

No. 9
STATE OF MICHIGAN
Journal of the Senate
102nd Legislature
REGULAR SESSION OF 2023

Senate Chamber, Lansing, Tuesday, January 31, 2023.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Albert—present
Anthony—present
Bayer—present
Bellino—present
Brinks—present
Bumstead—present
Camilleri—present
Cavanagh—present
Chang—present
Cherry—present
Daley—present
Damoose—present
Geiss—present

Hauck—present
Hertel—present
Hoitenga—present
Huizenga—present
Irwin—present
Johnson—present
Klinefelt—present
Lauwers—present
Lindsey—present
McBroom—present
McCann—present
McDonald Rivet—present
McMorrow—present

Moss—present
Nesbitt—present
Outman—present
Polehanki—present
Runestad—present
Santana—present
Shink—present
Singh—present
Theis—present
Victory—present
Webber—present
Wojno—present

Senator Kevin Daley of the 26th District offered the following invocation:

Our Father and our God, as we stand at the beginning of this new year, we confess our need of Your presence and Your guidance as we face new challenges and uncharted waters. With Your presence comes Your guiding hands, and causes our spirits to be born again.

Thank You for this new year, for all the potential that it holds. Come and guide us as we begin this journey into new waters with a hope for new relationships, and with a hope to put the best interest of Michigan's citizens at the forefront of decisions made in this chamber.

We ask this blessing today and always, in Jesus' name we pray. Amen.

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

Motions and Communications

The following communication was received:
Office of Senator Stephanie Chang

January 25, 2023

Per Senate Rule 1.110(c) I am requesting that my name be added as a co-sponsor to Senate Bill 12 which was introduced on January 12th, 2023 and was referred to the Senate Committee on Education.

Sincerely,
Stephanie Chang
State Senator, District 3

The communication was referred to the Secretary for record.

Messages from the Governor

The following messages from the Governor were received and read:

January 26, 2023

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 232 of 1965, MCL 290.657:

Michigan Blueberry Commission

Mr. Robert Bodtke of 08896 68th Street, South Haven, Michigan 49090, county of Van Buren, reappointed to represent district 2, for a term commencing January 26, 2023 and expiring December 31, 2025.

Mrs. Creela O. Hamlin of 846 64th Street, South Haven, Michigan 49090, county of Allegan, reappointed to represent members-at-large, for a term commencing January 26, 2023 and expiring December 31, 2025.

Mrs. Carley J. Parsley of 9 40th Street, Bloomingdale, Michigan 49026, county of Allegan, reappointed to represent district 2, for a term commencing January 26, 2023 and expiring December 31, 2025.

January 26, 2023

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 232 of 1965, MCL 290.657:

Michigan Dairy Market Program Committee

Mr. Eric J. Frahm of 1520 Frahm Road, Frankenmuth, Michigan 48734, county of Saginaw, reappointed to represent the Michigan Milk Producers Association, for a term commencing January 26, 2023 and expiring December 31, 2025.

Mr. Jeffrey E. Horning of 11834 E. Pleasant Lake Road, Manchester, Michigan 48158, county of Washtenaw, reappointed to represent the Michigan Milk Producers Association, for a term commencing January 26, 2023 and expiring December 31, 2025.

Mr. Corby L. Werth of 8303 Napper Road, Alpena, Michigan 49707, county of Alpena, reappointed to represent the Michigan Milk Producers Association, for a term commencing January 26, 2023 and expiring December 31, 2025.

January 26, 2023

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 368 of 1978, MCL 333.16121, 333.16122, and 333.16621:

Michigan Board of Dentistry

Ms. Ellen Chambers of 6055 Shaftsbury Road, Williamston, Michigan 48895, county of Ingham, succeeding Lori Barnhart whose term has expired, appointed to represent dental assistants, for a term commencing January 26, 2023 and expiring June 30, 2026.

