No. 22 STATE OF MICHIGAN

Journal of the Senate

102nd Legislature REGULAR SESSION OF 2024

Senate Chamber, Lansing, Tuesday, March 5, 2024.

10:00 a.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

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

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

Senator Roger Victory of the 31st District offered the following invocation:

Lord, we are reminded that this is a day of Your creation, and we are thankful for it. As we gather here this morning in this chamber, may Your hand of guidance and presence be upon us as we do the work of the people of Michigan. May You bless our country, our state, and our communities. And if there are those among us who may be traveling a road of trials and tribulations, may Your hand of care and calm be upon them. This we ask in Your name. Amen.

The Secretary of the Senate, Daniel Oberlin, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senator Lauwers moved that Senator Runestad be excused from today's session. The motion prevailed.

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

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

March 1, 2024

The Work Share Program was created by the enactment of Public Act 1 of 1936, Section 421.28b to 421.28m of the Michigan Employment Security (MES) Act. The purpose of Work Share is to allow an employer to maintain operational productivity by reducing the work hours of employees during an economic decline in regular business activity instead of laying-off employees. With the plan, eligible employees work a reduced number of hours in the work week and receive a portion of weekly unemployment benefits.

Per Section 421.28*l* of the MES Act, the Unemployment Insurance Agency (UIA) shall submit to the Governor, the Secretary of the Senate, and the Clerk of the House of Representatives for referral to the Chair and Minority Vice-Chair of the appropriate committees an annual report regarding shared-work plans under Sections 28B to 28m. The report shall include the number of approved shared-work plans, the number of participating employers, the number of participating employees, the amount of compensation and aid to participating employees, and any other information the UIA determines is relevant to assess the impact of shared-work plans on the unemployment compensation fund. The first report shall be submitted on or before the first day of March following the first complete calendar year during which sections 28b to 28m are in effect, and subsequent reports shall be submitted on or before the first day of March of each subsequent year. If you have any questions, please contact Rachael Wineland, UIA Legislative Liaison at Winelandr@michigan.gov 517-241-0029 or 517-290-3053.

Julia Dale, Director Unemployment Insurance Agency

The communication was referred to the Secretary for record.

Recess

Senator Singh moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:03 a.m.

10:09 a.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

Senator Singh moved that Senator Chang be appointed to act as temporary Presiding Officer of the Senate until a Presiding Officer shall appear.

The motion prevailed.

Senator Chang assumed the Chair.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Singh moved that rule 3.204 be suspended to permit immediate consideration of the following resolutions:

Senate Resolution No. 99

Senate Resolution No. 100

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

Senator Camilleri offered the following resolution:

Senate Resolution No. 99.

A resolution to recognize March 3-9, 2024, as School Social Work Week.

Whereas, School social workers serve as vital members of the education team, playing a central role in creating a positive environment in schools; and

Whereas, Social workers in schools are exceptionally skilled in providing services to students who face serious challenges to school success including disability, poverty, discrimination, abuse, neglect, mental illness, homelessness, bullying, familial stressors, and other barriers to learning; and

Whereas, School-based mental health programs are critical to the early identification and intervention of mental health problems by providing the appropriate services; and

Whereas, School social workers, who are licensed mental health professionals in the United States, provide the necessary assessment, interventions, counseling, family outreach, community referrals, and also maintain knowledge of school culture and climate, which are all necessary for responsible school safety planning; and

Whereas, Research indicates that school-based mental health programs led by school social workers improve educational outcomes by decreasing absences, dropout rates, and discipline referrals, while also improving academic achievement; and

Whereas, Social workers in schools play a pivotal role in creating partnerships between the home, school, and community to ensure academic success; and

Whereas, School districts and local educational agencies should continue to work with school social workers to address students' social, emotional, physical, mental health, and environmental needs so that students can succeed; and

Whereas, The celebration of School Social Work Week on March 3-9, 2024, highlights the important role school social workers play in the lives of students in Michigan; now, therefore, be it

Resolved, That the members of this legislative body recognize March 3-9, 2024, as School Social Work Week; and be it further

Resolved, That we honor and recognize the contributions of school social workers to the successes of students; and be it further

