

No. 23
STATE OF MICHIGAN
Journal of the Senate
101st Legislature
REGULAR SESSION OF 2022

Senate Chamber, Lansing, Tuesday, March 8, 2022.

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.

Alexander—present
Ananich—present
Barrett—present
Bayer—present
Bizon—present
Brinks—present
Bullock—present
Bumstead—present
Chang—present
Daley—present
Geiss—present
Hertel—present
Hollier—present

Horn—present
Huizenga—present
Irwin—present
Johnson—present
LaSata—present
Lauwers—present
MacDonald—present
McBroom—present
McCann—present
McMorrow—present
Moss—present
Nesbitt—present
Outman—present

Polehanki—present
Runestad—present
Santana—present
Schmidt—present
Shirkey—present
Stamas—present
Theis—present
VanderWall—present
Victory—present
Wojno—present
Wozniak—present
Zorn—present

Senator Mallory McMorrow of the 13th District offered the following invocation:

Recently, I've heard many people, even the toughest that I know, say that it's become too much. The weight of the news, the world, the divisiveness, the ugliness, the weight of loss—that it's become harder and harder to press on and that it feels like we're all working so hard but accomplishing so little, as the weight of it all keeps growing.

A pastor shared this poem as part of a reading for her preaching about grief, and I'd like to share a version of it with you. Original words by Mari Andrew:

I am washing my face before bed while the world appears to be crumbling: war, a shooting, an epidemic.

It feels ridiculous to wash my face. It feels ridiculous not to. It has never been this way, and it has always been this way.

Someone has always clinked a cocktail glass in one hemisphere while someone loses a home in another while someone falls in love in the same apartment building where someone grieves.

The fact that suffering, beauty, and mundanity coincide is unbearable and remarkable. How is a person supposed to do ordinary things like face-wash or big things like fall in love when a quick phone scroll is both advertising designer socks and informing me of families—babies—killed fleeing from war?

I despair, with an exhale, then I refuse to despair, with an inhale. I scroll some more: a new baby, a flower, a child singing to comfort those in a refugee camp.

A threatened world holds so much.

Keats wrote, "I must choose between despair and energy, and I choose the latter.

What does it look like to state, in the midst of despair, "I choose energy?"

For starters, I choose to finish washing my face. Then I choose to look: not away from, but towards.

I choose to trust: first in goodness, then in people I know, then in people I'll never know, and always in myself.

I choose a new song. I choose to change my habits. I choose to send a supportive text to someone who is grieving. I choose to show up because grief and celebration often happen at the same time.

The President, Lieutenant Governor Gilchrist, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

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

Senator Bullock entered the Senate Chamber.

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

The following communication was received and read:
Michigan Legislature

February 24, 2022

Pursuant to the Interlocal Agreement between the City of Detroit, the County of Wayne, and the Michigan Department of Community Health, under the Urban Cooperation Act of 1967, MCL 124.501 *et seq.*, the Leadership of the Legislature respectfully submits the following nominee to be re-appointed to the Detroit Wayne County Health Authority Board:

Krystle Woods Hollier, Ph.D., L.P.

31 Arden Park Boulevard

Detroit, Mich. 48202

Thank you in advance for your time. If you have any questions, please feel free to contact either of our offices.

Sincerely,

Mike Shirkey

Senate Majority Leader

Jason Wentworth

Speaker of the House of Representatives

The communication was referred to the Secretary for record.

The following communication was received and read:

Office of the Auditor General

March 4, 2022

Enclosed is a copy of the following report:

- Performance audit report on the Bureau of Elections, Department of State (231-0235-21).

Sincerely,

Doug Ringler

Auditor General

The audit report was referred to the Committee on Oversight.

The following communications were received:

Department of State

March 4, 2022

The Secretary of State acknowledges receipt of the changes proposed by the Joint Committee on Administrative Rules (JCAR) on February 23, 2022 to ruleset JCAR No. 21-72, MOAHR No. 2021-60ST (Ruleset). The Department appreciates JCAR's engagement with the Ruleset. For the following reasons the Secretary declines four of JCAR's five proposed changes, but accepts one of the proposed changes:

1. The Secretary rejects the suggestion that R 168.2(2) should be struck. MCL 168.558(4) requires a candidate for office to affirm, under penalty of perjury, on their affidavit of identity that "all statements, reports, late filing fees, and fines required of the candidate or any candidate committee organized to support the candidate's election under the Michigan campaign finance act . . . have been filed or paid." Because the vast majority of candidates required to file campaign finance statements required by the Michigan Campaign Finance Act (MCFA) file with county clerks, the only practical way that a filing official accepting an affidavit of identity can verify that the candidate is actually in compliance with the duties created by the MCFA during prior candidacies is for the candidate to provide the filing official a list of the jurisdictions in which the candidate previously sought election. If the filing official is not given such a list, the only way the filing official could confirm the candidate has no outstanding MCFA obligations would be to contact all 83 county clerks in Michigan. In the Secretary's view, requiring each of Michigan's more than 1,500 affidavit-accepting filing officials to contact all 83 county clerks to verify that each of the candidates for which the filing official is responsible is in compliance with the MCFA is much more burdensome than requiring candidates to supply a list of the jurisdictions in which they previously ran for office.

