

No. 90
STATE OF MICHIGAN
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REGULAR SESSION OF 2021

Senate Chamber, Lansing, Thursday, November 4, 2021.

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 communications were received:
Department of State

Administrative Rules
Notices of Filing

January 14, 2021

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Emergency Administrative Rule Extension #2020-208-HS (Secretary of State Filing #21-01-01) on this date at 1:08 p.m. for the Department of Health and Human Services entitled, "Prohibition of Prone Restraint; Procedures Involving Other Restraints in Child Caring Institutions."

These rules take effect upon filing with the Secretary of State and shall remain in effect for 6 months.

February 23, 2021

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2020-044-LE (Secretary of State Filing #21-02-01) on this date at 1:30 p.m. for the Department of Labor and Economic Opportunity entitled, "Construction Safety Standard Part 1. General Rules."

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

February 23, 2021

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2020-047-LE (Secretary of State Filing #21-02-02) on this date at 1:36 p.m. for the Department of Labor and Economic Opportunity entitled, "Construction Safety Standard Part 14. Tunnels, Shafts, Caissons, and Cofferdams."

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

February 24, 2021

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2020-053-LE (Secretary of State Filing #21-02-03) on this date at 10:34 a.m. for the Department of Labor and Economic Opportunity entitled, "Construction Safety and Health Standard Part 609. Cadmium in Construction."

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

February 24, 2021

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2020-056-LE (Secretary of State Filing #21-02-04) on this date at 10:59 a.m. for the Department of Labor and Economic Opportunity entitled, "Construction Safety and Health Standards Part 605. Methylenedianiline (MDA)."

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

March 2, 2021

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Emergency Administrative Rule #2020-200-AC (Secretary of State Filing #21-03-01) on this date at 12:07 p.m. for the Department of Agriculture and Rural Development entitled, "Pandemic Public Health Measures in Migrant Agricultural Work Housing."

These rules take effect upon filing with the Secretary of State and shall remain in effect for 6 months.

March 9, 2021

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2020-045-LE (Secretary of State Filing #21-03-02) on this date at 3:40 p.m. for the Department of Labor and Economic Opportunity entitled, "Construction Safety and Health Standard Part 6. Personal Protective Equipment."

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

March 19, 2021

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2019-142-SP (Secretary of State Filing #21-03-03) on this date at 9:43 a.m. for the Department of State Police entitled, "Criminal Justice Information Systems."

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

Sincerely,

Jocelyn Benson

Secretary of State

Melissa Malerman, Departmental Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

Pursuant to rule 3.104 the Senate proceeded to the order of

Messages from the House

Senate Bill No. 153, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 4 and 21 (MCL 205.94 and 205.111), section 4 as amended by 2018 PA 679 and section 21 as amended by 2020 PA 30.

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. 683, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 3 and 5 (MCL 712A.3 and 712A.5), section 3 as amended by 2019 PA 109 and section 5 as amended by 1996 PA 409.

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 question being on concurring in the committee recommendation to give the bill immediate effect, Further consideration of the bill was postponed for the day due to the lack of a quorum.

Pursuant to rule 3.104 the Senate proceeded to the order of

Introduction and Referral of Bills

House Bill No. 4920, entitled

A bill to amend 1846 RS 2, entitled “Of the legislature,” (MCL 4.82 to 4.85) by adding section 2a.

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 Oversight.

House Bill No. 4939, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending sections 1 and 25 (MCL 205.51 and 205.75), section 1 as amended by 2018 PA 2 and section 25 as amended by 2020 PA 29.

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 Finance.

House Bill No. 4940, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending sections 2 and 21 (MCL 205.92 and 205.111), section 2 as amended by 2018 PA 1 and section 21 as amended by 2020 PA 30.

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 Finance.

House Bill No. 5281, entitled

A bill to require the public disclosure of certain information related to the settlement of certain claims and actions involving sexual assault and sexual harassment; and to prescribe the powers and duties of certain state departments and agencies.

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 Oversight.

