camilleri	Huizenga	Nesbitt	Webber
Cavanagh	Irwin	Outman	Wojno
Chang	Klinefelt		

Nays—7

Bumstead	Hoitenga	Lindsey	Theis
Hauck	Johnson	Runestad	

Excused—1

McBroom

Not Voting—0

In The Chair: Moss

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4054, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 4t (MCL 205.54t), as amended by 2015 PA 205.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 131

Yeas—33

Albert	Damoose	Lindsey	Runestad
Anthony	Hauck	McCann	Santana
Bellino	Hertel	McDonald Rivet	Shink
Brinks	Hoitenga	McMorrow	Singh
Bumstead	Huizenga	Moss	Theis
Camilleri	Johnson	Nesbitt	Victory
Cavanagh	Klinefelt	Outman	Webber
Chang	Lauwers	Polehanki	Wojno
Daley			

Nays—4

Bayer	Cherry	Geiss	Irwin
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Excused—1

McBroom

Not Voting—0

In The Chair: Moss

Senator Singh moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 97, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 4o (MCL 205.94o), as amended by 2015 PA 204.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 132

Yeas—33

Albert	Damoose	Lindsey	Runestad
Anthony	Hauck	McCann	Santana
Bellino	Hertel	McDonald Rivet	Shink
Brinks	Hoitenga	McMorrow	Singh
Bumstead	Huizenga	Moss	Theis
Camilleri	Johnson	Nesbitt	Victory
Cavanagh	Klinefelt	Outman	Webber
Chang	Lauwers	Polehanki	Wojno
Daley			

Nays—4

Bayer	Cherry	Geiss	Irwin
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Excused—1

McBroom

Not Voting—0

In The Chair: Moss

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Resolutions

Senator Irwin offered the following resolution:

Senate Resolution No. 35.

A resolution to commemorate the city of Ypsilanti’s 200th Founder’s Day.

Whereas, Ypsilanti, Michigan, was founded on April 22, 1823, as “Woodruff’s Grove” on land belonging to the Anishinaabe people, including the Ojibwe, the Odawa, and the Potawatomi; and

Whereas, As the first settlement in Washtenaw County, Ypsilanti was named after Greek General Demetrius Ypsilanti, a hero in the Greek War of Independence; and

Whereas, Ypsilanti has a proud record of abolition prior to the Civil War, being a part of the Underground Railroad to help free enslaved people; and

Whereas, The Asher Aray family, who had been free for generations, were willing to risk their lives to help fugitive slaves as conductors; and

Whereas, Over 70 Black men from Ypsilanti fought in the Civil War in the 102nd United States Colored Troops Infantry Regiment; and

Whereas, Ypsilanti was home to Helen McAndrew, who established herself as the first female doctor in Washtenaw County, Mary Ann Starkweather, whose charitable generosity contributed to much of the city’s growth, and Elijah McCoy, who developed 57 patents, including the “Real McCoy” engine lubrication device for railroad and factory engines; and

Whereas, In 1849, Ypsilanti was selected to host the location of the State Normal School, which later became Eastern Michigan University; and

Whereas, In 1869 Ypsilanti opened the first public library which was established by six women who had chosen the name the Ladies’ Library Association of Ypsilanti; and

Whereas, The city of Ypsilanti played an important role in the Women’s Suffrage Movement. In 1921, one year after the federal suffrage amendment was ratified, Estelle Downing was the first woman elected to city council; and

Whereas, Ypsilanti has the second largest historic district in Michigan, including Downtown, Depot Town, and West Cross; and

Whereas, The city of Ypsilanti has a honored place in the history of fighting against discrimination of all types in the successful passing of an inclusive Non-Discrimination Ordinance in 1998; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate the city of Ypsilanti’s 200th Founder’s Day.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator Singh moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The resolution was adopted.

Senators Geiss and Santana were named co-sponsors of the resolution.

Senator Irwin asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Irwin’s statement is as follows:

Thank you for considering this resolution to honor the great city of Ypsilanti as it approaches its 200th anniversary. The great city of Ypsilanti was founded just a little over 200 years ago and named after Greek General Ypsilanti, and for 200 years it’s been a powerhouse in Washtenaw County and it’s a city I love and am very proud to represent. I wanted to just take a couple moments to rise here on the floor and give some words of support, acknowledgement, and honor to the city I’m so proud to represent, the city of Ypsilanti.

