

No. 35
STATE OF MICHIGAN
Journal of the Senate
102nd Legislature
REGULAR SESSION OF 2023

Senate Chamber, Lansing, Wednesday, April 19, 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 gracious heavenly Father, as we enter into spring here in the great state of Michigan, I ask You to bless and watch over our farmers as they begin planting for the season. I ask that You bless the fields they till and seed with bountiful crops. I pray that You will continue to show mercy and grace with our weather, and I ask that You show favor toward our gardens, orchards, and fields; help us to appreciate what You give us; and allow us to labor in Your name. Keep our bodies strong so hard work can be completed. I ask these blessings in Your name. Amen.

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 Senator Johnson be temporarily excused from today's session.
The motion prevailed.

Senator Singh moved that Senator Geiss be temporarily excused from today's session.
The motion prevailed.

The following communication was received:
Department of Labor and Economic Opportunity

March 15, 2023

In accordance with Section 8 of the *Michigan Employment Security Act*, being Section 421.8 of the *Michigan Compiled Laws*, the Department of Labor and Economic Opportunity, Unemployment Insurance Agency is required to report annually to the Governor and the Legislature any amount, in excess of \$1.00, that the maximum weekly unemployment benefit rate would increase if the annual increase in the United States Department of Labor's Consumer Price Index (CPI) were applied to the maximum weekly benefit rate for Michigan.

I am, therefore, transmitting to the Governor, and to the House and Senate for publication along with this letter in the *Journals* of their respective bodies, the enclosed report showing that since the last increase in the maximum weekly benefit rate to \$362.00, the increase in the CPI would result in an increase in the maximum weekly unemployment benefit rate to \$579.33.

Respectfully submitted,
Julia Dale, Director
Unemployment Insurance Agency

The communication was referred to the Secretary for record.

The following communication was received:
Office of Senator Sue Shink

March 24, 2023

I respectfully request to be added as a cosponsor to Senate Bills 134 and 135.
Thank you.

Sincerely,
Sue Shink
State Senator
14th District

The communication was referred to the Secretary for record.

The following communication was received:
Office of Retirement Services

April 13, 2023

The Department of Technology, Management and Budget (DTMB), Office of Retirement Services (ORS) is pleased to present the Summary Annual Report for the Michigan Public School Employees' Retirement System (MPERS), henceforth referred to as the System, for the fiscal year (FY) ended Sept. 30, 2022.

ORS provides retirement and related retiree healthcare plans to help more than 690 public school employers attract, retain, and reward a highly qualified workforce.

ORS is able to cost-effectively provide these benefits to retirees. In the latest report from CEM Benchmarking, the total Defined Benefit (DB) pension administration cost was \$70 per active member and retiree. This was \$35 below the peer average of \$105 per active member and retiree.

Anthony Estell
Director

The communication was referred to the Secretary for record.

The following communication was received:
Office of Senator Rosemary Bayer

April 14, 2023

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bill 263 by Senator Wojno and Senate Bill 264 by Senator Shink on April 13th, 2023.

Sincerely,
Rosemary K. Bayer
13th Senate District
State Senator

The communication was referred to the Secretary for record.

Senator Singh moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 259

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Hertel, Bellino, Wojno, Klinefelt, Cherry, McCann, Polehanki, Lauwers, Huizenga and Damoose introduced

Senate Bill No. 268, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2080 (MCL 500.2080), as amended by 2008 PA 513.

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

Senator Wojno introduced

Senate Bill No. 269, entitled

A bill to amend 1917 PA 273, entitled "An act to regulate and license pawnbrokers that conduct business in this state; to provide for the disposition of allegedly misappropriated property in the possession of pawnbrokers; to provide remedies and prescribe penalties; and to provide for the powers and duties of certain local governmental units and state agencies," by amending the title and sections 8, 9, and 18 (MCL 446.208, 446.209, and 446.218), the title and section 9 as amended by 2018 PA 345 and section 8 as amended by 2002 PA 469.

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

Senators Lauwers, Daley, Victory, McBroom and Hoitenga introduced

Senate Bill No. 270, entitled

A bill to amend 1846 RS 66, entitled "Of estates in dower, by the curtesy, and general provisions concerning real estate," by amending the title and sections 35 and 36 (MCL 554.135 and 554.136) and by adding sections 36a and 36b.

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

Senators Geiss, Singh, McMorrow, Cavanagh, Irwin, Santana, Shink, Chang, Camilleri, Hertel, Moss, Bayer, Brinks and Anthony introduced

Senate Bill No. 271, entitled

A bill to amend 2008 PA 295, entitled “Clean and renewable energy and energy waste reduction act,” by amending sections 3, 5, 7, 9, 11, 22, 28, 45, 47, and 49 (MCL 460.1003, 460.1005, 460.1007, 460.1009, 460.1011, 460.1022, 460.1028, 460.1045, 460.1047, and 460.1049), sections 3, 5, 7, 9, 11, 45, 47, and 49 as amended and sections 22 and 28 as added by 2016 PA 342, and by adding sections 32 and 53.

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

Senators Shink, Singh, McMorrow, Cavanagh, Irwin, Santana, Chang, Camilleri, Geiss, Hertel, Moss, Bayer, Brinks and Anthony introduced

Senate Bill No. 272, 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,” by amending section 6t (MCL 460.6t), as added by 2016 PA 341.

