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Senate Chamber, Lansing, Thursday, September 22, 2022.

10:00 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.

Motions and Communications

The following communication was received:
Office of Senator Rosemary Bayer

August 29, 2022

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bill 117 by Senator Ananich on February 10th, 2021.

Sincerely,
Rosemary K. Bayer
12th Senate District
State Senator

The communication was referred to the Secretary for record.

Messages from the Governor

The following message from the Governor was received on September 21, 2022, and read:

EXECUTIVE ORDER
No. 2022-11

**Department of Technology, Management, and Budget
Michigan Center for Data and Analytics**

To get things done for the people of Michigan, state government needs the best possible information. In the twenty-first century, that means both access to data and the ability to analyze and use it effectively. By establishing the Michigan Center for Data and Analytics (“Center”), we can bring the State of Michigan’s information and analytical capabilities together to increase knowledge and informed decision making. We can also identify areas where state actions can be most effective. Creating the Center will build on our efforts, reflected in Executive Order 2016-24, to establish enterprise information management architecture and centralized mechanisms for information sharing and analysis.

Properly analyzed, data can provide us with insights that we can use to move Michigan forward. These insights will also open new possibilities for collaboration with problem solvers inside and outside of government to address the most important challenges Michiganders face. We can study wage, employment

history, and benefit programs to grow the middle class. We can direct economic development investments to bolster a wide range of industries and empower small businesses in every region of Michigan. We can better understand how to mitigate the economic impacts of climate change. We can reduce crime and recidivism by linking workforce and corrections data to identify which programs are most successful in connecting people to jobs. We can connect health and education systems to learn how to put our children on the strongest path to success.

Developing Michigan's data capabilities also enhances coordination across state agencies. Information should not be siloed. Instead, it should be appropriately used across government to make decisions and coordinate resources.

Information should also be protected and used appropriately. Safe management and storage is a critical aspect of the state's responsibility. Establishment of the Center will build on the work of the departments to increase our ability to use data without jeopardizing its security and integrity.

A dedicated Center, housed within the Department of Technology, Management, and Budget ("Department"), will provide Michigan with the expertise to analyze large datasets, understand the challenges we face, and evaluate solutions. The Center will also facilitate cooperation and information-sharing between departments and independent agencies. Unleashing the state's data potential will help us build a stronger Michigan.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 2 of article 5 of the Michigan Constitution of 1963 empowers the governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the governor considers necessary for efficient administration.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Under MCL 16.107, the Department must create the Michigan Center for Data and Analytics. The Chief Data Officer, established by Executive Order 2016-24, shall serve as Director of the Center ("Director").

2. The Center will consult with the Enterprise Information Management Steering Committee established by Executive Order 2016-24 to establish evidence-based policy priorities, share best practices, and discuss cross-departmental initiatives.

3. As set forth in MCL 18.1124(3), all departments and agencies are required to cooperate with the Department to facilitate the sharing of data. The Center is created to ensure the state can efficiently and safely share and analyze information in order to increase the state's access to evidence-based insights and to better inform decision makers.

4. Departments and agencies must provide the Center with access to Government Data held by their departments or agencies upon request of the Director or their designee. For the purposes of this Executive Order, "Government Data" is defined as any information created, received, maintained, or stored by or otherwise in the control of a department or agency covered by this order, regardless of the form or the media on which the information is recorded.

5. Pursuant to MCL 18.1124(3), the Chief Information Officer must "determine data ownership assignments among executive branch departments and agencies." By virtue of this order, the Chief Information Officer confirms that each executive branch department or agency retains ownership of Government Data created, received, maintained, or stored by or otherwise in the control of that department or agency. All requests for Government Data from entities not covered by this order, including but not limited to, requests pursuant to civil process or the Michigan Freedom of Information Act, MCL 15.231 et seq., must be processed by the department or agency that retains ownership of the Government Data, as required by law.

6. Each department and agency, including DTMB and the Center, has a responsibility to protect all Government Data in its possession or control. Where two or more departments and agencies have access to the same data, each has an independent responsibility to secure their means of access to the Government Data.