Resolved, That we encourage the people of Michigan to observe School Social Work Week with appropriate ceremonies and activities to promote awareness about the vital role of school social workers, both in schools and communities as a whole, in helping students prepare for their futures as productive citizens.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Brinks, McMorrow and Singh were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Camilleri's statement is as follows:

I rise today in support of Senate Resolution No. 99, my resolution to declare March 3-9 as School Social Work Week in the state of Michigan. School social workers are too often overworked and underappreciated, but they play a vital role in making sure students are staying safe and healthy, both mentally and physically, and both inside and outside of the classroom. These are highly skilled and trained professionals that our students in schools need more of.

When I was a teacher, my first experience with a school social worker happened to be in an incident when we really needed someone who was well-trained and a professional who could step right in. Thank God we had an amazing school social worker because one of my students kept falling asleep in my class. It wasn't one of those one-off moments; it kept happening consistently for a few days. When I checked in on him, he confided in me that he had been living on the street after he had come out to his family that previous weekend,

and his family kicked him out of the house. He was 18. We involved the school social worker—thank God she was there—and we were able to get him help, safe housing, food, a cell phone, we got him a place at Covenant House, which is not too far away from the school I was teaching at. Without that social worker, I would not have known what to do. I would not have been able to fully help one of my students who was in dire need.

That's just one story, and I know every school has stories just like this. There are so many courageous school social workers who go above and beyond to help the kids they work with each and every day. So, today we do celebrate them, and we thank them for the great work they do. Schools would not be the same without them and their professionalism, and there's no doubt we need to do more to support them throughout this budget as well as in other ways too.

Thank you, Madam Presiding Officer. I urge my colleagues to support this resolution.

Senator Brinks offered the following resolution:

Senate Resolution No. 100.

A resolution to recognize and commend the National Conference of State Legislatures (NCSL) on its upcoming 50th Anniversary.

Whereas, The National Conference of State Legislatures was founded in 1975 and has evolved during the past half-century to become the premier organization solely dedicated to serving state and territorial legislators and legislative staff; and

Whereas, It was created from the merger of three organizations that served or represented state legislatures and shared the belief that legislative service is one of democracy's worthiest pursuits; and

Whereas, NCSL is a bipartisan organization with three objectives: to advance the effectiveness, independence, and integrity of state legislatures; to foster interstate communication and cooperation; and to ensure states a strong, cohesive voice in the federal system; and

Whereas, Our nation's state legislatures are America's laboratories of democracy and have continually shown that they are the bodies to tackle emerging challenges. State legislatures are where people from very different backgrounds, representing very different communities, can come together and find common ground, and NCSL has helped facilitate this exchange of ideas, provided critical research and information, and encouraged a rigorous review of complex issues confronting our communities, states, and nation; and

Whereas, NCSL strives to strengthen the bonds between America's state legislatures and the international community; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize and commend the National Conference of State Legislatures (NCSL) on its upcoming 50th Anniversary. We also take this time to honor NCSL for their superb leadership and commitment to the legislative institution; and be it further

Resolved, That a copy of this resolution be transmitted to the National Conference of State Legislatures as evidence of our highest esteem.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators McMorrow and Singh were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Brinks' statement is as follows:

Before us today, we have a resolution honoring the 50th anniversary of the National Conference of State Legislatures. All of us in this room, including both members and staff, have benefitted from the tremendous resources NCSL has provided us. NCSL is a bipartisan organization with three objectives—to advance the effectiveness, independence, and integrity of state legislatures; to foster interstate communications; and to ensure states a strong, cohesive voice in the federal system. NCSL recognizes that some of the most important policy work that affects folks' daily lives happens right here in the State Legislature and it facilitates an exchange of ideas, provides critical research, and helps review complex issues to support our shared goal of making Michigan a better place to live.

I urge your support for this resolution honoring the organization represented by two of its leaders who are joining us today in the east Gallery—Katie Ziegler, associate director of public affairs and outreach; and senior policy specialist Patrick Lyons—along with the whole NCSL team, which has helped make us smarter policy makers, more effective communicators, and better stewards of democracy.

Recess

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

The motion prevailed, the time being 10:18 a.m.