January 26, 2023

I respectfully submit to the Senate the following appointments to office pursuant to Executive Order No. 2012-17:

Michigan Domestic and Sexual Violence Prevention and Treatment Board

Honorable Melissa L. Pope of 151 Tacoma Drive, Troy, Michigan 48084, county of Oakland, reappointed for a term commencing January 26, 2023 and expiring December 4, 2025.

Ms. Kyla T. Williams of 35547 Buxton Drive, Sterling Heights, Michigan 48310, county of Macomb, succeeding Amy R. Krause whose term has expired, appointed for a term commencing January 26, 2023 and expiring December 4, 2025.

Mr. Matthew J. Wiese of 54 South Tracie Lane, Marquette, Michigan 49855, county of Marquette, reappointed for a term commencing January 26, 2023 and expiring December 4, 2025.

January 26, 2023

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 227 of 1967, MCL 408.807:

Elevator Safety Board

Mr. Steven S. Stark of 27571 Wyly Street, Chesterfield, Michigan 48047, county of Macomb, succeeding Richard Karp whose term has expired, appointed to represent elevator owners and lessees, for a term commencing January 26, 2023 and expiring July 22, 2026.

January 26, 2023

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 407 of 2016, MCL 339.5303, 339.5305, 339.5307, and 339.5805:

Board of Mechanical Rules

Mr. Jerry M. Payne of 971 W. Lakewood Boulevard, Holland, Michigan 49424, county of Ottawa, succeeding Robert Logan whose term has expired, appointed to represent chief mechanical inspectors of a government subdivision, for a term commencing January 26, 2023 and expiring July 30, 2023.

Mr. Nicolas B. Sachjen of 1231 Reo Road, Lansing, Michigan 48910, county of Ingham, succeeding Craig Howson whose term has expired, appointed to represent refrigeration service, for a term commencing January 26, 2023 and expiring July 30, 2024.

January 26, 2023

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 368 of 1978, MCL 333.16121 and 333.17605:

Michigan Board of Speech Language Pathology

Ms. Ericka Shuptar of 305 Murphy Circle, East Lansing, Michigan 48823, county of Ingham, reappointed to represent speech language pathologists, for a term commencing January 26, 2023 and expiring December 31, 2026.

Mrs. Anne N. Sleper of 5222 Misty Creek Drive, Kalamazoo, Michigan 49009, county of Kalamazoo, succeeding Jodi Waldman whose term has expired, appointed to represent speech language pathologists, for a term commencing January 26, 2023 and expiring December 31, 2026.

January 26, 2023

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 368 of 1978, MCL 333.16121 and 333.18821:

Michigan Board of Veterinary Medicine

Dr. Megan M. Eberhard of 1095 S. Windy Ridge Road, Lake Leelanau, Michigan 49653, county of Leelanau, succeeding Timothy Hunt whose term has expired, appointed to represent veterinarians, for a term commencing January 26, 2023 and expiring December 31, 2026.

Dr. Marcy McKeithen of 18900 Lancashire Street, Detroit, Michigan 48219, county of Wayne, succeeding Nancy Frank whose term has expired, appointed to represent veterinarians, for a term commencing January 26, 2023 and expiring December 31, 2026.

Dr. Kevin J. Stachowiak of 9849 Whispering Pines, Sand Point, Michigan 48755, county of Huron, reappointed to represent veterinarians, for a term commencing January 26, 2023 and expiring December 31, 2026.

January 26, 2023

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 451 of 1994: MCL 324.78102:

Michigan State Waterways Commission

Ms. Susan I. Stewart of 101 Easy Street, Harbor Springs, Michigan 49740, county of Emmet, succeeding Barbara Brooks who has resigned, appointed to represent an individual who owns or operates a harbor or marina in the state, for a term commencing January 26, 2023 and expiring September 18, 2024.

January 26, 2023

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 317 of 1969, MCL 418.213, Executive Order No. 2003-18, MCL 445.2011, and Executive Reorganization No. 2019-3, MCL 125.1998:

Workers' Compensation Board of Magistrates

Mr. Marvin D. Baisel of 514 Pleasant Street, Grand Ledge, Michigan 48837, county of Eaton, reappointed for a term commencing January 26, 2023 and expiring January 26, 2027.