7. This order is not intended to alter any statute, regulation, or written agreement that governs the collection, storage, or use of any Government Data.

8. Where access to or sharing of data is prohibited by written agreement or by law, including federal law or regulation and state law or regulation, the department or agency must provide the Director or their designee with a written notice including the text of the applicable prohibition. Where access to or sharing of data is restricted by written agreement or by law, including federal law or regulation and state law or regulation, the department or agency must work with the Director or their designee to establish procedures to allow relevant portions of the Government Data to be accessed by the Center. Such procedures may include but are not limited to redacting or anonymizing the Government Data or providing additional protections to comply with applicable restrictions.

9. The Center will not share Government Data with entities not covered by this order unless the department or agency that has ownership of that Government Data agrees and such sharing is permitted

under the applicable law and regulations. Any sharing of Government Data will be done in accordance with the provisions of section 8 of this order. Where individual-level data is necessary, any required matching and suppression work will be handled by the Center before any further dissemination or re-disclosure.

10. If a department or agency reasonably believes that information is not Government Data, the department or agency must provide written documentation to the Director with respect to that concern. Upon review of that written document, the Director may exempt that information from sharing pursuant to this order.

11. To comply with the requirements of the U.S. Department of Labor, Executive Order 2020-107 is amended to add new Section (1)(a)(8) "The State Adult Education Director" and to add new Section (1)(a)(9) "The Director of Michigan Rehabilitation Services."

12. This order is effective upon filing.

Given under my hand and the great seal of the State of Michigan.

Date: September 21, 2022

Time: 7:35 a.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

Announcements of Printing and Enrollment

The Secretary announced that the following bills were printed and filed on Wednesday, September 21, and are available on the Michigan Legislature website:

Senate Bill Nos. 1169 1170 1171 1172 1173 1174 1175 1176

House Bill Nos. 6381 6382 6383 6384 6385 6386 6387

Committee Reports

The Committee on Oversight reported

Senate Bill No. 938, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 8 and 31 (MCL 24.208 and 24.231), section 8 as amended by 2004 PA 23 and section 31 as amended by 1989 PA 288, and by adding section 47a.

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

Ed McBroom
Chairperson

To Report Out:

Yeas: Senators McBroom, Theis, Bizon and Wozniak

Nays: Senators Irwin and Chang

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

The Committee on Oversight reported

House Bill No. 6184, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2253 (MCL 333.2253), as amended by 2006 PA 157, and by adding section 2253a.

With the recommendation that the bill pass.

Ed McBroom
Chairperson

To Report Out:

Yeas: Senators McBroom, Theis, Bizon and Wozniak

Nays: Senators Irwin and Chang

The bill was referred to the Committee of the Whole.

The Committee on Oversight reported

House Bill No. 6185, entitled

A bill to repeal 1933 PA 66, entitled “An act to regulate insurance corporations, fraternal benefit and other societies and associations doing an insurance business in Michigan during and under certain emergencies, to extend the powers of the commissioner of insurance over such companies and business in such emergencies; to prevent preferences among policyholders and creditors of such companies in the payment of debts and claims and withdrawals of cash; to preserve the solvency and integrity of such companies during such emergencies for the benefit of all policyholders and other obligees of such companies and societies; and to limit certain legal process and proceedings for the period prescribed herein,” (MCL 550.1 to 550.8).

With the recommendation that the bill pass.

Ed McBroom
Chairperson

To Report Out:

Yeas: Senators McBroom, Theis, Bizon and Wozniak

Nays: Senators Irwin and Chang

The bill was referred to the Committee of the Whole.

The Committee on Oversight reported

House Bill No. 6189, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 11550 (MCL 324.11550), as amended by 2020 PA 201; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

Ed McBroom
Chairperson

To Report Out:

Yeas: Senators McBroom, Theis, Bizon and Wozniak

Nays: Senators Irwin and Chang

The bill was referred to the Committee of the Whole.