2. The Secretary rejects the suggestion that R 168.2(3) be changed to require filing officials to only review campaign finance records maintained by the Secretary of State. As explained above, MCL 168.558 requires candidates to affirm they have no outstanding campaign statements or unpaid late filing fees stemming from MCFA obligations in prior elections, and most candidates file the campaign finance statements required under the MCFA with county clerks, not the Secretary. Recognizing this, MCL 168.558 does not limit those obligations to elections where candidates are required to file campaign finance statements with the Secretary. Requiring filing officials to examine only records maintained by the Secretary would unduly limit the reach of the statute and make the candidate's affirmation of compliance with the MCFA substantially less valuable.

3. The Secretary rejects the suggestion that a cure process be added to the R 168.2(4). MCL 168.558 forbids a candidate from appearing on the ballot if the candidate "executes an affidavit of identity that contains a false statement with regard to any information or statement required under this section." A candidate "executes" an affidavit of identity by submitting the signed and notarized affidavit to the filing official, no matter if the affidavit is submitted weeks, days, or hours prior to the filing deadline. Allowing a candidate to submit a new affidavit of identity after submitting an affidavit with false or incorrect information would contrary to the language of MCL 168.558. Additionally, a cure process like the one suggested by JCAR would create myriad practical difficulties and inequities. Because most affidavits are filed close to the filing deadline, many filing officials will not have the time to check all affidavits for accuracy prior to the filing deadline. If a filing official checks the accuracy of some, but not all, of the affidavits submitted prior to the filing deadline, candidates may be given opportunities to cure based on nothing more than chance. Different filing officials may

implement different processes for checking affidavits and notifying candidates of inaccuracies, creating improper inequities in ballot access between jurisdictions. Finally, a cure process would allow candidates acting in bad faith to submit false affidavits of identity, knowing that if the filing official discovered the falsification prior to the filing deadline the candidate could submit a new, corrected affidavit.

4. The Secretary accepts the suggestion that R 168.3(1) be redrafted to mirror the language of MCL 168.558. The Ruleset was proposed before the most recent amendments to MCL 168.558 were signed into law. Those amendments adequately clarify the information that must be included on the Affidavit of Identity, making R 168.3(1) redundant. Thus, the Secretary is removing R 168.3(1) from the Ruleset.

5. The Secretary rejects the suggestion that a cure process be added to R 168.3(3). This rejection is made for the same reasons that the Secretary rejects the suggestion that a cure process be added to R 168.2(4).

This letter serves to notify JCAR that the Secretary is withdrawing this Ruleset under MCL 24.245a(10)(a) as permitted by MCL 24.245c(2), effective immediately. The Secretary will submit notice of the change to R 168.3(1) explained above to the Michigan Office of Administrative Hearings and Rules (MOAHR) for review, as required under MCL 24.245c(2). Upon receiving approval from MOAHR as to the form of the changes and a decision from MOAHR as to any burden created by the changes, the Secretary will take the appropriate action under MCL 24.245c(3) or MCL 24.245c(4).

March 4, 2022

The Secretary of State acknowledges receipt of the changes proposed by the Joint Committee on Administrative Rules (JCAR) on February 23, 2022 to ruleset JCAR No. 21-73, MOAHR No. 2021-61ST (Ruleset). The Department appreciates JCAR's engagement with the Ruleset. For the following reasons the Secretary declines eight of JCAR's nine proposed changes, but accepts one of the proposed changes:

1. The Secretary rejects the suggestion that definition of "signature on file" in R 168.21(1)(d) be changed. JCAR's suggestion – that "[t]he Secretary should change this definition to say that a signature on file is limited to the QVF digital signature and that a master[]card signature be considered a signature on file only when a QVF digital signature is missing" – is indistinguishable from the definition of "signature on file" in R 168.21(1)(d) as originally submitted to JCAR ("Signature on file" means the signature of the voter contained in the qualified voter file. If the qualified voter file does not contain the voter's digitized signature, the signature of the voter contained on the master card is the signature on file."). Because the proposed change is no different than the language in the proposed rule, the Secretary rejects the change.

2. The Secretary accepts JCAR's proposal to strike the instruction in R 168.22(1) that local election officials must begin review of a voter's signature on an absent voter ballot application or an absent voter ballot envelope with a "presumption" that the signature is valid. While the language reflects current practice, and while the Secretary does not read the presumption language in the same manner the language was read by JCAR, the confusion created by the term justifies its removal from the rule. The Secretary will remove term presumption from R 168.22(1) without otherwise substantially changing the text of the Ruleset already reviewed by JCAR.

