

No. 51
STATE OF MICHIGAN
Journal of the Senate
102nd Legislature
REGULAR SESSION OF 2023

Senate Chamber, Lansing, Thursday, May 25, 2023.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Garlin D. Gilchrist II.

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—excused
Webber—present
Wojno—present

Senator Bayer entered the Senate Chamber.

Motions and Communications

Senator Lauwers moved that Senators Victory and McBroom be excused from today’s session. The motion prevailed.

Senator Singh moved that rule 3.902 be suspended to allow the guests of all Senators admittance to the Senate floor, including the center aisle.

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

Senator Singh moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle.

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

Recess

Senator Singh moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:02 a.m.

11:13 a.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

During the recess, Senator Klinefelt presented the 28th Annual Memorial Day Ceremony in honor of the military personnel who served during wartime. The ceremony was accompanied by the Michigan National Guard Joint Color Guard and Kalamazoo Pipe Band.

Captain Joshua Twiest, chaplain of the Michigan National Guard, offered an invocation.

Senator Klinefelt and Lieutenant Governor Gilchrist offered remarks.

The Michigan National Guard Joint Color Guard presented the colors.

Senator Albert led the members of the Senate and guests in recital of the *Pledge of Allegiance*.

Senator Klinefelt introduced Kristianna Bell of Clinton Township who sang the “National Anthem.”

Senator Outman acknowledged members of the Michigan Department of Military and Veterans Affairs, members of the House of Representatives, and Senate staff who have served in the military.

Senator Hertel recognized Gold Star family members.

Senator Brinks introduced the keynote speaker, Major General Paul D. Rogers, Adjutant General of Michigan.

Senator Nesbitt led a moment of silence in memory of those who lost their lives serving their country.

Chaplain Twiest offered a benediction.

Senator Lindsey presented the history of “Taps,” and First Sergeant Andrew Schwailler performed “Taps.”

The Kalamazoo Pipe Band performed “Amazing Grace.”

The following communications were received:

Department of State

Administrative Rules

Notices of Filing

March 20, 2023

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2022-011-NR (Secretary of State Filing #23-03-01) on this date at 11:39 a.m. for the Department of Natural Resources entitled, “Endangered and Threatened Species.”

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

March 20, 2023

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2022-063-LE (Secretary of State Filing #23-03-02) on this date at 12:20 p.m. for the Department of Labor and Economic Opportunity entitled, "General Industry Safety Standard Part 23. Hydraulic Power Presses."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

March 20, 2023

In accordance with the provisions of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2022-066-EQ (Secretary of State Filing #23-03-03) on this date at 2:18 p.m. for the Department of Environment, Great Lakes, and Energy entitled, "State Revolving Land Fund."

These rules become effective immediately after filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

March 20, 2023

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2022-038-IF (Secretary of State Filing #23-03-04) on this date at 2:55 p.m. for the Department of Insurance and Financial Services entitled, "Good Moral Character."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

March 21, 2023

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2022-010-AC (Secretary of State Filing #23-03-05) on this date at 10:05 a.m. for the Department of Agriculture and Rural Development entitled, "Regulation No. 623. Field Seed Certification."

These rules take effect 7 days after filing with the Secretary of State.

March 21, 2023

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2021-070-LE (Secretary of State Filing #23-03-06) on this date at 11:01 a.m. for the Department of Labor and Economic Opportunity entitled, "State Housing Development Authority – General Rules."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

March 21, 2023

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2022-021-LR (Secretary of State Filing #23-03-07) on this date at 1:13 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Homes of the Aged."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

March 21, 2023

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2020-129-LR (Secretary of State Filing #23-03-08) on this date at 1:47 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Board of Midwifery."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Jocelyn Benson
Secretary of State
Lashana Threlkeld, Departmental Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

Senator Singh moved that when the Senate adjourns on Tuesday, May 30, it stand adjourned until Tuesday, June 6 at 10:00 a.m.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Chang, Polehanki, Camilleri, Santana, Geiss, McMorro, Moss, Cherry and Cavanagh introduced **Senate Bill No. 359, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1250 (MCL 380.1250), as amended by 2018 PA 601.

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

Senators Irwin and Shink introduced

Senate Bill No. 360, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.847) by adding section 281.