11:19 a.m.

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The Senate was called to order by the temporary Presiding Officer, Senator Chang.

Introduction and Referral of Bills

Senators Irwin, Geiss, Polehanki, Johnson, McMorrow, Bayer, Cavanagh, Shink, McBroom and Chang introduced Senate Bill No. 738, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3406e (MCL 500.3406e), as amended by 2016 PA 276.

The bill was read a first and second time by title and referred to the Committee on Finance, Insurance, and Consumer Protection.

Senators Hertel, Geiss, Klinefelt, Chang, Damoose, Shink and Bayer introduced

Senate Bill No. 739, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 1121.

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

House Bill No. 4011, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending section 35 (MCL 408.1035), as amended by 1991 PA 105.

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 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 bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 481

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

By unanimous consent the Senate proceeded to the order of

General Orders

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 temporary Presiding Officer, Senator Chang, designated Senator Damoose as Chairperson.

After some time spent therein, the Committee arose; and the temporary Presiding Officer, Senator Chang, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 5103, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303 and 304 (MCL 257.303 and 257.304), section 303 as amended by 2020 PA 376 and section 304 as amended by 2023 PA 125.

House Bill No. 4608, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16141 and 16145 (MCL 333.16141 and 333.16145), as amended by 1993 PA 80, and by adding section 16346 and part 183A.

Senate Bill No. 481, entitled

A bill to amend 2006 PA 317, entitled "An act to create certain entities in the Michigan strategic fund; to impose certain duties and responsibilities on those entities and on certain state employees and public employees; and to repeal acts and parts of acts," by amending section 2 (MCL 125.1972), as amended by 2010 PA 337.

The bills were placed on the order of Third Reading of Bills.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Klinefelt, McBroom and Nesbitt asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Klinefelt's statement is as follows:

By now many of you may know we had a pretty catastrophic fire in my district last night in Clinton Township. For those of you who didn't witness it, the firefighters and police officers, all the first responders, had to battle shrapnel that was flying at them while they were attempting to fight the fire and control traffic and I just want to commend them for all the work they did. There was one fatality we know of and that individual was hit with shrapnel. My understanding from the news reports is he was a quartermile away from the fire which gives you an idea of what the first responders were dealing with. I just wanted to recognize them, and my hearts go out to the family of that one individual.

Senator McBroom's statement is as follows:

Last week a study came out at MSU telling us what we all already knew—that the board is a dysfunctional mess, and with recommendations to remove and/or reprimand three of the members. We should all be asking questions. How did this happen? Whose fault is it? And what can we do about it?

Well, the how and the who questions are tied together, and the answers aren't simple. We can't really just blame one person or group. We could try to lay the blame on our parties, because the parties are the ones who picked these people at their conventions. But parties do what parties do. This is the nature of the political parties, to try to pick candidates who can win, and the incentive to just choose whoever throws the best tailgate parties at homecoming is strong. The incentive to pick somebody who can fund their own campaign, or has great name ID, or a great story about their time at the university, or just has some great connections from their time in the fraternity, incentivizes the parties to choose those individuals and they aren't necessarily the best options to run our universities, as has been played out again and again. Both parties are trapped in this mess and aren't showing any sign of changing. We can't blame the people of Michigan because it's the parties who are nominating the candidates for them, so they don't have any options—if they are even fortunate enough to know who the individual is, they don't have much options except whatever the two parties toss up there.

This study has cost taxpayers over \$500,000, over half a million dollars spent just to know that the board is dysfunctional, because, we, weren't sure? And we have the same issues at times with our other two universities that go through the same process to appoint their boards—Wayne State's dysfunction a few years ago, where members were suing each other, they couldn't even make a decision on what to do next because they were tied and they were suing each other; and U of M has a long, troubled past of problems, of lack of transparency. Fortunately it seems doing better right now, winning always helps. But we can do a lot better. These three universities should be noted as the outliers in the country for how their governance boards come about. It's not the way it's done anywhere else—their usually-appointed process—as are the other 12 universities in our state, which all have far more stability and robust boards with people who are dedicated, not just dedicated but are proficient managers of the enterprise. U of M and MSU are two of our largest economic drivers in this state. They have a long, storied past, something that we should be incredibly proud of. Something those of us in the agricultural industry depend on. Something those in the law and the engineering industries and the medical professions depend on.