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

Senators Singh, McMorrow, Cavanagh, Irwin, Santana, Shink, Geiss, Chang, Camilleri, Hertel, Moss, Bayer, Brinks and Anthony introduced

Senate Bill No. 273, entitled

A bill to amend 2008 PA 295, entitled “Clean and renewable energy and energy waste reduction act,” by amending sections 73, 75, 77, and 78 (MCL 460.1073, 460.1075, 460.1077, and 460.1078), sections 73, 75, and 77 as amended and section 78 as added by 2016 PA 342.

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

Senators Shink, Singh, McMorrow, Cavanagh, Irwin, Santana, Geiss, Chang, Camilleri, Hertel, Moss, Bayer, Brinks and Anthony introduced

Senate Bill No. 274, entitled

A bill to require the development of a plan to reduce greenhouse gas emissions from buildings; to promote payment of the prevailing wage rate on certain projects; and to provide for the powers and duties of certain state governmental entities.

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

Senators Singh, McMorrow, Cavanagh, Irwin, Shink, Santana, Geiss, Chang, Camilleri, Hertel, Moss, Bayer, Brinks and Anthony introduced

Senate Bill No. 275, entitled

A bill to establish a standard to reduce the carbon intensity of transportation fuels; to establish a market for trading carbon intensity credits; and to provide for the powers and duties of state and local governmental entities.

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

Senators Bayer, Singh, McMorrow, Cavanagh, Irwin, Santana, Shink, Geiss, Chang, Camilleri, Hertel, Moss, Brinks and Anthony introduced

Senate Bill No. 276, 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,” by amending section 6t (MCL 460.6t), as added by 2016 PA 341.

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

Senators McDonald Rivet, Singh, McMorrow, Cavanagh, Irwin, Shink, Santana, Chang, Camilleri, Hertel, Geiss, Moss, Bayer, Brinks and Anthony introduced

Senate Bill No. 277, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 36101 and 36104a (MCL 324.36101 and 324.36104a), section 36101 as amended by 2016 PA 265 and section 36104a as added by 1996 PA 233, and by adding sections 36104c and 36104e.

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

Senator Geiss entered the Senate Chamber.

Senators Chang, Polehanki, McDonald Rivet and Geiss introduced

Senate Bill No. 278, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending sections 3, 6, and 9 (MCL 169.203, 169.206, and 169.209), section 3 as amended by 2017 PA 119 and sections 6 and 9 as amended by 2019 PA 93.

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

House Bill No. 4064, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1164c.

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 Education.

House Bill No. 4145, entitled

A bill to provide for the issuance of restraining orders prohibiting certain individuals from possessing or purchasing firearms and ordering the surrender and seizure of a restrained individual’s firearms; to provide for the powers and duties of certain state and local governmental officers and entities; to prescribe penalties; and to provide remedies.

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 Civil Rights, Judiciary, and Public Safety.

House Bill No. 4146, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending sections 2, 2b, 5b, and 8 (MCL 28.422, 28.422b, 28.425b, and 28.428), section 2 as amended by 2015 PA 200, section 2b as amended by 2014 PA 205, and sections 5b and 8 as amended by 2017 PA 95.

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. 4147, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 1908, 2529, and 2559 (MCL 600.1908, 600.2529, and 600.2559), section 2529 as amended by 2014 PA 532 and section 2559 as amended by 2018 PA 261.

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. 4148, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 15e to chapter XVII.

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. 83, entitled

A bill to provide for the issuance of restraining orders prohibiting certain individuals from possessing or purchasing firearms and ordering the surrender and seizure of a restrained individual’s firearms; to provide for the powers and duties of certain state and local governmental officers and entities; to prescribe penalties; and to provide remedies.

The House of Representatives has substituted (H-5) the bill.

The House of Representatives has passed the bill as substituted (H-5) and ordered that it be given immediate effect.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Singh 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. 118

Yeas—20

Anthony	Chang	Klinefelt	Polehanki
Bayer	Cherry	McCann	Santana
Brinks	Geiss	McDonald Rivet	Shink
Camilleri	Hertel	McMorrow	Singh
Cavanagh	Irwin	Moss	Wojno

Nays—17

Albert	Hauck	Lindsey	Runestad
Bellino	Hoitenga	McBroom	Theis

Bumstead
Daley
Damoose

Huizenga
Lauwers

Nesbitt
Outman

Victory
Webber

Excused—1

Johnson

Not Voting—0

In The Chair: President

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
General Orders

Senator Johnson entered the Senate Chamber.

Senator Singh moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Gilchrist, designated Senator McDonald Rivet as Chairperson.

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

Senate Bill No. 89, entitled

A bill to create a program to assist certain child care centers and schools with the acquisition, installation, and maintenance of certain filtered water stations and faucets; to provide for the sampling and testing of water from certain water outlets; to create certain funds; and to provide for the duties of certain state departments and officers.

The bill 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. 88, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending section 1 (MCL 722.111), as amended by 2022 PA 208, and by adding sections 3i, 3j, 3k, and 3l.

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. 259, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 759a and 764a (MCL 168.759a and 168.764a), section 759a as amended by 2022 PA 197 and section 764a as amended by 2020 PA 177.

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.

Recess

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

The motion prevailed, the time being 10:23 a.m.

11:57 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Geiss.

Senator Singh moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the Assistant President pro tempore, Senator Geiss, designated Senator Moss as Chairperson.

After some time spent therein, the Committee arose; and the Assistant President pro tempore, Senator Geiss, having resumed the Chair, the Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4146, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 2, 2b, 5b, and 8 (MCL 28.422, 28.422b, 28.425b, and 28.428), section 2 as amended by 2015 PA 200, section 2b as amended by 2014 PA 205, and sections 5b and 8 as amended by 2017 PA 95.