Statements

Senator Nesbitt asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Nesbitt’s statement is as follows:

I rise today to urge my colleagues across the aisle to reverse course on their policies that risk sending us back to Michigan’s Lost Decade. Michigan’s economic recovery from the pandemic has been slower than 41 other states. Think about that. Forty-one other states have had a faster recovery after the pandemic than Michigan.

Thirty-three thousand fewer Michiganders are working today than before the COVID-19 pandemic, and our unemployment rate remains above the national average. All of this despite the Governor and Democrats throwing billions of taxpayer dollars to profitable, multi-national corporations to create jobs that, in some cases, pay below the local average wage. Combine this sobering job news with the seemingly endless pressure of inflation, fluctuating gas prices, and most economists predicting a recession in the near future. The alarm bells should be ringing for the Governor and every lawmaker in this chamber.

Yet nearly every decision by the new majority to this point is likely to make the situation worse. Making Michigan a less-attractive destination for new jobs by catering to union bosses. Spending down a record surplus in record time. Refusing to put money back into the pockets of taxpayers and instead using it to grow the scope and size of state government. Union bosses over Michigan workers; big corporations over struggling families; big government over individual freedom. That is what we have seen so far this year. These are the same policies that turned a national recession into a one-state depression and the Lost Decade for our state.

Mr. President, the people of this state have been struggling economically for over a year now, and the signs are all around us that the situation could get worse. Unfortunately, to this point, the policies of the new majority are making that more and more likely.

Announcements of Printing and Enrollment

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, April 19:

House Bill No. 4202

The Secretary announced that the following bills were printed and filed on Wednesday, April 19, and are available on the Michigan Legislature website:

House Bill Nos. 4427 4428 4429 4430 4431 4432 4433 4434 4435 4436 4437

The Secretary announced that the following bills were printed and filed on Thursday, April 20, and are available on the Michigan Legislature website:

Senate Bill Nos. 268 269 270 271 272 273 274 275 276 277 278

Committee Reports

The Committee on Veterans and Emergency Services reported

House Bill No. 4199, entitled

A bill to amend 2014 PA 259, entitled “Michigan national guard tuition assistance act,” by amending the title and sections 3 and 4 (MCL 32.433 and 32.434), section 3 as amended by 2016 PA 531.

With the recommendation that the bill pass.

Veronica Klinefelt
Chairperson

To Report Out:

Yeas: Senators Klinefelt, Hertel, Santana and Outman

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Veterans and Emergency Services submitted the following:

Meeting held on Wednesday, April 19, 2023, at 8:30 a.m., Room 1300, Binsfeld Office Building

Present: Senators Klinefelt (C), Hertel, Santana and Outman

The Committee on Health Policy reported

Senate Bill No. 219, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 9204 and 17707 (MCL 333.9204 and 333.17707), section 9204 as amended by 2006 PA 91 and section 17707 as amended by 2020 PA 142, and by adding sections 17724 and 17724a.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Kevin Hertel

Chairperson

To Report Out:

Yeas: Senators Hertel, Santana, Wojno, Cherry, Klinefelt, Geiss, Webber, Hauck, Huizenga and Runestad

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, April 19, 2023, at 12:30 p.m., Room 1100, Binsfeld Office Building

Present: Senators Hertel (C), Santana, Wojno, Cherry, Klinefelt, Geiss, Webber, Hauck, Huizenga and Runestad

COMMITTEE ATTENDANCE REPORT

The Appropriations Joint Subcommittee on Agriculture and Natural Resources submitted the following:

Meeting held on Wednesday, April 19, 2023, at 12:00 noon, Room 1300, Binsfeld Office Building

Present: Senators Cherry (C), Shink, Singh, Bumstead and Theis

COMMITTEE ATTENDANCE REPORT

The Appropriations Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Wednesday, April 19, 2023, at 4:00 p.m., Room 352, House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators McDonald Rivet (C), Irwin, McCann, McMorrow, Camilleri, Santana, Damoose, Bumstead and Huizenga

Scheduled Meetings

Appropriations –

Subcommittee –

Military, Veterans, State Police – Tuesday, April 25, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Senator Singh moved that the Senate adjourn.

The motion prevailed, the time being 10:41 a.m.

The President pro tempore, Senator Moss, declared the Senate adjourned until Tuesday, April 25, 2023, at 10:00 a.m.

DANIEL OBERLIN
Secretary of the Senate

