

No. 78
STATE OF MICHIGAN
Journal of the Senate
101st Legislature
REGULAR SESSION OF 2022

Senate Chamber, Lansing, Thursday, November 10, 2022.

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.

Alexander—present
Ananich—present
Barrett—present
Bayer—present
Bizon—present
Brinks—present
Bullock—present
Bumstead—present
Chang—present
Daley—present
Geiss—present
Hertel—present
Hollier—present

Horn—present
Huizenga—present
Irwin—present
Johnson—present
LaSata—excused
Lauwers—present
MacDonald—excused
McBroom—present
McCann—present
McMorrow—present
Moss—present
Nesbitt—present
Outman—present

Polehanki—present
Runestad—present
Santana—present
Schmidt—present
Shirkey—present
Stamas—present
Theis—present
VanderWall—present
Victory—present
Wojno—present
Wozniak—present
Zorn—present

Senator John Bizon, M.D. of the 19th District offered the following invocation:

Dear heavenly Father, we come before You acknowledging our great need. We know that apart from You, we can do nothing. We recognize that we have important work before us today as well as over the next several weeks. With that understanding, we ask You to empower us to work together in a spirit of humility and cooperation. Help us to acknowledge the dignity of our fellow legislators on both sides of the aisle as we work toward common solutions. Keep ever before us the many blessings You have bestowed upon us and upon this great state. We ask You now for wisdom, patience, and strength for the work at hand.

Thank You, Lord, for hearing our prayers. In Jesus' name we pray. Amen.

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

Senator Bullock entered the Senate Chamber.

Motions and Communications

Senator Lauwers moved that Senators LaSata and MacDonald be excused from today's session. The motion prevailed.

Senator Chang moved that Senators Geiss and Ananich be temporarily excused from today's session. The motion prevailed.

The following communication was received and read:
Office of the Auditor General

November 4, 2022

Enclosed is a copy of the following report:

- Follow-up report of the Flint Emergency Expenditures, State of Michigan (000-2021-21F).

Sincerely,
Doug Ringler
Auditor General

The audit report was referred to the Committee on Oversight.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Lauwers moved that the Senate proceed to consideration of the following concurrent resolution:

Senate Concurrent Resolution No. 34

The motion prevailed.

Senator Ananich entered the Senate Chamber.

Senator Shirkey offered the following concurrent resolution:

Senate Concurrent Resolution No. 34.

A concurrent resolution of tribute offered as a memorial for Joanne Emmons, former member of the House of Representatives and the Senate.

Whereas, It was with great sorrow that the members of the Michigan Legislature learned about the passing of Joanne Emmons. She will be remembered as an exceptional public servant who tirelessly advocated for her constituents in Mecosta County and the surrounding area; and

Whereas, Joanne Emmons was born in 1934 on the family farm. After graduating as valedictorian from Mecosta High School in 1952, she went on to obtain a bachelor's degree in home economics from Michigan State University in 1956. She married John Emmons that summer and began her lengthy career as a public servant shortly thereafter. After she taught home economics at her high school alma mater for three years, she later became Deputy Treasurer for Big Rapids Township. Joanne Emmons successfully ran for treasurer of Big Rapids Township, where she served for ten years. She volunteered with many organizations including Mecosta Farm Bureau, Area Agency on Aging Advisory Board, St. Peter's School Board and

Council, Mecosta County Right to Life, Michigan Maple Syrup Association, Mecosta County Area Chamber of Commerce, Mt. Pleasant Area Chamber of Commerce, Christian Women's Club, and the Omicron Nu Honor Society. During that time, she also held leadership positions in several organizations, including Chair of the Mecosta County Republican Party, member of the board of directors of the Michigan Townships Association, member of the Michigan Municipal Treasurer's Association, Chair of the Big Rapids Township Sesquicentennial, and Secretary of the Central Michigan Mental Health Board. In 1987, she began her first of five terms with the Michigan Legislature; and

Whereas, Joanne Emmons completed two terms in the House of Representatives, followed by three terms in the Senate. During her time in the House, she served as minority vice chair of the House Committee on Colleges and Universities, as well as a member of the House committees on Elections; Senior Citizens and Retirement; Taxation; and Civil Rights. During her time in the Senate, she held leadership positions on many committees, including the Senate committees on Mental Health, Human Resources, and Senior Citizens; Technology and Energy; Finance; Labor; Government Operations; Education; and Financial Services, in addition to serving on the Legislative Retirement Board of Trustees; Legislative Council; Joint Committee on Administrative Rules; and the committees on Reapportionment and Banking and Financial Institutions. Notably, Senator Emmons broke several glass ceilings when she became the first woman to chair the Senate Finance Committee and became the first woman to serve as Senate Majority Floor Leader. Senator Emmons also served as Senate Majority Whip; and

Whereas, After retiring from the Senate, Joanne Emmons continued to serve her community in a variety of capacities. She took a prominent role as the chair of the board of directors at the Russell Kirk Center, where she focused on sharing and expanding conservative thought. She also continued her work with Michigan Right to Life, advocating for the rights of the unborn. Joanne Emmons was also able to spend time doing activities she loved: traveling, enjoying her family, and gardening; and

Whereas, Joanne Emmons, described by her former colleagues as a remarkable stateswoman, leaves behind a legacy as a highly respected and effective legislator. Throughout her career, she sponsored bills on a wide variety of topics, and was particularly influential in changing Michigan's tax law. Though she stayed true to her conservative values, Joanne Emmons was also known for being adept at working with legislators across the political spectrum. Her unwavering dedication to her constituents, fierce work ethic, senses of humor and fairness, and ability to mentor others remain an example of what it takes to be a successful public servant; and

Whereas, Upon her passing, we offer condolences to her family and friends. We hope they take comfort in the knowledge that her contributions will long continue to enrich the people of this state; now, therefore, be it Resolved by the Senate (the House of Representatives concurring), That we offer this expression of our highest tribute to honor the memory of Joanne Emmons, a member of the House of Representatives from 1987 to 1990 and the Senate from 1991 to 2002; and be it further

Resolved, That copies of this resolution be transmitted to the Emmons family as evidence of our lasting esteem for her memory.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Lauwers moved that the rule be suspended.