The Committee on Oversight reported

House Bill No. 6193, entitled

A bill to amend 1917 PA 167, entitled “Housing law of Michigan,” by amending section 85 (MCL 125.485).

With the recommendation that the bill pass.

Ed McBroom
Chairperson

To Report Out:

Yeas: Senators McBroom, Theis, Bizon and Wozniak

Nays: Senators Irwin and Chang

The bill was referred to the Committee of the Whole.

The Committee on Oversight reported

House Bill No. 6194, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 2251a.

With the recommendation that the bill pass.

Ed McBroom
Chairperson

To Report Out:

Yeas: Senators McBroom, Theis, Bizon and Wozniak

Nays: Senators Irwin and Chang

The bill was referred to the Committee of the Whole.

The Committee on Oversight reported

House Bill No. 6202, entitled

A bill to amend 1982 PA 191, entitled “An act to provide for the declaration of a state of energy emergency; to provide for procedures to be followed after a declaration of a state of energy emergency; to create an energy

advisory committee and prescribe its powers and duties; to prescribe the powers and duties of the governor; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending section 5 (MCL 10.85).

With the recommendation that the bill pass.

Ed McBroom
Chairperson

To Report Out:

Yeas: Senators McBroom, Theis, Bizon and Wozniak

Nays: Senators Irwin and Chang

The bill was referred to the Committee of the Whole.

The Committee on Oversight reported

House Bill No. 6204, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 41302 and 41303 (MCL 324.41302 and 324.41303), as amended by 2018 PA 451.

With the recommendation that the bill pass.

Ed McBroom
Chairperson

To Report Out:

Yeas: Senators McBroom, Theis, Bizon and Wozniak

Nays: Senators Irwin and Chang

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Oversight submitted the following:

Meeting held on Wednesday, September 21, 2022, at 9:30 a.m., Room 1300, Binsfeld Office Building

Present: Senators McBroom (C), Theis, Bizon, Wozniak, Irwin and Chang

The Committee on Economic and Small Business Development reported

Senate Bill No. 981, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending sections 88s and 88t (MCL 125.2088s and 125.2088t), section 88s as added by 2021 PA 136 and section 88t as added by 2021 PA 134.

With the recommendation that the bill pass.

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

Ken Horn
Chairperson

To Report Out:

Yeas: Senators Horn, VanderWall, Lauwers, Schmidt, LaSata, MacDonald, Huizenga and Moss

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic and Small Business Development reported

Senate Bill No. 982, entitled

A bill to amend 2000 PA 489, entitled “Michigan trust fund act,” by amending section 4 (MCL 12.254), as added by 2021 PA 137.

With the recommendation that the bill pass.

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

Ken Horn
Chairperson

To Report Out:

Yeas: Senators Horn, VanderWall, Lauwers, Schmidt, LaSata, MacDonald, Huizenga, McMorro and Moss

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic and Small Business Development reported

Senate Bill No. 983, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 51f (MCL 206.51f), as added by 2017 PA 110.

With the recommendation that the bill pass.

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

Ken Horn
Chairperson

To Report Out:

Yeas: Senators Horn, VanderWall, Lauwers, Schmidt, LaSata, MacDonald, Huizenga and Moss

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic and Small Business Development reported

Senate Bill No. 1133, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2567a (MCL 600.2567a), as amended by 2006 PA 662.

With the recommendation that the bill pass.

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

Ken Horn
Chairperson

To Report Out:

Yeas: Senators Horn, VanderWall, Lauwers, Schmidt, LaSata, MacDonald, Huizenga, McMorrow and Moss

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic and Small Business Development reported

House Bill No. 4730, entitled

A bill to amend 1895 PA 161, entitled “An act to require county treasurers to furnish transcripts and abstracts of records, and fixing the fees to be paid therefor,” by amending section 1 (MCL 48.101), as amended by 2015 PA 39.