3. The Secretary rejects the suggestion that the voter contact process laid out in R 168.22(3) be made mandatory, or that the term "genuine concerns" is insufficiently clear. A clerk has a genuine concern about a voter's signature when the clerk cannot determine whether the signature on an absent voter ballot application or an absent voter ballot envelope does or does not match the signature on file, but still believes the voter may have signed the absent voter ballot application or the absent voter ballot envelope in question. For example, a clerk in a small jurisdiction may personally know the voter whose signature is in question, or know of a reason that the voter's signature may not match the signature on file. R 168.22(3) allows clerks in this position the option to contact the voter directly and inquire as to the origin of the signature before determining the signature's validity. In other words, the clerk may contact the voter to ask if the voter did, in fact, sign the absent voter ballot application or absent voter envelope in question, rather than requiring that the clerk reject the absent voter ballot application or absent voter envelope and requiring that the voter complete a more onerous cure process. The pre-determination contact process is made optional because it may not be practical to implement in every jurisdiction across Michigan, but it is provided as an option to avoid the burdens of unnecessary signature curing for clerks and voters alike.

4. The Secretary rejects the suggestion that the list of redeeming qualities in Rule 168.23(2) should be changed. In the Secretary's judgement, the list of redeeming qualities included in the Ruleset submitted to JCAR properly addresses the many ways in which a voter's signature may permissibly vary from the signature on file, while creating clear criteria for finding that a signature provided on an absent voter ballot application or an absent voter ballot envelope does not adequately match the signature on file. Additionally, the list of redeeming qualities correctly balances the need for a uniform floor on signature match processes across the state while allowing clerks flexibility to tailor the process to the needs of their jurisdiction. Finally, the Secretary does not find the list of redeeming qualities included in the ruleset to be confusing, nor does

JCAR provide any evidence that JCAR's suggested language would add any clarity beyond the criteria included in the Ruleset.

5. The Secretary rejects the suggestion that R 168.24(1) be amended. The five factors in R 168.24(1) are similar to factors included in signature matching guidance in other states and election jurisdictions. In the Secretary's judgment, the factors provided in the rule are neither vague nor ambiguous, and JCAR provides no evidence to the contrary. Likewise, JCAR declares, with no evidence, that some of the five factors "seem unlikely" to occur. JCAR's opinion is not born out in the real world - all five factors are drawn from real-world situations that filing officials observe election after election. The Secretary also finds JCAR's suggestion that the rule should be changed because the rule envisions such common situations as a signature being made in haste, or a voter's signature changing as the voter ages, unconvincing. Finally, the Secretary disagrees with JCAR's assertion that the rule creates undue flexibility in the signature-matching process. As with R 168.23(2), the Secretary believes that R 168.24(1) strikes the correct balance between creating a uniform, statewide floor on the signature matching process while allowing local election officials to tailor the process to the needs of their communities.

6. The Secretary rejects the suggestion that the timing of the notification required in R 168.25(1) be modified. First, the statute cited by JCAR deals only with notification of an invalid signature; it is silent on the timing of the notification of the process by which a voter may cure an invalid signature. As a practical matter, informing voters of the cure procedure in a timely fashion makes the cure process available to more voters. Second, in the Secretary's view the statutory deadlines for informing voters of issues with their signatures creates a floor, but not a ceiling, on notification timing, and the Secretary retains the power to require a compressed, and thus a more voter friendly, notification timeline.

7. The Secretary rejects the suggestion that R 168.25(8) be changed to reduce the ways in which a voter may be informed of an issue with their signature. As explained above regarding the timing of such a notification, in the Secretary's view the statutory requirements surrounding the method of notification establish a floor, but not a ceiling, on the methods that clerks may be required to employ. The Secretary, in the role of chief election official, retains the power to require clerks take actions above the statutory floor. Additionally, the ability of the voter to take advantage of the cure process laid out in this ruleset is contingent upon quick and effective notification of an issue with the voter's ballot.

8. The Secretary rejects the suggestion that R 168.26(1)(b) provides insufficient detail about the appearance or structure of a cure form for signature match issues. Under MCL 168.31(1)(e), the Secretary has the power to "[p]rescribe and require uniform forms . . . the [S]ecretary considers advisable for use in the conduct of elections and registrations." The Secretary will use that power to create and distribute the cure form envisioned by this rule and need not include any additional detail about that form in this Ruleset.

9. The Secretary rejects the suggestion that R 168.26(3) be clarified to forbid clerks from using the mail system to cure a received absent voter ballot envelope that contains a non-matching signature or that does not bear a signature. There are no reports of this process ever being employed in Michigan, and the Secretary has no reason to believe such a process would be employed under the Ruleset. Such a process would be ineffective and result in delays that may prevent curing prior to 8 p.m. on Election Day. Moreover, such a process would be cumbersome - the clerk would need to package the absent voter ballot envelope to allow a new mailing, print the appropriate labels, and either include a second package for the voter to use to return the absent voter ballot envelope or rely on the voter to find a package to use for to return the newly-cured absent voter ballot envelope. These burdens and the accompanying complexity, combined with the lack of discernable advantage over the other methods of signature curing provided in the Ruleset, make it unlikely that a clerk would engage in multiple-mailing process with which JCAR is concerned.