House Bill No. 5368, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 1429.

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 Judiciary and Public Safety.

Announcements of Printing and Enrollment

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

House Bill Nos. 4920 4939 4940 5281 5368

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

Senate Bill Nos.	715	716	717	718	719	720	721	722	723					
House Bill Nos.	5513	5514	5515	5516	5517	5518	5519	5520	5521	5522	5523	5524	5525	
	5526													

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 494, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 8201, 8202, 8203, 8206, 8207, 8702, 8703, 8705, 8707, 8708, 8710, 8715, 8716, 8801, and 8807 (MCL 324.8201, 324.8202, 324.8203, 324.8206, 324.8207, 324.8702, 324.8703, 324.8705, 324.8707, 324.8708, 324.8710, 324.8715, 324.8716, 324.8801, and 324.8807), sections 8201, 8202, 8203, and 8207 as added by 2001 PA 176, section 8206 as amended by 2018 PA 237, sections 8702, 8703, 8707, 8708, 8710, 8715, 8716, and 8807 as amended by 2015 PA 118, section 8705 as amended by 2011 PA 2, and section 8801 as amended by 2011 PA 1; and to repeal acts and parts of acts.

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.

Jim Stamas
Chairperson

To Report Out:

Yeas: Senators Stamas, Bumstead, Barrett, Bizon, LaSata, Nesbitt, Outman, Runestad, Victory, Daley, Hertel, Bayer, Hollier, McCann and Santana

Nays: Senator Irwin

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

The Committee on Appropriations reported

Senate Bill No. 643, entitled

A bill to authorize the department of technology, management, and budget to transfer state-owned property in Macomb County; to prescribe conditions for the transfer; to provide for the powers and duties of certain state departments in regard to the property; and to provide for the disposition of revenue derived from the transfer.

With the recommendation that the bill pass.

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

Jim Stamas
Chairperson

To Report Out:

Yeas: Senators Stamas, Bumstead, Barrett, Bizon, LaSata, Nesbitt, Outman, Runestad, Victory, Daley, Hertel, Bayer, Hollier, Irwin, McCann and Santana

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 685, entitled

A bill to authorize the state administrative board to convey a parcel of state-owned property in Kent County; to prescribe conditions for the conveyance; to provide for powers and duties of state departments in regard to the property; and to provide for disposition of revenue derived from the conveyance.

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.

Jim Stamas
Chairperson

To Report Out:

Yeas: Senators Stamas, Bumstead, Barrett, Bizon, LaSata, Nesbitt, Outman, Runestad, Victory, Daley, Hertel, Bayer, Hollier, Irwin, McCann and Santana

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 700, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 7, 20g, 38, 49, and 68b (MCL 38.7, 38.20g, 38.38, 38.49, and 38.68b), section 20g as amended by 1987 PA 241, section 38 as amended and section 68b as added by 2011 PA 264, and section 49 as amended by 2018 PA 336.

With the recommendation that the bill pass.

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

Jim Stamas
Chairperson

To Report Out:

Yeas: Senators Stamas, Bumstead, Barrett, Bizon, LaSata, Nesbitt, Outman, Runestad, Victory, Daley, Hertel, Bayer, Hollier, Irwin, McCann and Santana

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, November 3, 2021, at 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Stamas (C), Bumstead, Barrett, Bizon, LaSata, Nesbitt, Outman, Runestad, Victory, Daley, Hertel, Bayer, Hollier, Irwin, McCann and Santana

Excused: Senators MacDonald and Schmidt

Scheduled Meetings

Finance – Wednesday, November 10, 12:30 p.m., Room 1200, Binsfeld Office Building (517) 373-5312

Oversight – Tuesday, November 9, 2:00 p.m., Room 1300, Binsfeld Office Building (517) 373-5312

In the absence of all Senators, pursuant to Joint Rule 15, the Secretary of the Senate adjourned the Senate, the time being 10:02 a.m.

The Secretary of the Senate declared the Senate adjourned until Tuesday, November 9, 2021, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