Mr. Philip Della Santina of 5365 Glenway Drive, Brighton, Michigan 48116, county of Livingston, reappointed for a term commencing January 26, 2023 and expiring January 26, 2027.

Mr. Michael Heck of 1821 Axtell Drive, Unit 11, Troy, Michigan 48084, county of Oakland, reappointed for a term commencing January 26, 2023 and expiring January 26, 2027.

Mr. Luke A. McMurray of 13049 Lockmoor Drive, Grand Blanc, Michigan 48439, county of Genesee, reappointed for a term commencing January 26, 2023 and expiring January 26, 2027.

Mr. Chris D. Slater of 2942 Fuller Avenue, N.E., Grand Rapids, Michigan 49505, county of Kent, reappointed for a term commencing January 26, 2023 and expiring January 26, 2027.

Mr. James W. Smith of 5515 Katherine Court, Saginaw, Michigan 48603, county of Saginaw, succeeding Louis Ognisanti whose term has expired, appointed for a term commencing January 26, 2023 and expiring January 26, 2027.

Mr. William W. Watkinson, Jr. of 1142 Maryland Boulevard, Birmingham, Michigan 48009, county of Oakland, succeeding David Gruenwald whose term has expired, appointed for a term commencing January 26, 2023 and expiring January 26, 2027.

Respectfully,
Gretchen Whitmer
Governor

The appointments were referred to the Committee on Government Operations.

Recess

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

12:05 p.m.

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

By unanimous consent the Senate proceeded to the order of

Resolutions

Senate Concurrent Resolution No. 5.

A concurrent resolution to waive the legislative notice requirement for increases in rates of compensation for certain employees in the state classified service.

(For text of resolution, see Senate Journal No. 4, p. 57.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

House Bill No. 4001, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 30 and 51 (MCL 206.30 and 206.51), section 30 as amended by 2022 PA 5 and section 51 as amended by 2020 PA 75.

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.

Senator Singh moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 4002, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 272 (MCL 206.272), as amended by 2011 PA 38.

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.

Senator Singh moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

By unanimous consent the Senate returned to the order of

Messages from the House**Senate Bill No. 8, entitled**

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 11, 22b, 31f, 39a, 51a, 51c, 53a, 54, and 147c (MCL 388.1611, 388.1622b, 388.1631f, 388.1639a, 388.1651a, 388.1651c, 388.1653a, 388.1654, and 388.1747c), sections 11 and 51a as amended by 2022 PA 212 and sections 22b, 31f, 39a, 51c, 53a, 54, and 147c as amended by 2022 PA 144.

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.

Senator Singh moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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. 7, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies and the legislative branch for the fiscal years ending September 30, 2022 and September 30, 2023; to provide for certain conditions on appropriations; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

(For Conference Report, see Senate Journal No. 8, p. 96.)

The House of Representatives has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

Pursuant to rule 1.114(b), the bill was referred to the Secretary for enrollment printing and presentation to the Governor on Friday, January 27, 2023.

By unanimous consent the Senate proceeded to the order of

Statements

Senator Santana asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Santana’s statement is as follows:

Today I rise to say the name of Tyre Nichols. Again another unarmed Black man was brutally beaten and savagely killed at the hands of police who used excessive force in the process of arresting him. Sadly, I am not surprised this happened. What I am left wondering is, How many more conversations must we have before we do something about this ongoing issue?

To give you an idea of everything we have discussed, I will give you an abbreviated list. In the last 12 years we have talked about recruiting practices, residency requirements, we’ve talked about cultural competencies, we’ve talked about qualified immunity, we’ve talked about which types of weapons the police should and should not have, we’ve talked about increasing salaries and improving benefits to attract the next generation of police officers, we’ve talked about training, we’ve talked about diversity and inclusion, we’ve talked about de-escalation techniques, we’ve talked about social workers and mental health specialists being readily available to help police officers at critical moments. We’ve invested millions of dollars in the state budget in an effort to address public safety, and yet we still end up watching Patrick Lyoya lose his life.