This letter serves to notify JCAR that the Secretary is withdrawing this Ruleset under MCL 24.245a(10)(a) as permitted by MCL 24.245c(2), effective immediately. The Secretary will submit notice of the change to R 168.22(1) explained above to the Michigan Office of Administrative Hearings and Rules (MOAHR) for review, as required under MCL 24.245c(2). Upon receiving approval from MOAHR as to the form of the changes and a decision from MOAHR as to any burden created by the changes, the Secretary will take the appropriate action under MCL 24.245c(3) or MCL 24.245c(4).

March 4, 2022

The Secretary of State acknowledges receipt of the changes proposed by the Joint Committee on Administrative Rules (JCAR) on February 23, 2022 to ruleset JCAR No. 21-74, MOAHR No. 2021-62ST (Ruleset). While the Department appreciates your engagement with the Ruleset, for the following reasons the Secretary declines all of JCAR's proposed changes:

1. The Secretary rejects the suggestion that the Ruleset be modified to only allow voters to make "an online request for an absentee ballot application" (emphasis removed) which a voter would be required to "print and sign . . . and then scan or mail" back to their local clerk. This change would increase the number

of transactions required to vote an absent voter ballot from the current two steps (submitting an application for an absent voter ballot and submitting the absent voter ballot itself) to three steps (submitting a request for an application for an absent voter ballot, submitting the actual application for the absent voter ballot, and submitting the absent voter ballot itself), burdening local clerks and removing the benefits of electronic submission. Additionally, by requiring a paper application, the change would allow only voters with easy access to printing to take advantage of the request form made available online.

2. The Secretary rejects the suggestion that the “stored digital signature” be redefined to include the most recent signature on file in either the motor vehicle database or the master card. In almost every circumstance, the signature on file in the motor vehicle database will be the most recent signature on file. Moreover, there is no freestanding requirement that master cards contain signatures. Rather, a master card is only required to contain a signature when a digitized signature is unavailable in the qualified voter file – and signatures in the motor vehicle database are automatically transferred to the qualified voter file. If a digital signature is unavailable, the Ruleset provides an opportunity for applicants to provide the Secretary with a contemporaneous copy of their signature through the upload option set out in R 168.33(4). In the Secretary’s judgment, expanding the definition of “stored digital signature” to include signatures on master cards would burden local clerks, by forcing the clerks to check master cards for signatures, while yielding a negligible number of more recent signatures than consulting the motor vehicle database.

3. The Secretary rejects the suggestion that the Department strike R 168.33(4). Among other sources of authority, the Secretary has authority to promulgate forms for use in the conduct of elections – including the manner in which electronic forms are signed. The same authority allows the Secretary to create a process to ensure uploaded signatures are of sufficient quality and accuracy to be valid for election purposes without including the technical details of that process in this Ruleset. This provision is essential to allow all Michigan voters an equal opportunity to participate in our democratic process.

Because the Secretary rejects all of JCAR’s proposed changes to the Ruleset, the Secretary is returning the Ruleset to JCAR pursuant to MCL 24.245c(6).

Sincerely,
Adam Fracassi
Regulatory Manager
Michigan Bureau of Elections

The communications were referred to the Secretary for record.

Recess

Senator Lauwers moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:05 a.m.

10:51 a.m.

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

During the recess, Senators Shirkey, Ananich, Geiss and McBroom entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Outman, LaSata, Johnson and Runestad introduced
Senate Bill No. 950, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 2253 and 2453 (MCL 333.2253 and 333.2453), section 2253 as amended by 2006 PA 157.

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

Senators LaSata, Outman, Johnson and Runestad introduced
Senate Bill No. 951, entitled

A bill to amend 1976 PA 390, entitled “Emergency management act,” by amending sections 3 and 5 (MCL 30.403 and 30.405), section 3 as amended by 2002 PA 132 and section 5 as amended by 2006 PA 545.

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

Senators Ananich, Hollier, Geiss, Brinks, Wozniak, Runestad, Hertel, Bayer, Chang, Moss, Bullock, McCann, McBroom, Johnson, Wojno and Schmidt introduced

Senate Bill No. 952, entitled

A bill to amend 1976 PA 331, entitled “Michigan consumer protection act,” by amending section 3 (MCL 445.903), as amended by 2021 PA 46, and by adding section 3n.

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

Senators Irwin, McBroom, Bayer, Moss, Geiss, Chang, Hertel, Bullock and Polehanki introduced

Senate Bill No. 953, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16141 and 16145 (MCL 333.16141 and 333.16145), as amended by 1993 PA 80, and by adding section 16324a and part 169A.

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

Senators Nesbitt and Daley introduced

Senate Bill No. 954, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 11502, 11503, 11504, 11505, and 11506 (MCL 324.11502, 324.11503, 324.11504, 324.11505, and 324.11506), sections 11502 and 11505 as amended by 2018 PA 640, sections 11503 and 11504 as amended by 2020 PA 85, and section 11506 as amended by 2018 PA 615.

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

Senator McBroom introduced

Senate Bill No. 955, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by repealing section 43540e (MCL 324.43540e).

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

House Bill No. 4494, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” (MCL 339.101 to 339.2677) by adding section 218. 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 Regulatory Reform.