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 amendment, the following bill:

House Bill No. 4147, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1908, 2529, and 2559 (MCL 600.1908, 600.2529, and 600.2559), section 2529 as amended by 2014 PA 532 and section 2559 as amended by 2018 PA 261.

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 9, line 12, by striking out all of enacting section 1 and inserting:

"Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 83 of the 102nd Legislature is enacted into law."

The Senate agreed to the amendment recommended by the Committee of the Whole, and the bill as amended was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with amendment, the following bill:

House Bill No. 4148, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 15e to chapter XVII.

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 2, line 26, by striking out all of enacting section 1 and inserting:

“Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 83 of the 102nd Legislature is enacted into law.”.

The Senate agreed to the amendment recommended by the Committee of the Whole, and the bill as amended was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

Messages from the Governor

The following messages from the Governor were received:

Date: April 13, 2023

Time: 9:50 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 82 (Public Act No. 14), being

An act to amend 1937 PA 94, entitled “An act to provide for the levy, assessment, and collection of a specific excise tax on the storage, use, or consumption in this state of tangible personal property and certain services; to appropriate the proceeds of that tax; to prescribe penalties; and to make appropriations,” (MCL 205.91 to 205.111) by adding section 4*ll*.

(Filed with the Secretary of State on April 13, 2023, at 11:40 a.m.)

Date: April 13, 2023

Time: 9:52 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 81 (Public Act No. 15), being

An act to amend 1933 PA 167, entitled “An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” (MCL 205.51 to 205.78) by adding section 4*ll*.

(Filed with the Secretary of State on April 13, 2023, at 11:42 a.m.)

Date: April 13, 2023

Time: 9:54 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 80 (Public Act No. 16), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2016 PA 234.

(Filed with the Secretary of State on April 13, 2023, at 11:44 a.m.)

Date: April 13, 2023
Time: 9:56 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 79 (Public Act No. 17), being

An act to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 15 (MCL 28.435), as added by 2000 PA 265, and by adding section 9.

(Filed with the Secretary of State on April 13, 2023, at 11:46 a.m.)

Respectfully,
Gretchen Whitmer
Governor

The following message from the Governor was received on April 17, 2023, and read:

EXECUTIVE ORDER
No. 2023-2

Declaration of State of Emergency

Beginning on April 11, 2023, the Upper Peninsula of Michigan experienced a rapid melting of the snowpack, caused by rising temperatures. As a result of this accelerated thaw, the counties of Gogebic and Houghton have faced dangerous conditions and sustained damages caused by widespread flooding, as fast-moving melt waters have overwhelmed storm water and sewer systems, burst earthen dams, caused culverts and embankments to fail, caused road washouts and closures, caused sinkholes to appear, and deposited debris and silt on roadways. Water flows have yet to fully recede. Both counties have declared local states of emergency.

Local officials have taken several actions to respond to the situation, including but not limited to activating the emergency response and recovery aspects of their emergency operations plans, staffing their emergency operations centers to coordinate response and recovery activities, issuing emergency public information, closing roads and redirecting traffic, placing sandbags, and otherwise utilizing local resources to address these conditions. State assistance is necessary to effectively respond to, and recover from, the impacts of this flooding.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor. Under the Emergency Management Act, 1976 PA 390, as amended, MCL 30.403(4), “[t]he governor shall, by executive order or proclamation, declare a state of emergency if he or she finds that an emergency has occurred or that the threat of an emergency exists.”

Therefore, acting under the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 to 30.421, I order the following:

1. A state of emergency is declared for the counties of Gogebic and Houghton.

2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts and may call upon all state departments to utilize available resources to assist in the designated area pursuant to the Michigan Emergency Management Plan.

3. The state of emergency is terminated at such time as the threats to public health, safety, and property caused by the emergency no longer exist, and appropriate programs have been implemented to recover from the effects of this emergency, but in no case later than May 12, unless extended as provided by the Emergency Management Act.

Date: April 14, 2023
Time: 3:20 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Singh moved that the rules be suspended and that the following bills, now on Third Reading of Bills, be placed on their immediate passage:

Senate Bill No. 259

House Bill No. 4146**House Bill No. 4147**

House Bill No. 4148

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

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

House Bill No. 4045

House Bill No. 4219

Senate Bill No. 161

Senate Bill No. 162

Senate Bill No. 56

Senate Bill No. 59

Senate Bill No. 259

House Bill No. 4146

House Bill No. 4147

House Bill No. 4148

The motion prevailed.

The following bill was read a third time:

House Bill No. 4045, entitled

A bill to create the volunteer employee criminal history system program; to impose a fee for conducting a national and state criminal history record information check; and to provide for the powers and duties of certain state and local governmental officers and entities.

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. 119

Yeas—36

Albert
Anthony
Bayer
Bellino
Brinks
Bumstead
Camilleri
Cavanagh
Chang

Cherry
Daley
Damoose
Hauck
Hertel
Hoitenga
Huizenga
Irwin
Johnson

Klinefelt
Lauwers
McBroom
McCann
McDonald Rivet
McMorrow
Moss
Nesbitt
Outman

Polehanki
Runestad
Santana
Shink
Singh
Theis
Victory
Webber
Wojno

Nays—2

Geiss

Lindsey

Excused—0

Not Voting—0

In The Chair: Geiss

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 title of the bill.

The following bill was read a third time:

House Bill No. 4219, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending section 5 (MCL 125.2005), as amended by 2014 PA 507.