It's time to consider putting these three universities into the same system that our other 12 are, and that the rest of the country is. That's what Senate Joint Resolution E sets out to do and change the way that these boards come about and how they function, and to end this cyclic indignity and disrepute that Michigan is suffering through with these boards that are not working, boards that are disgracing us, and boards that are costing us money for investigations into their own hubris. I encourage you all to consider supporting Senate Joint Resolution E, and let's get that on the ballot before the voters this November.

Senator Nesbitt's statement is as follows:

It's safe to say that a year ago I would not have predicted we would be here at this critical juncture in our state's fiscal landscape. In 2023, because of forward-thinking Republican budgeting had just led to a state income tax cut and state government was sitting on a \$9 billion surplus. But instead of making transformational, long-term investments in our roads, our bridges, as well as our water and wastewater infrastructure, the Democratic majority blew it away. Those tax dollars got pushed toward special carve outs, giveaways to multinational corporations, swimming pools, pickle ball courts, and the list goes on and on. The list goes on so long, Madam Presiding Officer, that Governor Whitmer didn't even have enough money to propose a budget without having to take more from hardworking families here in the state and increasing taxes on small businesses. As those families will start to realize, their income taxes have been increased this year to the tune of \$700 million, thanks to the apparent scheme concocted by Governor Whitmer and the Attorney General.

Governor Whitmer has also found it necessary to raid over \$600 million from the teacher pension fund in order to potentially keep our balance sheet in the black. All told, Governor Whitmer blew a \$1.3 billion hole in our state's budget, and needed to raise taxes on families and keep our state in debt longer just to make the math work. These measures not only lack foresight but also place undue burdens on hardworking citizens and jeopardizes the financial security of state.

Michigan citizens want fiscally responsible, results-driven budgeting when it comes to using their money. Instead, this Democratic majority and this Governor have chosen a path of temporary solutions, tax increases, and driving us deeper in debt, leaving it to the next Legislature and administration to figure out how to solve these problems. With a hope that the courts will uphold their scheme to raise taxes on Michigan workers, all while raiding the teacher pension fund, is no way to make a budget. That's why the Republican vice chair of the Appropriations Committee and I have formally requested that the Governor reevaluate and resubmit her recent executive recommendation and propose a real budget that doesn't rely on taking more from Michigan's hardworking taxpayers.

Announcements of Printing and Enrollment

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, February 29:

House Bill No. 4011

The Secretary announced that the following bills were printed and filed on Thursday, February 29, and are available on the Michigan Legislature website:

House Bill Nos. 5527 5528 5529 5530 5531 5532 5533

The Secretary announced that the following bills were printed and filed on Friday, March 1, and are available on the Michigan Legislature website:

Senate Bill Nos. 735 736 737

Committee Reports

The Committee on Regulatory Affairs reported

Senate Bill No. 544, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," (MCL 339.101 to 339.2677) by adding article 18A. With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

Jeremy Moss Chairperson

To Report Out:

Yeas: Senators Moss, Polehanki, McCann, Wojno, Santana, Hertel, Hauck, Webber and Lauwers Nays: Senator Bellino

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

The Committee on Regulatory Affairs reported

Senate Bill No. 545, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," (MCL 338.2201 to 338.2277) by adding section 43a.

With the recommendation that the bill pass.

Jeremy Moss Chairperson

To Report Out:

Yeas: Senators Moss, Polehanki, McCann, Wojno, Santana, Hertel, Hauck, Webber and Lauwers

Nays: Senator Bellino

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Regulatory Affairs submitted the following:

Meeting held on Thursday, February 29, 2024, at 9:00 a.m., Room 1100, Binsfeld Office Building Present: Senators Moss (C), Polehanki, McCann, Wojno, Santana, Hertel, Hauck, Webber, Lauwers and Bellino

The Committee on Economic and Community Development reported

Senate Bill No. 481, entitled

A bill to amend 2006 PA 317, entitled "An act to create certain entities in the Michigan strategic fund; to impose certain duties and responsibilities on those entities and on certain state employees and public employees; and to repeal acts and parts of acts," by amending section 2 (MCL 125.1972), as amended by 2010 PA 337.

