

No. 74
STATE OF MICHIGAN
Journal of the Senate
102nd Legislature
REGULAR SESSION OF 2023

Senate Chamber, Lansing, Tuesday, September 12, 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—present
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 Mallory McMorrow of the 8th District offered the following invocation:

May we come together this morning humbled by and in celebration of the vibrancy and diversity of our community. May we find ourselves driven not by dismissiveness and divisiveness towards one another, but by a consistent sense of curiosity and a desire to learn. And in that learning, may we recognize that underneath our differences and skin color, language, religion, dress, traditions or expression, that we share so much more that binds us together; pride, passion, the drive to transform our places from mere collections of homes and businesses into communities; the desire to treat others well, to create opportunity, to leave our place in the world better than we found it in whatever capacity we can.

May we take comfort in knowing—driven by consistency, good will, empathy, understanding, and the desire to put out that which we hope to receive—that every action we take, no matter how small, has the power to reverberate throughout our community and grow. And that the power of our collective action will create a lasting impact in our families, in our communities, throughout our state, throughout our country, and throughout the world.

To all that we hold as our individual higher power and inspiration. Amen.

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

Senator Brinks entered the Senate Chamber.

Motions and Communications

Senator Singh moved that Senators Camilleri, Hertel, Klinefelt and McDonald Rivet be temporarily excused from today's session.

The motion prevailed.

The following communication was received:

Office of Senator Sam Singh

September 5, 2023

Please add my name as a co-sponsor to Senate Bill 446.

Sincerely,
Sam Singh
Majority Floor Leader
Senate District 28

The communication was referred to the Secretary for record.

The following communication was received:

Office of Senator Jeremy Moss

September 7, 2023

Please add my name as a co-sponsor to SB 332 and SB 333.

Sincerely,
Jeremy Moss
State Senator
President Pro Tempore
Michigan's 7th District

The communication was referred to the Secretary for record.

Recess

Senator Singh moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:04 a.m.

11:19 a.m.

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

During the recess, Senators McDonald Rivet, Klinefelt, Camilleri and Hertel entered the Senate Chamber.

By unanimous consent the Senate proceeded 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, Lieutenant Governor Gilchrist, designated Senator Lauwers as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Gilchrist, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4829, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 437 (MCL 208.1437), as amended by 2021 PA 93; and to repeal acts and parts of acts.

The bill 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 bill, now on Third Reading of Bills, be placed on its immediate passage:

House Bill No. 4829

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

Senator Singh moved that the Senate proceed to consideration of the following bill:

House Bill No. 4829

The motion prevailed.

The following bill was read a third time:

House Bill No. 4829, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 437 (MCL 208.1437), as amended by 2021 PA 93; and to repeal acts and parts of acts.

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. 450

Yeas—29

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

Nays—9

Albert
Bumstead
Daley

Hoitenga
Johnson

Lauwers
Lindsey

Runestad
Theis

Excused—0

Not Voting—0

In The Chair: President

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 meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations.”

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Webber, Bellino and Nesbitt 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 was reported at the end of last week that the Attorney General’s office would not pursue criminal charges in connection to an unannounced active intruder drill conducted at the Hawthorn Center just before Christmas of last year. While criminal activity may not have been found in relation to this one poorly-conceived and executed event, many questions relating to proper care and other potentially unlawful actions remain unanswered. Serious concerns relating to the operation of the state’s only psychiatric hospital for minors run much deeper than a single disastrous emergency drill. At least 17 young patients escaped under the supervision of Hawthorn personnel since 2020, and the facility has become the subject of growing scrutiny—going beyond the scope of the lawsuit prompted by the December 2022 active intruder drill.

This summer, I hosted a listening session in my district to hear from former patients and family members about their experiences with the center. I was joined by my fellow Senator from the 23rd District and some of our colleagues from the House. From disheartening living conditions to physical mistreatment and insufficient care, the stories we heard from families and former patients who have relied on the facility’s services ranged from heartbreaking to tragic. I feel strongly that it is our duty as legislators to do all we can to ensure state officials are held accountable and to restore confidence for our residents who rely on the vital services the Hawthorn Center is meant to provide. This is why I have requested the Michigan Office of the Auditor General conduct an independent investigation of the facility. Thankfully, the Auditor General has already informed me that they will consider the request for the 2024 audit cycle.