House Bill No. 4495, entitled

A bill to amend 2016 PA 407, entitled “Skilled trades regulation act,” (MCL 339.5101 to 339.6133) by adding section 218.

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 Regulatory Reform.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 246, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 2705 (MCL 333.2705), as amended by 2016 PA 499.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment, printing and presentation to the Governor.

Senate Bill No. 435, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 2701 and 2711 (MCL 333.2701 and 333.2711), section 2701 as amended by 2016 PA 499 and section 2711 as amended by 2014 PA 172.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 2701, 2711, 2717, and 16189 (MCL 333.2701, 333.2711, 333.2717, and 333.16189), section 2701 as amended by 2016 PA 499, section 2711 as amended by 2014 PA 172, section 2717 as added by 1990 PA 16, and section 16189 as added by 2018 PA 563; and to repeal acts and parts of acts.

Pending the order that, under rule 3.202, the bill be laid over one day,
Senator Lauwers moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 61

Yeas—38

Alexander	Geiss	McBroom	Schmidt
Ananich	Hertel	McCann	Shirkey
Barrett	Hollier	McMorrow	Stamas
Bayer	Horn	Moss	Theis
Bizon	Huizenga	Nesbitt	VanderWall
Brinks	Irwin	Outman	Victory
Bullock	Johnson	Polehanki	Wojno
Bumstead	LaSata	Runestad	Wozniak
Chang	Lauwers	Santana	Zorn
Daley	MacDonald		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title as amended.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate proceeded to the order of
Third Reading of Bills

Senator Lauwers moved that the Senate proceed to consideration of the following bill:
Senate Bill No. 626
The motion prevailed.

The following bill was read a third time:
Senate Bill No. 626, entitled

A bill to amend 2004 PA 177, entitled “Michigan law enforcement officers memorial act,” by amending section 4 (MCL 28.784).

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. 62

Yeas—38

Alexander	Geiss	McBroom	Schmidt
Ananich	Hertel	McCann	Shirkey
Barrett	Hollier	McMorrow	Stamas
Bayer	Horn	Moss	Theis
Bizon	Huizenga	Nesbitt	VanderWall
Brinks	Irwin	Outman	Victory
Bullock	Johnson	Polehanki	Wojno
Bumstead	LaSata	Runestad	Wozniak
Chang	Lauwers	Santana	Zorn
Daley	MacDonald		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:
House Bill No. 4821, entitled

A bill to amend 2004 PA 177, entitled “Michigan law enforcement officers memorial act,” by amending section 5 (MCL 28.785), as amended by 2020 PA 215; 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. 63

Yeas—38

Alexander	Geiss	McBroom	Schmidt
Ananich	Hertel	McCann	Shirkey

Barrett	Hollier	McMorrow	Stamas
Bayer	Horn	Moss	Theis
Bizon	Huizenga	Nesbitt	VanderWall
Brinks	Irwin	Outman	Victory
Bullock	Johnson	Polehanki	Wojno
Bumstead	LaSata	Runestad	Wozniak
Chang	Lauwers	Santana	Zorn
Daley	MacDonald		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 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 create the Michigan law enforcement officers memorial monument fund; to establish a commission to govern the monument fund; to prescribe the purpose of the monument fund; to prescribe the powers and duties of the commission and certain state departments and officers; to provide for penalties; and to provide for dissolution of the commission and monument fund.”

The Senate agreed to the full title.

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

Senator Lauwers 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 Schmidt 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 with a substitute therefor, the following bill:

Senate Bill No. 672, entitled

A bill to amend 2004 PA 452, entitled “Identity theft protection act,” (MCL 445.61 to 445.79d) by amending the title, as amended by 2006 PA 566, and by adding section 12c.

Substitute (S-2).

The Senate agreed to the substitute 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. 852, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 14a (MCL 205.104a), as amended by 2022 PA 4.

Substitute (S-1).

The Senate agreed to the substitute 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. 853, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 18 (MCL 205.68), as amended by 2022 PA 3.

Substitute (S-1).

The Senate agreed to the substitute 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. 499, entitled

A bill to provide definitions for the complex needs patient act.

Substitute (S-2).

The Senate agreed to the substitute 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. 500, entitled

A bill to ensure access to quality complex rehabilitation technology in the Medicaid program for people with complex medical needs; and to prescribe the powers and duties of certain state departments.

Substitute (S-1).

The Senate agreed to the substitute 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 proceeded to the order of
Statements

Senators Moss, Hollier, Geiss, MacDonald, Hertel, Horn and Ananich asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Moss’ statement is as follows:

A youth was denied the ability to participate in an archery league because he was transgender. A transgender male student was denied the right to wear pants instead of a dress during a school choir concert. The student opted to not appear in the concert and received an E. A mother of a transgender child was investigated by Child Protective Services after a complaint was filed by the father who was not supportive of his child’s gender identity.