With the recommendation that the bill pass.

Mallory McMorrow Chairperson

To Report Out:

Yeas: Senators McMorrow, Cavanagh, Polehanki, McDonald Rivet, Moss, Geiss, Victory, Lindsey and Webber Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic and Community Development submitted the following:

Meeting held on Thursday, February 29, 2024, at 12:00 noon, Room 1100, Binsfeld Office Building

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

The Committee on Civil Rights, Judiciary, and Public Safety reported

Senate Bill No. 657, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 50 (MCL 750.50), as amended by 2019 PA 135.

With the recommendation that the bill pass.

Stephanie Chang Chairperson

To Report Out:

Yeas: Senators Chang, Shink, Wojno, Runestad and Johnson

Navs: None

The bill was referred to the Committee of the Whole.

The Committee on Civil Rights, Judiciary, and Public Safety reported

Senate Bill No. 658, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 50b (MCL 750.50b), as amended by 2018 PA 452.

With the recommendation that the bill pass.

Stephanie Chang Chairperson To Report Out:

Yeas: Senators Chang, Shink, Wojno, Runestad and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Civil Rights, Judiciary, and Public Safety submitted the following: Meeting held on Thursday, February 29, 2024, at 12:00 noon, Room 1200, Binsfeld Office Building Present: Senators Chang (C), Shink, Wojno, Irwin, Santana, Runestad and Johnson

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on DHHS submitted the following:

Meeting held on Wednesday, February 28, 2024, at 8:30 a.m., Room 403, 4th Floor, Capitol Building Present: Senators Santana (C), McDonald Rivet, Irwin, Cavanagh, Cherry, Bayer, Outman, Huizenga, Hauck and Theis

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on Corrections & Judiciary submitted the following: Meeting held on Thursday, February 29, 2024, at 1:30 p.m., Room 1300, Binsfeld Office Building Present: Senators Shink (C), Santana, Irwin and Outman

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on Transportation submitted the following:

Meeting held on Thursday, February 29, 2024, at 3:00 p.m., Room 1200, Binsfeld Office Building

Present: Senators Klinefelt (C), Hertel, McCann and Damoose

Excused: Senators Camilleri and Bumstead

Scheduled Meetings

Appropriations – Wednesday, March 6, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5307

Subcommittees -

Corrections & Judiciary – Thursday, March 7, 1:45 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

EGLE - Thursday, March 7, 3:00 p.m., Room 403, 4th Floor, Capitol Building (517) 373-2768

General Government – Wednesday, March 6, 3:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

LEO/MEDC - Wednesday, March 6, 3:00 p.m., Room 1200, Binsfeld Office Building (517) 373-2768

Transportation – Thursday, March 7, 3:30 p.m., Room 1200, Binsfeld Office Building (517) 373-2768

Universities and Community Colleges – Wednesday, March 6, 8:45 a.m., Room 1100, Binsfeld Office Building (517) 373-2768

Civil Rights, Judiciary, and Public Safety – Thursday, March 7, 12:00 noon, Room 1200, Binsfeld Office Building (517) 373-5312

Elections and Ethics – Wednesday, March 6, 3:00 p.m., Room 1100, Binsfeld Office Building (517) 373-1721 (CANCELLED)

Finance, Insurance, and Consumer Protection – Wednesday, March 6, 12:30 p.m., Room 1200, Binsfeld Office Building (517) 373-5314

Oversight - Wednesday, March 6, 9:00 a.m., Room 1200, Binsfeld Office Building (517) 373-5314

Regulatory Affairs – Thursday, March 7, 9:00 a.m., Room 1100, Binsfeld Office Building (517) 373-1721

Senator Singh moved that the Senate adjourn. The motion prevailed, the time being 11:39 a.m.

The temporary Presiding Officer, Senator Chang, declared the Senate adjourned until Wednesday, March 6, 2024, at 10:00 a.m.

DANIEL OBERLIN Secretary of the Senate