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. 120

Yeas—29

Bellino	Hauck	McBroom	Runestad
Brinks	Hertel	McCann	Shink
Bumstead	Hoitenga	McMorrow	Singh
Cavanagh	Huizenga	Moss	Theis
Chang	Johnson	Nesbitt	Victory
Cherry	Klinefelt	Outman	Webber
Daley	Lauwers	Polehanki	Wojno
Damoose			

Nays—9

Albert	Camilleri	Irwin	McDonald Rivet
Anthony	Geiss	Linsey	Santana
Bayer			

Excused—0

Not Voting—0

In The Chair: Geiss

Senator Singh moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.
Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, certain notes and bonds of the Michigan strategic fund; to create certain boards and funds; to create certain permanent funds; to exempt the property, income, and operation of the fund and its bonds and notes,

and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of this state; to make certain loans, grants, and investments; to provide penalties; to make an appropriation; and to repeal acts and parts of acts,”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 161, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1526, 1531, 1531d, 1531j, and 1531k (MCL 380.1526, 380.1531, 380.1531d, 380.1531j, and 380.1531k), section 1526 as amended by 1995 PA 289, section 1531 as amended by 2018 PA 235, section 1531d as added by 2003 PA 18, and sections 1531j and 1531k as amended by 2018 PA 234.

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. 121

Yeas—37

Albert	Daley	Klinefelt	Outman
Anthony	Damoose	Lauwers	Polehanki
Bayer	Geiss	Lindsey	Santana
Bellino	Hauck	McBroom	Shink
Brinks	Hertel	McCann	Singh
Bumstead	Hoitenga	McDonald Rivet	Theis
Camilleri	Huizenga	McMorrow	Victory
Cavanagh	Irwin	Moss	Webber
Chang	Johnson	Nesbitt	Wojno
Cherry			

Nays—1

Runestad

Excused—0

Not Voting—0

In The Chair: Geiss

The Senate agreed to the title of the bill.

Protest

Senator Runestad, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 161 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Runestad’s statement is as follows:

I rise to give my “no” vote explanation on Senate Bill No. 161, which overall I support. I think it’s a good idea we need more teachers here in Michigan, but I don’t understand the provision that removes references to the time spent engaging with local employers or technical centers as counting toward certification. I have a teaching degree; I went through the whole teaching program and all the teaching classes. A lot of them, frankly, were worthless. My father was a teacher and principal, my mom was a teacher, my sister was a teacher, so I have a lot of experience in this.

One of the things, though, that was not worthless was the time I spent at a technical center in Genesee County. It was spectacular and some of the issues that were raised being in a voc ed or technical program versus a regular school were completely different. There’s enormous value in a teacher spending time in a voc ed center. Most of them have no experience, but the ones who do, I think, add a lot of value. Same thing I’ve heard from a lot of employers that a lot of academics simply have no idea what it’s like in the workplace. They say they have students coming in who are so dysfunctional and they need a lot of emotional support if a counselor or a teacher has experience working in the workplace should be valued. That should be expanding the number of teachers and this provision limits the number of teachers and very valuable teachers, so I will be a “no” vote.

The following bill was read a third time:

Senate Bill No. 162, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1233 (MCL 380.1233), as amended by 2021 PA 149.

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. 122

Yeas—38

Albert	Daley	Lauwers	Polehanki
Anthony	Damoose	Lindsey	Runestad
Bayer	Geiss	McBroom	Santana
Bellino	Hauck	McCann	Shink
Brinks	Hertel	McDonald Rivet	Singh
Bumstead	Hoitenga	McMorrow	Theis
Camilleri	Huizenga	Moss	Victory
Cavanagh	Irwin	Nesbitt	Webber
Chang	Johnson	Outman	Wojno
Cherry	Klinefelt		

Nays—0

Excused—0

Not Voting—0

In The Chair: Geiss

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 56, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 335 (MCL 750.335), as amended by 2002 PA 672.

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. 123

Yeas—29

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

Nays—9

Albert	Lauwers	McBroom	Theis
Daley	Lindsey	Runestad	Victory
Damoose			

Excused—0

Not Voting—0

In The Chair: Geiss

The Senate agreed to the title of the bill.

Protests

Senators Albert, Runestad, Victory, Damoose and McBroom, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 56.

Senators Albert and McBroom moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Albert’s statement, in which Senators Runestad, Victory and Damoose concurred, is as follows:

Let me begin by being clear that the policy of prohibiting cohabitation by having a criminal penalty is not good policy and I agree that it should be removed. I have to imagine this statute was enacted in order to encourage marriage, which is a good end through an unjustified means. In short, it was a foolish policy that is reflected in the fact that it has not been enforced for nearly a century. That being said, this bill fails to also consider secondary effects which I will get into.

But first, if I may be given a brief bit of latitude, I have a short story I’d like to share and I ensure everyone that it will demonstrate why I am opposed to this bill. A friend of mine told me a story from a couple years ago. He was working at his desk and he was trying to read an important document for work. As he sat there, his dog was annoyingly staring at him, so he moved to the dining room. Wouldn’t you know, just then his wife received a phone call, and that was more distracting than the dog, so he went toward his bedroom. His wife said, Hey, don’t go in there, the baby is sleeping, so he went to one of the children’s bedrooms. He opened the door and the two of them were playing a game, so he went down to another bedroom—this is a Catholic family by the way, if you haven’t put it together—a couple other kids in there were playing as well.