And finally, a trans woman working at a funeral home was fired when she disclosed to her employer that she was transgender and would present as female at work. That was the late Aimee Stephens, a transgender woman from Michigan who was friends to many of us in our community. The ACLU has logged all of these cases that I’ve been reciting for the last three days, and more. These victims had no recourse under the Elliott-Larsen Civil Rights Act or federal law but the ACLU took Aimee’s case to court anyway and in 2020 the conservative—conservative—U.S. Supreme Court ruled that sexual orientation and gender identity are protected in federal employment law from discrimination. That’s exactly what Attorney General Dana Nessel argued about Elliott-Larsen before the Michigan Supreme Court last week when this speech started.

The campaign rhetoric last year though falsely stated that—quote—those in this group are already protected under federal law. If this is your excuse from moving Elliott-Larsen, if you believe this, this is not true. The 2020 *Bostock* ruling includes discrimination protection among larger employers but Elliott-Larsen would cover all workplaces. The *Bostock* ruling does not extend to housing discrimination protection; Elliott-Larsen would. We need to address these protections in Elliott-Larsen so our state’s Civil Rights Commission can investigate these claims of discrimination.

When I introduced my bill last year to clarify the scope of Elliott-Larsen, I received many calls of support to my office. Two stand out. One was from a young transgender woman, younger than me. Prior to her transition, she worked on wait staff in a country club in Oakland County each summer. The summer she came back to work as her authentic self, she was told she could no longer work there. She moved to Chicago.

Another message I received was from a young gay man, younger than me. He moved into a rental house in Oakland County. There were other roommates living in the house who confronted him and told him that only he was not allowed to have visitors in the house, that only he was not allowed to play certain music in the house. He complained to his landlord who refused to intervene. He moved to California.

I said it last week. Without Elliott-Larsen protections, Michigan is kicking people out of this economy as workers and consumers, and truly kicking people out of the state entirely. All for what? The campaign piece last year that hit our community said that my bill would create state mandates for transgender women to have equal access to public accommodations. You could not spend three days on this floor reading cases of transgender people or people posing as transgender using equal access to harm others in Michigan. Quite the opposite. Transgender people are most likely to be the victims of crimes.

We have a problem in this state, and the Michigan Senate has an opportunity to solve it. I'm asking for this body to hold a hearing for my Senate Bill No. 208 to ensure protection in the Elliott-Larsen Civil Rights Act for discrimination based on sexual orientation and gender identity.

Senator Hollier's statement is as follows:

On February 12—just about a month ago—one of my constituents was brutally murdered in a neighborhood that I frequent. She was a Black trans woman and was killed by her boyfriend. Black trans women experience the highest rate of partner violence of any community, and each of the last three years has successively been a larger and higher and more deadly year for Black trans women. You may ask why this is such an important piece in the 2nd Senate District. It's because the Ruth Ellis Center is less than a mile away. The one space that is supposed to be safe for trans women is in eyeshot of the space where she was murdered. This isn't the first time. Just three years ago, a pastor—I say again, a pastor—killed Kelly Stough just a mile north and he used the gay panic defense, saying that he had no idea she was a trans woman and that's why he murdered her.

As we talk about the value of these women's lives, it's been so limiting. It's been a consistent space where people do not talk about it, where they do not value it, where we forget and ignore the challenges that are happening because our system does not protect them. The Ruth Ellis Center continues to work feverishly hard to ensure there are safe spaces. As a matter of fact, they are building a permanent supported housing structure—again, in my district just a couple blocks from my house. Some of you have had the benefit of me talking to you about the importance of this facility. It is because these women do not feel safe. I've gotten the opportunity to show you some of the way it's built and how it's done and how it was built specifically for safety, how it was built to ensure the access points were different, that the access points were well-lit, that there were all kinds of different key cards and opportunities for them to check in and be seen. It's because they are murdered and people don't care.

Naomie was murdered and then dragged into the hallway in what has always been considered a senior building. Could you imagine the place where you live, where your grandmother is staying, and someone is murdered and dragged into the hallway to be left for dead? That's what's happening. This is not something where it's a dark alley or another space, this is in a senior building and during the day that people are comfortable killing Black trans women. It continues to happen because we have not made safe spaces for them to exist. Later this year, we will have the opportunity to do so. As I come back and talk to you about the permanent supported housing that the Ruth Ellis Center is working on, I hope that you'll support that project because we cannot afford to continue to have to mention the names of these women who are brutally murdered because we haven't created spaces where they can safely live, because they don't have them today.

Senator Geiss' statement is as follows:

Today is International Women's Day, as is celebrated every March 8 since 1909. In the 113 years since its inception, women have made many strides in public life, the workplace, education, achievement, and leadership in all sectors and industries. Many people—erroneously—believe that these incremental strides mean that women have full equality and no longer have challenges and barriers to access, equity, and inclusion.

This year's International Women's Day theme is "Break the Bias" and I urge all of us to consider how we—especially those of us 11 women serving here in this space—can be examples of, and leaders in breaking the bias that still exists for women not just here in the States but globally.