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

Senators Irwin and Shink introduced

Senate Bill No. 361, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.847) by adding section 281.

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

Senators Irwin, Bayer, Geiss, Shink, McBroom, Chang, Camilleri and Singh introduced

Senate Bill No. 362, entitled

A bill to amend 2008 PA 295, entitled "Clean and renewable energy and energy waste reduction act," by amending sections 5, 7, 9, 13, 173, 175, 177, and 179 (MCL 460.1005, 460.1007, 460.1009, 460.1013, 460.1173, 460.1175, 460.1177, and 460.1179), as amended by 2016 PA 342; and to repeal acts and parts of acts.

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

Senators Bayer, McBroom, Geiss, Shink, Irwin, Chang, Camilleri and Singh introduced

Senate Bill No. 363, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the powers and duties of certain state governmental officers and entities; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” by amending section 6a (MCL 460.6a), as amended by 2016 PA 341.

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

Senators Damoose and Cavanagh introduced

Senate Bill No. 364, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 53b (MCL 211.53b), as amended by 2022 PA 141.

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

House Bill No. 4071, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3406z.

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 Health Policy.

House Bill No. 4120, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” (MCL 722.621 to 722.638) by adding section 3b.

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.

House Bill No. 4121, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16221 (MCL 333.16221), as amended by 2020 PA 232.

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.

House Bill No. 4122, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16226 (MCL 333.16226), as amended by 2020 PA 233.

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.

House Bill No. 4123, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 483a (MCL 750.483a), as added by 2000 PA 451.

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.

House Bill No. 4124, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 478b.

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.

House Bill No. 4125, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1310e.

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.

House Bill No. 4555, entitled

A bill to designate June 12 of each year as Women Veterans Recognition Day.

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 Veterans and Emergency Services.

By unanimous consent the Senate returned to the order of

Messages from the House**Senate Bill No. 32, entitled**

A bill to amend 1978 PA 390, entitled “An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts,” by amending section 8 (MCL 408.478).

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2) and ordered that it be given immediate effect.

Pursuant to rule 3.202, the bill was laid over one day.

Protest

Pursuant to rule 3.506, Senator Theis submitted her reasons, in writing, for voting “no” on the passage of Senate Bill No. 288 on May 24.

Senator Theis’ statement is as follows:

Thank you, Mr. President. I rise to give my “no” vote explanation on Senate Bill No. 288. I support helping qualified, low-income households to keep their lights on and heat their homes. I understand what it is like to be in such a position and know how hard it can be to make ends meet. My opposition to this bill has nothing to do with that. I think it should continue. I simply oppose removing the sunset as this bill seeks to do. Keeping the sunset, and revisiting it and renewing it, has been the norm for decades, and I believe it to be the right approach.

As I mentioned, by utilizing a sunset, it encourages the Legislature to revisit programs and review them to see how they are operating and whether changes may be needed, both in terms of administration and appropriations. Removing the sunset, as this bill would do, removes an integral part of governance. It would take away public oversight and transparency, veiling it in a cloud of bureaucracy perhaps never to be heard about again.

I urge my colleagues to vote “no” on this bill, not because the Michigan Energy Assistance Act is a bad law, but because removing sunsets is a bad policy.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 24:

House Bill Nos. 4071 4120 4121 4122 4123 4124 4125 4555

The Secretary announced that the following bills were printed and filed on Wednesday, May 24, and are available on the Michigan Legislature website:

House Bill Nos. 4650 4651 4652 4653 4654 4655 4656 4657 4658 4659 4660 4661 4662 4663

The Secretary announced that the following bills were printed and filed on Thursday, May 25, and are available on the Michigan Legislature website:

Senate Bill Nos. 354 355 356 357 358

Committee Reports

The Committee on Natural Resources and Agriculture reported

Senate Resolution No. 15.

A resolution to urge the United States Congress to allocate \$425 million for the Great Lakes Restoration Initiative in the Fiscal Year 2024 budget.

(For text of resolution, see Senate Journal No. 22, p. 273.)

With the recommendation that the resolution be adopted.