Finally, he closed his eyes and he prayed. He said, Lord, can I just get ten minutes to read this important document. He opened his eyes and his prayers were answered. A few minutes later, his wife remembered she had something to tell him. She went to the study; he wasn't there. She went to the bedroom; the baby was quietly sleeping, he wasn't there. Went to the children's bedrooms; he wasn't there. So, like her husband, she closed her eyes and she prayed. When she opened her eyes, she went down and knocked on the door to the tiny bathroom down the hall. She said, Are you going to the bathroom? He replied, No, but this tiny bathroom was the only place I could get some quiet; it was the answer to my prayers. She replied, Well, it was the answer to mine too because I knew you could not have gone far.

This story illustrates that when one is married, there is a commitment by both spouses to stay no matter what, even if one's only refuge is in a tiny bathroom. Cohabitation is different. There, one says, I love you and I want to live with you, but I reserve the right to leave. There, the refuge can be found in another house, another city, another state, or anywhere else. This type of family structure lends itself to instability and is not the optimal environment for raising children.

The problem with this reform is that it fails to recognize the secondary effects. Federal law prevents taxpayers from claiming someone as a dependent if their relationship violates state law. The bill before us today would clear the way for two unmarried individuals living together to meet dependency requirements and claim those tax benefits. This is a policy I cannot get behind because there is clear and overwhelming evidence to show it is better for children to be in a household with married parents. Some of these benefits include physically and mentally healthier, more likely to succeed academically, more likely to go to college, less likely to be in poverty, less likely to show delinquent behavior, less likely to become pregnant or impregnate someone else, less likely to contract STDs, better relationships with their own mother and father, less likely to become divorced later in life, and the list goes on.

I very much agree that the criminal penalty is an unjustified means to an end and it should be removed. I cannot, however, close my eyes to the secondary effects of this bill. I very easily would be a "yes" on this bill if the tax structure continued to encourage marriage because there is an overwhelming benefit for the growth and development of our children. Marriage has been the building block for families and societies across the world for recorded human history. It is a timeless and proven family structure with mountains of evidence displaying the clear benefits for children raised in that environment. So again, having a criminal penalty for cohabitation is not good policy, but this bill has potential consequences beyond that on the institution of marriage. For this reason, I cannot support this bill. It removes the bad from state law without an effort to keep what is good. Thank you, and I encourage a "no" vote.

Senator McBroom's statement is as follows:

Most members here probably watched some popular TV and movies in the '80s and '90s, and a recurring theme during that time was the tension caused between couples who lived together without their parents knowing and then the inevitable clash when the parents become aware of it. Of course, many saw this as simply the clash of the old and the young, old ways versus new ways. And for many, the issue has never been more complicated than that. Yet, even a minor study of history would show that such laws were not simply the product of cultural mores but of an underlying understanding of how to build a stable society and, particularly, one that is safe and stable for children and families.

As I have said in earlier debates on the topic, government exists to provide for the general welfare by protecting people from evil and danger and by promoting the common good. The repeal of this law is not a promotion of the common good. Cohabitation has been consistently shown to decrease the resilience and permanence of marriage, and to decrease the potential that marriage happens at all. Meanwhile, marriage has been consistently shown to be the gold standard by which a stable society is maintained. Studies show that it's the best place for children across many different factors and that couples have greater fulfillment and happiness than their unmarried counterparts. Broken homes are incredibly damaging to the future of children. Coming from a married home is one of the key indicators for success in school, college, career, and family success in the future. It is even shown that the increase of divorced, separated, or complex family structures adds to the environmental load by increasing the amount of homes and services necessary for every community.

Laws like this one that we're considering for repeal were passed because our forebears recognized, even without the studies that we now have, the inherent and obvious value of discouraging families without the permanence and structure of marriage. This law was not passed to be mean or stodgy; it was passed because it was better for society and, particularly, for children.

Much like entropy in the laws of thermodynamics, systems in society trend toward less energy as well. It takes resilience and consistent effort to protect society from decaying under its own apathy-induced atrophy. So we see here. Laws like this one are repealed with justification that it hasn't been enforced for nearly 100 years and that culture has moved on. I absolutely agree that these observations are true. We have neglected this statute into apparent obsolescence. However, the reasons for the statute are clearly not obsolete. It takes effort to enforce important laws, laws that strengthen good morals. It takes determination to enforce a tough stand that may even signify that our own loved ones are making a bad choice.

This was not the only law that we have had that has endeavored to strengthen families. Even the tax code, which is now being used as an excuse to repeal this law, was structured to reward, enhance, and promote strong families, built on a foundation of marriage that has been provided for millennia across the world.

This bill is very representative of where we are as a nation and as a culture. It signifies the willingness to neglect a maintenance of effort for good policy by taking the easy way rather than doing the hard work. It also demonstrates the willful and persistent unwillingness to consider history. Finally, it shows a lack of understanding of the principles of government.

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

The motion prevailed.

Senator Chang’s statement is as follows:

I wasn’t anticipating a floor discussion about this bill, but figured I would take the opportunity to say a few things. This bill is not about a moral issue, it’s not about changing people’s behavior, it’s not about marriage rates; it’s really just about bringing us into the 21st century. Michigan is one out of only two states in this whole country that still has this law that prohibits people who are unmarried men and women from living together. This issue was actually brought to me not by folks who were concerned about people’s behavior; it was really, actually came from a tax professional. The accountant who came to me talked about how this was having real-life implications for the couples who choose to live together for whatever reason. Some people just don’t want to get married, but they are committed partners to one another.