We have come a long way, baby, but we still have much farther to go—from codifying the Equal Rights Amendment; to enacting policies on paid sick leave, paid family leave, and child care; to protecting women from sexual violence and sexual assault; to ensuring that our diverse voices are included and listened to and heard; and much, much more. We've come a long way, baby, but we have much farther to go and we must break the bias to get there.

Senator MacDonald's statement is as follows:

Mr. President, about 72 hours after Governor Whitmer announced that she will veto the historic tax cut bill passed by this chamber, Michiganders woke up to gas costing more than \$4 per gallon—can you believe that? This of course comes at a time when people are already struggling with inflation that we haven't experienced for more than four decades. Food, housing, heat, transportation—more and more Michigan families and seniors cannot afford these everyday necessities. A CNBC report just this morning indicates 64 percent of Americans are now living paycheck-to-paycheck.

Now, my colleagues across the aisle and defenders of our Governor will insist there's nothing a Governor can do about inflation or gas prices. But, of course, there is. There is something our Governor can do right now to help Michiganders struggling just to get by. She can sign the bipartisan bill we passed last week that will provide tax relief to every Michigan resident. Governor, the people of our state know how to spend their money better than you do, and what they desperately need right now is for you to let them keep more of it. Please, Governor, put your trust in the people of Michigan.

Senator Hertel's statement is as follows:

It is a sad day for the Michigan Senate. Patti Tremblay, who has been an intricate part of this body, will no longer be on the floor after today. She is not leaving state government—she will still be committed to make this state a better place—but I can think of no one who has been a bigger part of trying to help this body work with the Governor's Office than Patti. She has done an amazing job being a communicator, and really I think has been an incredibly brilliant, funny, and wonderful addition to our floor.

You will be greatly missed. I know you aren't going too far. We will still find ways to find you on a regular basis, but I want to thank you on behalf of myself, on behalf of my caucus, on behalf of this Senate, and on behalf of the people of Michigan for your public service and your continued ability to just make things a little better. Thank you.

Senator Horn's statement is as follows:

My comments will be very brief, but I want to join my colleague from the 23rd District in thanking Patti Tremblay for her service to this caucus from our side of the aisle. It was great working with you—some of the conversations that we had over important legislation that was going back and forth, the gentle way you had about dealing with issues and important issues of the day—you will be sorely missed and I'm grateful for the work that we've all done together. So again, joining in with Senator Hertel and our colleagues on both sides of the aisle, we will miss you Patti and we look forward to working with you in your new capacity.

Senator Ananich's statement is as follows:

Rarely do we have the opportunity to see the character of the individuals that are honored—that have the honor of serving their constituents in the Legislature. My father told me many times when I was growing up, When people tell you who they are, believe them. Time and time again Robert Regan has showed us who he is with misogynistic, antisemitic, COVID-denying conspiracy-driven statements. Let me list a few of the lowlights of the things he said over the past few years. It has been reported that on a panel with Rescue Michigan Mr. Regan said, Having three daughters, and I tell my daughters, if rape is inevitable you should just lie back and enjoy it. This was during a discussion about decertifying the 2020 election. Later, it has been reported that he went back on that statement and said that what he meant to say was that not contesting the election would be like telling his daughters to lay back and enjoy rape. It is no surprise why one of those daughters is urging people not to vote for him.

It has been reported that on Facebook Mr. Regan reportedly reposted a meme—sorry excuse me, I read the wrong one here—he has promoted conspiracies that Jewish people were responsible for 9/11, assassinated both Lincoln and Kennedy, and control the banks and media. He's also suggested in news reports that because a prominent Democrat is supporting Ukraine, Regan is using that as proof that supporting the opposite is the right thing to do. He later tweeted an alt-right video saying, Fake war in Ukraine exposed via citizen livestream. And according to *Gongwer*, Kent County Republican Chair, our former colleague Rob VerHeulen said he was very optimistic that Regan would win this election. It has been reported that he had attended the January 6th insurrection. Regan reportedly posted photos of himself at the January 6 event that led to this insurrection and has accused antifa of committing the violent acts. OK, in March of 2021 Regan shared a cartoon of a masked wax person reading a German history book, his caption said, If you buy into this COVID nonsense you would likely have been on the wrong side of history as well. Well, his list goes on, and on, and on, and on.

Sometimes you have to hold your own accountable and I'm asking the question, Does he truly reflect the values of Michigan? Far more specifically, west Michigan voters? I would like to know, and I'd like to hear from my west Michigan Republican colleagues in this chamber and those down the hall. Do you share those sentiments? Do you believe those reflect the values of Michigan, or even the values of your own party? Because I believe they do not. I believe this man has no place representing the constituents of Michigan. He should be ashamed of himself and anyone who supports him should be as well.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, March 3:

House Bill Nos. 4494 4495

The Secretary announced the enrollment printing and presentation to the Governor on Monday, March 7, for her approval the following bills:

Enrolled Senate Bill No. 251 at 12:47 p.m.

Enrolled Senate Bill No. 768 at 12:49 p.m.