Before we adjourned for summer break, I also made formal requests to the appropriate committee chairs to open legislative hearings on this same subject. I am hopeful that we can work together on this important task as we begin our fall schedule. More must be done on behalf of individuals and families who have suffered in the center’s care. Unfortunately, the concerns over care at the Hawthorn Center are growing at the same time young people are struggling more and more with mental health issues.

The Centers for Disease Control and Prevention reported mental health-related emergency room visits for adolescents aged 12 to 17 increased by 31 percent in 2020. In fact, prominent pediatric associations, including the American Academy of Pediatrics, declared a national emergency in children's mental health in the wake of the shutdowns and isolation experienced during the COVID crisis. Vulnerable young people and their families deserve access to quality mental health care they can trust, and the Legislature has an obligation to help repair what is broken in this system.

The President pro tempore, Senator Moss, resumed the Chair.

Senator Bellino's statement is as follows:

Mr. President, Michigan isn't the only state in the nation that had a massive budget surplus coming out of the pandemic. And looking around the country, you see very different approaches to utilizing these taxpayer dollars. This morning in Georgia, Governor Brian Kemp announced a month-long suspension of the state's gas tax. This is the second time he suspended their gas tax amidst rising prices at the pump, and the last time, he did it for 10 months.

The contrast with our experience here in Michigan is stark. Last year, with prices approaching \$5 per gallon, Governor Whitmer vetoed a bill which would have suspended our gas tax. Then, she and majority Democrats proceeded to blow through a record budget surplus, drastically growing the size of government and somehow finding money for new swimming pools and pickleball courts.

Despite a record budget surplus, despite record inflation, and despite record gas prices, Lansing Democrats have refused to let Michiganders keep their money. They're even, to borrow the phrase, fighting damn hard to stop a permanent income tax cut owed to every resident in this state.

Mr. President, budgets are statements of priorities and how each state utilizes taxpayer dollars illustrates their governing philosophies. Do your elected officials think tax dollars are their money or our money? Here in Michigan, Democrats have given us an answer.

Senator Nesbitt's statement is as follows:

I, like many of my colleagues, have now heard what the Governor proposed recently in what I term her second State of the State address this year back in August. Much like the first, we were treated with very few details on the policy agenda she was foisting upon the Legislature. However, unlike her address in January, she dispatched with a bunch of the faux pleasantries and empty pleas for bipartisanship. It seems quite clear that our Governor is almost as focused on ticking off every box on the liberal purity test as she is with making sure Michigan's presidential primary is front and center next year. Some might wonder if those two things are related.

But how would this California-style agenda impact Michiganders? For one, it would raise taxes by more than \$2 billion on Michigan workers, small businesses, and families, and her efforts to end the permanent income tax cut owed to every Michigan taxpayer—a \$700 million tax cut. Never mind that nobody seems to know how much the Michigan Green New Deal will cost Michigan ratepayers and seniors.

The problem, of course, is that despite the Governor proudly proclaiming that Bidenomics is working, Michiganders are experiencing a very different reality around their kitchen table, as they go shopping, and as they fuel up their cars. Almost everything that should be up is down; almost everything that should be down is up. Inflation, gas, food, property taxes, mortgage rates, and housing prices all remain way too high. Student test scores, economic growth compared to other states, and the quality of our roads remain unacceptably low. The people of Michigan are in no position to fork over billions more to their bloated state government.

Mr. President, I urge the majority to proceed with extreme caution during this apparently-brief fall session. Millions of Michiganders stand to be harmed by a rush to prove your progressive chops or polish someone's presidential résumé.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Hertel introduced

Senate Bill No. 480, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending section 108 (MCL 560.108), as added by 1996 PA 591.