As mentioned by an earlier speaker, the IRS tax code says that, “[a]n individual shall not be treated as a member of the taxpayer’s household if at any time during the taxable year of the taxpayer the relationship between such individual and the taxpayer is in violation of local law.” This law will help some individuals in our state by reducing their taxpayer burden, it’ll place unmarried Michigan taxpayers on equal footing with taxpayers in almost every other state, and, again as mentioned, it will bring us to our current century and really just update our laws. I would welcome your support.

The following bill was read a third time:

Senate Bill No. 59, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 100c (MCL 330.1100c), as amended by 2020 PA 285.

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. 124

Yeas—38

Albert	Daley	Lauwers	Polehanki
Anthony	Damoose	Lindsey	Runestad
Bayer	Geiss	McBroom	Santana
Bellino	Hauck	McCann	Shink
Brinks	Hertel	McDonald Rivet	Singh
Bumstead	Hoitenga	McMorrow	Theis
Camilleri	Huizenga	Moss	Victory
Cavanagh	Irwin	Nesbitt	Webber
Chang	Johnson	Outman	Wojno
Cherry	Klinefelt		

Nays—0

Excused—0

Not Voting—0

In The Chair: Geiss

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 259, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 759a and 764a (MCL 168.759a and 168.764a), section 759a as amended by 2022 PA 197 and section 764a as amended by 2020 PA 177.

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. 125

Yeas—24

Anthony	Cherry	Klinefelt	Polehanki
Bayer	Geiss	McBroom	Santana
Brinks	Hertel	McCann	Shink
Camilleri	Huizenga	McDonald Rivet	Singh
Cavanagh	Irwin	McMorrow	Webber
Chang	Johnson	Moss	Wojno

Nays—14

Albert	Damoose	Lindsey	Runestad
Bellino	Hauck	Nesbitt	Theis
Bumstead	Hoitenga	Outman	Victory
Daley	Lauwers		

Excused—0

Not Voting—0

In The Chair: Geiss

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4146, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending sections 2, 2b, 5b, and 8 (MCL 28.422, 28.422b, 28.425b, and 28.428), sections 2 and 2b as amended by 2023 PA 19 and sections 5b and 8 as amended by 2017 PA 95.

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. 126

Yeas—20

Anthony	Chang	Klinefelt	Polehanki
Bayer	Cherry	McCann	Santana

Brinks	Geiss	McDonald Rivet	Shink
Camilleri	Hertel	McMorrow	Singh
Cavanagh	Irwin	Moss	Wojno

Nays—18

Albert	Hauck	Lindsey	Runestad
Bellino	Hoitenga	McBroom	Theis
Bumstead	Huizenga	Nesbitt	Victory
Daley	Johnson	Outman	Webber
Damoose	Lauwers		

Excused—0

Not Voting—0

In The Chair: Geiss

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4147, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 1908, 2529, and 2559 (MCL 600.1908, 600.2529, and 600.2559), section 2529 as amended by 2014 PA 532 and section 2559 as amended by 2018 PA 261.

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. 127

Yeas—20

Anthony	Chang	Klinefelt	Polehanki
Bayer	Cherry	McCann	Santana
Brinks	Geiss	McDonald Rivet	Shink
Camilleri	Hertel	McMorrow	Singh
Cavanagh	Irwin	Moss	Wojno

Nays—18

Albert	Hauck	Lindsey	Runestad
Bellino	Hoitenga	McBroom	Theis
Bumstead	Huizenga	Nesbitt	Victory
Daley	Johnson	Outman	Webber
Damoose	Lauwers		

Excused—0

Not Voting—0

In The Chair: Geiss

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4148, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 15e to chapter XVII.

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. 128

Yeas—20

Anthony	Chang	Klinefelt	Polehanki
Bayer	Cherry	McCann	Santana
Brinks	Geiss	McDonald Rivet	Shink
Camilleri	Hertel	McMorrow	Singh
Cavanagh	Irwin	Moss	Wojno

Nays—18

Albert	Hauck	Lindsey	Runestad
Bellino	Hoitenga	McBroom	Theis
Bumstead	Huizenga	Nesbitt	Victory
Daley	Johnson	Outman	Webber
Damoose	Lauwers		

Excused—0

Not Voting—0

In The Chair: Geiss

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating

to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Singh moved that the Committee on Finance, Insurance, and Consumer Protection be discharged from further consideration of the following bill:

Senate Bill No. 97, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 4o (MCL 205.94o), as amended by 2015 PA 204.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Moss offered the following resolution:

Senate Resolution No. 34.

A resolution to recognize April 18, 2023, as Holocaust Remembrance Day.

Whereas, The horrors of the Holocaust should never be forgotten. The Holocaust was the state-sponsored systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators from 1933-1945; and

Whereas, The Holocaust resulted in the extermination of six million Jews and their potential decedents. The world’s Jewish population was reduced by one-third; and

Whereas, Poland, home to the largest Jewish community before World War II, lost 90 percent of its Jewish population. Greece, Yugoslavia, Hungary, Lithuania, Bohemia, the Netherlands, Slovakia, and Latvia each lost more than 70 percent of their Jewish population; and

Whereas, Millions more suffered grievous oppression and death under Nazi tyranny based on their religion, including Catholic priests, Christian pastors, and Jehovah’s Witnesses; their national origin, including Poles, Soviets, Ukrainians and Sorbs; their ethnicity and culture, including the Romani people; their political beliefs, including courageous resisters and government dissidents; their physical appearance, including those with disabilities; and their sexual orientation and gender identity; and