The Secretary announced that the following bills and resolution were printed and filed on Thursday, March 3, and are available on the Michigan Legislature website:

Senate Bill Nos. 948 949

Senate Resolution No. 114

House Bill Nos. 5871 5872 5873 5874 5875 5876 5877

Committee Reports

The Committee on Judiciary and Public Safety reported

Senate Bill No. 691, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 159g (MCL 750.159g), as amended by 2019 PA 174.

With the recommendation that the bill pass.

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

Roger Victory
Chairperson

To Report Out:

Yeas: Senators Victory, VanderWall, Barrett, Johnson, Runestad, Wozniak, Chang and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

House Bill No. 4798, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," (MCL 780.751 to 780.834) by adding section 8a.

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

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

Roger Victory
Chairperson

To Report Out:

Yeas: Senators Victory, VanderWall, Barrett, Wozniak and Chang

Nays: None

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

The Committee on Judiciary and Public Safety reported

House Bill No. 4974, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 40b to chapter VII.

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

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

Roger Victory
Chairperson

To Report Out:

Yeas: Senators Victory, VanderWall, Barrett, Wozniak and Chang

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 Judiciary and Public Safety submitted the following:
Meeting held on Thursday, March 3, 2022, at 8:30 a.m., Room 1100, Binsfeld Office Building
Present: Senators Victory (C), VanderWall, Barrett, Johnson, Runestad, Wozniak, Chang and Irwin

The Committee on Health Policy and Human Services reported

Senate Bill No. 811, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17609 (MCL 333.17609), as amended by 2010 PA 304.

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

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

Curtis S. VanderWall
Chairperson

To Report Out:

Yeas: Senators VanderWall, Bizon, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel and Wojno

Nays: None

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

The Committee on Health Policy and Human Services reported

House Bill No. 5261, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 9145 (MCL 333.9145), as added by 2018 PA 554.

With the recommendation that the bill pass.

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

Curtis S. VanderWall
Chairperson

To Report Out:

Yeas: Senators VanderWall, Bizon, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel and Wojno

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy and Human Services reported

House Bill No. 5262, entitled

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

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

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

Curtis S. VanderWall
Chairperson

To Report Out:

Yeas: Senators VanderWall, Bizon, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel and Wojno

Nays: None

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

The Committee on Health Policy and Human Services reported

House Bill No. 5263, entitled

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

With the recommendation that the bill pass.

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

Curtis S. VanderWall
Chairperson

To Report Out:

Yeas: Senators VanderWall, Bizon, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel and Wojno

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy and Human Services reported

House Bill No. 5264, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 21535.

With the recommendation that the bill pass.

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

Curtis S. VanderWall

Chairperson

To Report Out:

Yeas: Senators VanderWall, Bizon, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel and Wojno

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy and Human Services submitted the following:

Meeting held on Thursday, March 3, 2022, at 1:00 p.m., Room 1100, Binsfeld Office Building

Present: Senators VanderWall (C), Bizon, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel and Wojno

Excused: Senator Santana

COMMITTEE ATTENDANCE REPORT

The Committee on Economic and Small Business Development submitted the following:

Meeting held on Thursday, March 3, 2022, at 12:00 noon, Room 1200, Binsfeld Office Building

Present: Senators Horn (C), VanderWall, Schmidt, LaSata, MacDonald, Huizenga, McMorro, Geiss and Moss

Excused: Senator Lauwers

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on Agriculture and Rural Development submitted the following:

Meeting held on Thursday, March 3, 2022, at 3:00 p.m., Room 1300, Binsfeld Office Building

Present: Senators Victory (C), Daley and McCann

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on Universities and Community Colleges submitted the following:

Meeting held on Thursday, March 3, 2022, at 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators LaSata (C), Horn, Bizon, MacDonald, Zorn, Irwin and Hertel

Scheduled Meetings

Appropriations – Wednesday, March 9, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5307

Subcommittees –

Community Health/Human Services – Wednesday, March 9, 12:30 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Corrections and Judiciary – Wednesdays, March 9, 12:00 noon, or immediately following session, March 16, and March 23, 11:30 a.m., or immediately following session, Room 1300, Binsfeld Office Building (517) 373-2768

General Government – Wednesdays, March 9, March 16, and March 23, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

K-12 and Michigan Department of Education – Thursday, March 10, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Licensing and Regulatory Affairs/Insurance and Financial Services – Thursday, March 10, 8:30 a.m. and 12:00 noon, Room 1300, Binsfeld Office Building (517) 373-2768

Military and Veterans Affairs/State Police – Thursday, March 10, 1:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

Natural Resources and Environment, Great Lakes, and Energy – Tuesday, March 15, 3:00 p.m., Room 1100, Binsfeld Office Building (517) 373-2768

Health Policy and Human Services – Thursday, March 10, 1:00 p.m., Room 1100, Binsfeld Office Building (517) 373-5323

Judiciary and Public Safety – Thursday, March 10, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-5312

Transportation and Infrastructure – Wednesday, March 9, 12:00 noon, Room 1100, Binsfeld Office Building (517) 373-5323

Senator Lauwers moved that the Senate adjourn.
The motion prevailed, the time being 11:30 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Wednesday, March 9, 2022, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