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

Senator Klinefelt introduced

Senate Bill No. 481, entitled

A bill to amend 2006 PA 317, entitled “An act to create certain entities in the Michigan strategic fund; to impose certain duties and responsibilities on those entities and on certain state employees and public employees; and to repeal acts and parts of acts,” by amending section 2 (MCL 125.1972), as amended by 2010 PA 337.

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

Senator McDonald Rivet introduced

Senate Bill No. 482, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 13809 and 13810 (MCL 333.13809 and 333.13810), as added by 1990 PA 21.

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

Senators Camilleri, McDonald Rivet, Klinefelt, Moss, Cherry, Bayer, Polehanki, McMorrow, Wojno, Santana, Cavanagh, Singh, Chang, Geiss, Brinks, Shink, Irwin and Anthony introduced

Senate Bill No. 483, entitled

A bill to provide for a cost and affordability review of certain prescription drug products; to create the prescription drug pricing board and prescription drug affordability stakeholder council and to prescribe their powers and duties; to provide for the powers and duties of certain state governmental officers and entities; to establish upper payment limits for certain prescription drug products and provide remedies; and to provide for the promulgation of rules.

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

Senators Klinefelt, Camilleri, McDonald Rivet, Moss, Cherry, Bayer, Polehanki, McMorrow, Wojno, Santana, Cavanagh, Singh, Chang, Geiss, Brinks, Shink, Irwin and Anthony introduced

Senate Bill No. 484, 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 bill was read a first and second time by title and referred to the Committee on Finance, Insurance, and Consumer Protection.

Senators McDonald Rivet, Camilleri, Klinefelt, Moss, Cherry, Bayer, Polehanki, McMorrow, Wojno, Santana, Cavanagh, Singh, Chang, Geiss, Brinks, Shink, Irwin and Anthony introduced

Senate Bill No. 485, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 109o.

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

Announcements of Printing and Enrollment

The Secretary announced that the following bills were printed and filed on Thursday, September 7, and are available on the Michigan Legislature website:

Senate Bill Nos.	468	469	470	471	472	473	474	475	476	477	478	479	
House Bill Nos.	4940	4941	4942	4943	4944	4945	4946	4947	4948	4949	4950	4951	4952
	4953	4954	4955	4956	4957	4958	4959	4960	4961	4962	4963	4964	

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Thursday, September 7, 2023, at 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Anthony (C), McCann, McDonald Rivet, Cherry, Bayer, Santana, Shink, Irwin, Hertel, Camilleri, Klinefelt, McMorro, Cavanagh, Bumstead, Albert, Damoose, Huizenga, Outman and Theis

Scheduled Meetings

Civil Rights, Judiciary, and Public Safety – Thursday, September 14, 12:00 noon, Room 1200, Binsfeld Office Building (517) 373-5312

Economic and Community Development – Thursday, September 14, 12:00 noon, Room 1100, Binsfeld Office Building (517) 373-1721

Elections and Ethics – Wednesday, September 13, 3:00 p.m., Room 1100, Binsfeld Office Building (517) 373-1721

Finance, Insurance, and Consumer Protection – Wednesday, September 13, 12:30 p.m., Room 1200, Binsfeld Office Building (517) 373-5314

Health Policy – Wednesday, September 13, 12:30 p.m., Room 1100, Binsfeld Office Building (517) 373-5323

Oversight - Wednesday, September 13, 9:00 a.m., Room 1200, Binsfeld Office Building (517) 373-5314

Senate Fiscal Agency Governing Board – Tuesday, September 19, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Veterans and Emergency Services – Wednesday, September 13, 9:00 a.m., Room 1300, Binsfeld Office Building (517) 373-5312

Senator Singh moved that the Senate adjourn.

The motion prevailed, the time being 11:39 a.m.

The President pro tempore, Senator Moss, declared the Senate adjourned until Wednesday, September 13, 2023, at 10:00 a.m.

DANIEL OBERLIN
Secretary of the Senate