Whereas, The history of the Holocaust allows us to reflect on the moral and ethical responsibilities of individuals, societies, and governments. It also serves as an important reminder of what can happen when we allow bigotry, hatred, and indifference to enter and conquer our societies; and

Whereas, Conspiracies, hatred, and acts of cruelty against Jews still persist today. The Anti-Defamation League (ADL) reported that antisemitic incidents increased 36 percent in 2022, including an increase in assaults by 26 percent, harassment by 29 percent, and acts of vandalism by 52 percent. This data amounts to the highest level of antisemitism the ADL tracked since 1979; and

Whereas, The enduring legacy of the Holocaust is to accept and embrace the contributions of diverse populations so that extreme fringes of bigotry and discrimination cannot escalate into horrors of violence and genocide. These lessons must not expire; and

Whereas, The state of Michigan, through PA 170 of 2016, requires that the social studies curriculum for grades 8 to 12 includes age- and grade-appropriate instruction about genocide so students learn about past atrocities, factually and comprehensively. This education provides future generations the tools to ensure the evils in history are not repeated; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize April 18, 2023, as Holocaust Remembrance Day; and be it further

Resolved, That in honor of the victims of the Holocaust, the survivors, and their liberators, the citizens of Michigan should reflect upon this terrible event and strive to overcome hatred and intolerance through learning and remembrance.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Singh moved that the rule be suspended.

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

The resolution was adopted.

Senators Chang, Cherry and Santana were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Moss' statement is as follows:

This week, Jews in Michigan, across the country and around the world commemorated Yom HaShoah, Holocaust Remembrance Day. Eighty years ago was the height of the worst horror in human history. And upon reflecting on the Holocaust, we repeat the refrain, Never again. When I was growing up in metro-Detroit's Jewish community, Never again, seemed so obvious. Of course, Never again.

In my youth, I learned about the Holocaust as a part of our history as a people, and personally knew elders in our community who endured, escaped, and survived. Their mere existence surely was enough evidence to keep these horrors in our history, never to be repeated, as they were direct witnesses to acts of evil so outrageous that in a way it seemed so disconnected to the world as I knew it. How could these conditions possibly exist again?

Now, here we are. Just since the last Holocaust Remembrance Day, nationally Kanye West amplifies Holocaust denialism and other conspiracies, expresses his admiration for Hitler, and threatens violence against Jews. When he tweeted his antisemitic tweets, he had more Twitter followers than there are Jews in the world. He has a bigger audience for hate than every Jew on Earth can rebut.

Locally, a man was arrested last year for shouting intimidating antisemitic bile at preschoolers walking into a synagogue in my district. These are young and impressionable children who are at risk of only knowing a world of cruelty against them just because of their religion, culture, and identity.

And personally, earlier this year I received a jarring call from the FBI about the impending arrest of a heavily armed man who made serious and credible threats to kill Jewish officials in Michigan. I've told the story of my family on this floor, of my great grandfather who fled emerging antisemitism in Eastern Europe while his siblings stayed behind and were shot to death by Nazis. I don't think he could possibly imagine that when he came here and escaped the fate of his siblings that his great grandson would meet the same threats a few generations later.

Since the last Holocaust Remembrance Day, the Anti-Defamation League reported that antisemitic incidents increased 36 percent in 2022, including an increase in assaults by 26 percent, harassment by 29 percent, and acts of vandalism by 52 percent. This data amounts to the highest level of antisemitism that the ADL has tracked since 1979.

Eighty years from the worst horror in human history and it feels like, Never again, is beginning to expire. We cannot let it expire.

Before us is this Senate resolution to commemorate Yom HaShoah. Adopting this resolution sends an important signal that the Michigan Senate treats seriously the enduring legacy of the Holocaust: to accept and embrace the contributions of diverse populations so that extreme fringes of bigotry and discrimination cannot escalate into horrors of violence and genocide. The words of this resolution are not enough, and they may never be. Your actions on a day-to-day basis to combat antisemitism will be the measure of whether, Never again, can hold true.

Statements

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

The motion prevailed.

Senator Runestad's statement is as follows:

When Governor Whitmer first ran for office, she released her 10-point Sunshine Plan to assure our state government become "more open, transparent and accountable to Michigan taxpayers." She promised, and I

quote, “Republicans... refused to extend the Freedom of Information Act to the Governor’s office and the Legislature. As a result, Michigan’s lack of transparency and accountability earned us an F on the 2015 Center for Public Integrity’s survey.” However, under this Governor, Michigan is now dead last in the nation for state ethics and transparency laws, and is the only state left with this FOIA restriction.

So, she went on, “If the Legislature will not act, I will use the Governor’s authority under the Michigan State Constitution to extend FOIA to the Lieutenant Governor and Governor’s office. Michiganders should know when and what their Governor is working on.” My, indeed they should. But now it has been four years and four months and the Governor has still been hiding out in the tall grass on this issue and not fulfilling her campaign promise to act on her authority. Obviously this was just dreary, empty campaign lip service.

But the Governor was not done. She further expounded she would end “legislative referendum-proofing to ensure integrity in our legislative process,” she would block bills with appropriations, she vowed to end legislative referendum proofing to ensure integrity of our legislative process. She said, “If a non appropriations bill has a dollar amount added to circumvent the people’s right to a referendum and it reaches my desk, I will veto it.” But what is this? She just signed the right-to-work repeal bills even though they included the odious appropriation that ripped from the voters their very ability for an honorable referendum? Hypocrisy be thy name.