As citizens, we have an expectation of what we want from police. Every community meeting I attend, I hear law-abiding citizens complaining to the police about problems in their neighborhoods. The citizens demand that cops go out and handle business. But at what cost? We want the police to do their jobs, but by the same token we do not expect unarmed motorists to be beaten to death for a traffic violation.

In Detroit, we had issues with similar police units like the Memphis police department's Scorpion unit. Our units were called the Big Four and STRESS—Stop the Robberies, Enjoy Safe Streets. These units were tasked with using unconventional methods to enforce the law. This type of cowboy justice led to police brutality being institutionalized within departments that either promotes or ignores a culture of street justice by the police.

I am a mother of Black children. In times like this I find myself looking for someone and for something to blame because I am scared for their lives. I look at the news and I become angry. I look at my Black children and I become scared of what may happen to them one day if nothing is done to address police brutality. But I recognize that blame will not bring back the lives of citizens who are murdered at the hands of police. Blame will not bring back the lives of police officers who were killed in the line of duty. Blame will not fix our communities. Blame will not fix our schools. Blame will not solve one single problem. A greater effort is required of us to bring about change to the balance between our communities and law enforcement because we are tired. We are tired of watching police brutality. We're tired of politicians making excuses. We're tired of listening to funeral music inside Black churches. We are tired of police investigations, and we are tired of police union explanations.

Why? Why do we keep having to experience this over and over and over again? For several decades, nothing and I mean nothing was done to address police brutality in Michigan. Today is a different day. Today I demand that we, the leaders in this chamber and the next chamber, stand and deliver on the Black promises to Black communities.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Singh moved that rule 2.106 be suspended to allow committees to meet during Senate session. The motion prevailed, a majority of the members serving voting therefor.

Recess

Senator Singh moved that the Senate recess until 2:30 p.m. The motion prevailed, the time being 12:14 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Gilchrist.

Recess

Senator Singh moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 2:31 p.m.

4:10 p.m.

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

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Friday, January 27:

House Bill Nos. 4001 4002

The Secretary announced the enrollment printing and presentation to the Governor on Monday, January 30, for her approval the following bill:

Enrolled Senate Bill No. 7 at 11:59 a.m.

The Secretary announced that the following bills were printed and filed on Thursday, January 26, and are available on the Michigan Legislature website:

House Bill Nos. 4044 4045 4046

The Secretary announced that the following bills were printed and filed on Friday, January 27, and are available on the Michigan Legislature website:

Senate Bill Nos. 43 44 45

Scheduled Meetings

Appropriations – Wednesday, February 1, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5307

Civil Rights, Judiciary, and Public Safety – Thursday, February 2, 12:00 noon, Room 1100, Binsfeld Office Building (517) 373-5312

Economic and Community Development – Thursday, February 2, 12:00 noon, Room 1200, Binsfeld Office Building (517) 373-1721

Elections and Ethics – Wednesday, February 1, 3:00 p.m., Room 1100, Binsfeld Office Building (517) 373-1721

Finance, Insurance, and Consumer Protection – Wednesday, February 1, 12:30 p.m., Room 1200, Binsfeld Office Building (517) 373-5314

Health Policy – Wednesday, February 1, 12:30 p.m., Room 1100, Binsfeld Office Building (517) 373-5323

Labor – Thursday, February 2, 9:30 a.m., Room 1300, Binsfeld Office Building (517) 373-5314

Opioid Advisory Commission – Thursday, February 9, 9:00 a.m., 3rd Floor, Boji Tower (517) 373-0212

Veterans and Emergency Services – Wednesday, February 1, 8:30 a.m., Room 1300, Binsfeld Office Building (517) 373-5312

Senator Singh moved that the Senate adjourn.
The motion prevailed, the time being 4:11 p.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Wednesday, February 1, 2023, at 10:00 a.m.

DANIEL OBERLIN
Secretary of the Senate