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

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

Ken Horn
Chairperson

To Report Out:

Yeas: Senators Horn, VanderWall, Lauwers, Schmidt, LaSata, MacDonald, Huizenga, McMorrow and Moss

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 Economic and Small Business Development submitted the following:

Meeting held on Tuesday, September 20, 2022, at 3:30 p.m., Room 1200, Binsfeld Office Building

Present: Senators Horn (C), VanderWall, Lauwers, Schmidt, LaSata, MacDonald, Huizenga, McMorrow and Moss

Excused: Senator Geiss

The Committee on Regulatory Reform reported

Senate Bill No. 1111, entitled

A bill to amend 2019 PA 152, entitled “Lawful internet gaming act,” by amending section 16 (MCL 432.316).

With the recommendation that the bill pass.

Aric Nesbitt
Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers, VanderWall, Zorn, Huizenga, Moss, Polehanki and Wojno
 Nays: None
 The bill was referred to the Committee of the Whole.

The Committee on Regulatory Reform reported

Senate Bill No. 1112, entitled

A bill to amend 1972 PA 382, entitled "Traxler-McCauley-Law-Bowman bingo act," by amending section 8 (MCL 432.108), as amended by 2019 PA 159.

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

Aric Nesbitt
 Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers, VanderWall, Zorn, Huizenga, Moss, Polehanki and Wojno
 Nays: None
 The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Regulatory Reform reported

House Bill No. 5623, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 513 (MCL 436.1513), as amended by 2021 PA 116.

With the recommendation that the bill pass.

Aric Nesbitt
 Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers, VanderWall, Zorn, Huizenga, Moss, Polehanki and Wojno
 Nays: None
 The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Regulatory Reform submitted the following:

Meeting held on Tuesday, September 20, 2022, at 1:30 p.m., Room 1200, Binsfeld Office Building

Present: Senators Nesbitt (C), Theis, Johnson, Lauwers, VanderWall, Zorn, Huizenga, Moss, Polehanki and Wojno

The Committee on Energy and Technology reported

House Bill No. 6019, 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," (MCL 460.1 to 460.11) by adding section 10hh.

With the recommendation that the bill pass.

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

Dan Lauwers
 Chairperson

To Report Out:

Yeas: Senators Lauwers, Horn, LaSata, Barrett, Bumstead, Bizon, Schmidt, Wozniak, McCann, Brinks, McMorro and Bullock

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Tuesday, September 20, 2022, at 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Lauwers (C), Horn, LaSata, Barrett, Bumstead, Bizon, Schmidt, Wozniak, McCann, Brinks, McMorro and Bullock

Excused: Senator Nesbitt

The Committee on Elections reported

House Bill No. 6071, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 662 (MCL 168.662), as amended by 2004 PA 92.

With the recommendation that the bill pass.

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

Ruth A. Johnson

Chairperson

To Report Out:

Yeas: Senators Johnson, McBroom, VanderWall and Wojno

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Elections reported

House Bill No. 6124, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 31, 683, and 730 (MCL 168.31, 168.683, and 168.730), section 31 as amended by 2012 PA 271, section 683 as amended by 2018 PA 120, and section 730 as amended by 1995 PA 261, and by adding section 730a.

With the recommendation that the bill pass.

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

Ruth A. Johnson

Chairperson

To Report Out:

Yeas: Senators Johnson, McBroom and VanderWall

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Elections submitted the following:

Meeting held on Tuesday, September 20, 2022, at 2:30 p.m., Room 1300, Binsfeld Office Building

Present: Senators Johnson (C), McBroom, VanderWall and Wojno

Scheduled Meetings**Appropriations –****Subcommittee –**

Capital Outlay, Joint – Wednesday, September 28, 4:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-2768

Transportation and Infrastructure – Wednesday, September 28, 8:00 a.m., Room 1200, Binsfeld Office Building (517) 373-5323

In the absence of all Senators, pursuant to Joint Rule 15, the Secretary of the Senate adjourned the Senate, the time being 10:01 a.m.

The Secretary of the Senate declared the Senate adjourned until Tuesday, September 27, 2022, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