In fact, if anything, we have seen the Democratic leadership take steps in the exact opposite direction when it comes to transparency. Taxpayer-funded hush-money payments made to department directors; COVID-19 nursing home death data hidden from the public; burying a bill to expose coverups by Child Protective Services; secret corporate welfare deals and backroom shady spending projects; secret bills voted on without any committee hearings; protections for government whistleblowers vetoed. So now what is the excuse the Democrats have that they have absolute and complete control? The Governor cannot simply continue somersaulting this way and that way trying to blame someone—anyone else—for failing to do what she promised to do. So after years of talking transparency to proverbial death, Democrats have finally seized the helm and now, for four months into the term of absolute control they are hoping, praying, and pondering on introducing the promised transparency bills.

In response, due to their indolent negligence, I have introduced bills to stop legislators from becoming lobbyists for at least two years after they leave office. Bills to expand FOIA and to expand the Legislative Open Records Act that the Democrats voted for, over and over again. A bill to open up the Child Protective Services to some legislative inquiry. Bills to require more transparency and accountability from our state’s largest energy companies. These are simple and common-sense steps. There are those of us who will keep on fighting to force our legislative leadership—both Republican and Democrat—to be more open and transparent. As always, I remain open and willing to work with the Democrats and their leadership to get these reforms passed. We and the voters have watched the talk and talk. It is way past time for us to act.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, April 13:

House Bill Nos. 4064 4145 4146 4147 4148

The Secretary announced that the following bills were printed and filed on Thursday, April 13, and are available on the Michigan Legislature website:

**House Bill Nos. 4407 4408 4409 4410 4411 4412 4413 4414 4415 4416 4417 4418 4419
4420 4421 4422 4423 4424 4425 4426**

The Secretary announced that the following bills were printed and filed on Friday, April 14, and are available on the Michigan Legislature website:

Senate Bill Nos. 263 264 265 266 267

Committee Reports

The Committee on Elections and Ethics reported

Senate Bill No. 259, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 759a and 764a (MCL 168.759a and 168.764a), section 759a as amended by 2022 PA 197 and section 764a as amended by 2020 PA 177.

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.

Jeremy Moss
Chairperson

To Report Out:

Yeas: Senators Moss, Wojno, Santana, McMorro, Chang, Camilleri, Johnson and McBroom

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 Elections and Ethics submitted the following:

Meeting held on Wednesday, April 12, 2023, at 3:00 p.m., Room 1100, Binsfeld Office Building

Present: Senators Moss (C), Wojno, Santana, McMorro, Chang, Camilleri, Johnson and McBroom

COMMITTEE ATTENDANCE REPORT

The Committee on Labor submitted the following:

Meeting held on Thursday, April 13, 2023, at 8:30 a.m., Room 1300, Binsfeld Office Building

Present: Senators Cherry (C), Camilleri, Cavanagh and Albert

COMMITTEE ATTENDANCE REPORT

The Committee on Civil Rights, Judiciary, and Public Safety submitted the following:

Meeting held on Thursday, April 13, 2023, at 12:00 noon, Room 1200, Binsfeld Office Building

Present: Senators Chang (C), Shink, Wojno, Irwin, Santana, Runestad and Johnson

COMMITTEE ATTENDANCE REPORT

The Committee on Economic and Community Development submitted the following:

Meeting held on Thursday, April 13, 2023, at 12:00 noon, Room 1100, Binsfeld Office Building

Present: Senators McMorro (C), Cavanagh, Polehanki, Cherry, McDonald Rivet, Moss, Geiss, Victory, Lindsey and Webber

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on EGLE submitted the following:

Meeting held on Thursday, April 13, 2023, at 3:00 p.m., Room 403, 4th Floor, Capitol Building

Present: Senators Irwin (C), Singh, McDonald Rivet, Shink, Cherry, Bayer, Bumstead, Hauck and Outman

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, April 13, 2023, at 4:00 p.m., Room 1100, Binsfeld Office Building

Present: Senators Polehanki (C), Geiss, Chang, Camilleri, Damoose and Johnson

Excused: Senator McDonald Rivet

Scheduled Meetings

Appropriations – Thursday, April 20, 11:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5307

Subcommittees –

Corrections and Judiciary – Thursday, April 20, 1:30 p.m., or immediately following session, Room 1300, Binsfeld Office Building (517) 373-2768

EGLE – Thursday, April 20, 3:00 p.m., or immediately following session, Room 1200, Binsfeld Office Building (517) 373-2768

LARA/DIFS – Thursday, April 20, 4:00 p.m., or immediately following session, Room 1200, Binsfeld Office Building (517) 373-2768

Military, Veterans, State Police – Tuesday, April 25, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Civil Rights, Judiciary and Public Safety – Thursday, April 20, 12:00 noon, Room 1200, Binsfeld Office Building (517) 373-5312

Economic and Community Development – Thursday, April 20, 12:00 noon, Room 1100, Binsfeld Office Building (517) 373-1721

Energy and Environment – Thursday, April 20, 1:30 p.m., Room 403, 4th Floor, Capitol Building (517) 373-5323

Labor – Thursday, April 20, 9:00 a.m., Room 1300, Binsfeld Office Building (517) 373-5314

Regulatory Affairs – Thursday, April 20, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-1721

State Drug Treatment Court Advisory – Thursday, April 20, 9:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (517) 373-0212 (CANCELLED)

Senator Singh moved that the Senate adjourn.
The motion prevailed, the time being 12:53 p.m.

The Assistant President pro tempore, Senator Geiss, declared the Senate adjourned until Thursday, April 20, 2023, at 10:00 a.m.

DANIEL OBERLIN
Secretary of the Senate