Sue Shink
Chairperson

To Report Out:

Yeas: Senators Shink, Cherry, Singh, Polehanki, Daley, Victory and Hoytenga

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Natural Resources and Agriculture reported

Senate Bill No. 103, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding sections 48714a and 48714b.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Sue Shink
Chairperson

To Report Out:

Yeas: Senators Shink, Cherry, Singh, Polehanki, Daley and Victory

Nays: Senator Hoytenga

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Agriculture reported

Senate Bill No. 104, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding sections 43528c and 43528d.

With the recommendation that the bill pass.
 The committee further recommends that the bill be given immediate effect.
Sue Shink
 Chairperson

To Report Out:
 Yeas: Senators Shink, Cherry, Singh, Polehanki, Daley and Victory
 Nays: Senator Hoytenga
 The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Agriculture reported
Senate Bill No. 105, entitled
 A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 40113a (MCL 324.40113a), as amended by 2016 PA 382.
 With the recommendation that the bill pass.
 The committee further recommends that the bill be given immediate effect.
Sue Shink
 Chairperson

To Report Out:
 Yeas: Senators Shink, Cherry, Singh, Polehanki, Daley and Victory
 Nays: Senator Hoytenga
 The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Agriculture submitted the following:
 Meeting held on Tuesday, May 23, 2023, at 3:00 p.m., Room 1300, Binsfeld Office Building
 Present: Senators Shink (C), Cherry, Singh, Polehanki, Daley, Victory and Hoytenga

The Committee on Transportation and Infrastructure reported
Senate Bill No. 22, entitled
 A bill to amend 1945 PA 327, entitled “Aeronautics code of the state of Michigan,” by amending section 80f (MCL 259.80f), as added by 2001 PA 225.
 With the recommendation that the bill pass.
Erika Geiss
 Chairperson

To Report Out:
 Yeas: Senators Geiss, Klinefelt, Wojno, Hertel, Camilleri, Chang, McCann, Bellino, Victory and Bumstead
 Nays: None
 The bill was referred to the Committee of the Whole.

The Committee on Transportation and Infrastructure reported
Senate Bill No. 251, entitled
 A bill to amend 1982 PA 432, entitled “Motor bus transportation act,” by amending section 15 (MCL 474.115), as amended by 2016 PA 349.
 With the recommendation that the bill pass.
Erika Geiss
 Chairperson

To Report Out:
 Yeas: Senators Geiss, Klinefelt, Wojno, Hertel, Camilleri, Chang, McCann, Bellino, McBroom, Victory and Bumstead
 Nays: None
 The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Infrastructure submitted the following:
Meeting held on Tuesday, May 23, 2023, at 3:30 p.m., Room 403, Capitol Building
Present: Senators Geiss (C), Klinefelt, Wojno, Hertel, Camilleri, Chang, McCann, Bellino, McBroom, Victory and Bumstead

The Committee on Veterans and Emergency Services reported

Senate Bill No. 235, entitled

A bill to designate February 1 of each year as "Blue Star Mothers Day."

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, May 24, 2023, at 9:00 a.m., Room 1300, Binsfeld Office Building
Present: Senators Klinefelt (C), Hertel, Santana and Outman

The Committee on Elections and Ethics reported

Senate Bill No. 339, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 764c (MCL 168.764c), as amended by 2018 PA 120.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Jeremy Moss
Chairperson

To Report Out:

Yeas: Senators Moss, Wojno, Santana, McMorrow, Chang, Camilleri and McBroom

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 Elections and Ethics submitted the following:
Meeting held on Wednesday, May 24, 2023, at 3:00 p.m., Room 1300, Binsfeld Office Building
Present: Senators Moss (C), Wojno, Santana, McMorrow, Chang, Camilleri, Johnson and McBroom

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:
Meeting held on Wednesday, May 24, 2023, at 2:00 p.m., Room 1100, Binsfeld Office Building
Present: Senators Hertel (C), Santana, Wojno, Cherry, Klinefelt, Geiss, Webber, Hauck, Huizenga and Runestad

Senator Singh moved that the Senate adjourn.

The motion prevailed, the time being 11:18 a.m.

The Secretary of the Senate declared the Senate adjourned until Tuesday, May 30, 2023, at 10:00 a.m.

DANIEL OBERLIN
Secretary of the Senate