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

The concurrent resolution was adopted by a unanimous standing vote of the Senate.

Senator Lauwers moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the concurrent resolution.

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

A moment of silence was observed in memory of Joanne G. Emmons, former member of the House of Representatives and the Senate.

Recess

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

The motion prevailed, the time being 10:11 a.m.

10:25 a.m.

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

During the recess, Senator Geiss entered the Senate Chamber.

By unanimous consent the Senate returned to the order of
General Orders

Senator Lauwers 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 Santana 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 bills:

Senate Bill No. 1163, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 537a (MCL 436.1537a), as amended by 2021 PA 64.

Senate Bill No. 1025, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 10401.

Senate Bill No. 1124, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16281, 16905, 18101, 18105, 18106, 18111, 18114, and 18117 (MCL 333.16281, 333.16905, 333.18101, 333.18105, 333.18106, 333.18111, 333.18114, and 333.18117), section 16281 as added and section 18117 as amended by 1998 PA 496, section 16905 as amended by 2006 PA 388, sections 18101 and 18111 as amended and sections 18106 and 18114 as added by 2019 PA 96, and section 18105 as amended by 2006 PA 429.

The bills were 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. 1018, entitled

A bill to amend 1855 PA 80, entitled "An act to authorize the formation of local agricultural and horticultural societies; and to impose certain duties on the department of commerce," by amending section 6 (MCL 453.236).

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. 1019, entitled

A bill to amend 1855 PA 80, entitled "An act to authorize the formation of local agricultural and horticultural societies; and to impose certain duties on the department of commerce," by amending section 3 (MCL 453.233).

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. 1113, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 1201 and 1203a (MCL 339.1201 and 339.1203a), section 1201 as amended by 2020 PA 20 and section 1203a as amended by 2018 PA 387.

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.

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Stamas' statement is as follows:

I rise this morning to say farewell to Brian J. Shoaf, with relief, sadness, and excitement. Brian will be moving on to his next adventure after serving the State Legislature for 23 years and me for 15. Brian has served with Attorney General Schuette, Congressman Moolenaar, and myself. He has been a true leader, very much like a mahout who has the ankus and continues to steer the elephant in the right direction. He's done an amazing job. Brian has served with tenacity and has made himself an invaluable asset not only to me but all those he has helped and worked with throughout the years. Brian's ability to build relationships, connect and encourage staff to engage with key partners, and break down complex issues to simpler, more understandable terms has made him very successful over the years. He truly cares about people personally, especially those he has worked with over the years. In an industry filled with many critics and cynics, Brian's positive energy and passion for the work he sets forth on sets him apart from most of the crowd.

Brian served especially lately within the Senate with his work sisters—I can't forget the work sisters he has worked with—but he has truly been a great mentor to so many. Brian has led and taken on leading major statewide policy, and yet never forgot the constituent in the districts of each of us as he moved forward with legislation. He has always been easy to find in the halls of the Capitol—just look for the guy with the sunglasses on top of the head; or the Michigan State logo on some portion of his clothing, typically throughout the year as well, especially on MSU game days.

He has truly been one who has been a little selfish in the October range. It becomes a challenge for him. He has, on his own, chosen to make it Shoaftober and typically refuses to allow others to acknowledge their birthdays during that month. He continues to expand Shoaftober, but he's gotten more push back on that part at least.

He has also been so kind as to the many hours and days we have traveled together to know my great passion for heights—not! At a key moment coming back from the U.P., driving across the Mackinac Bridge stuck in traffic on the grates, he chose to not only open the side door of the van as we were coming over stopped on the bridge, but chose to stick his head out and make sure he continuously challenged my patience on that. Shoaf has been an amazing gentleman for all of us—a statesman. He's been an amazing father and husband to Heather, Seb, and Thad; and a true friend. The state of Michigan is a better place for his service and I'm so excited for his next adventure with the Detroit Chamber. I know he will lead us well in continuing to make a difference wherever he goes.

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator Lauwers moved that the rules be suspended and that the following bill, now on Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 1163

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 Lauwers moved that the Senate proceed to consideration of the following bills:

Senate Bill No. 1165

Senate Bill No. 1183

Senate Bill No. 1163

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1165, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803i (MCL 257.803i), as amended by 2022 PA 143.

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. 472**Yeas—36**

Alexander	Daley	McBroom	Schmidt
Ananich	Geiss	McCann	Shirkey
Barrett	Hertel	McMorrow	Stamas
Bayer	Hollier	Moss	Theis
Bizon	Horn	Nesbitt	VanderWall
Brinks	Huizenga	Outman	Victory
Bullock	Irwin	Polehanki	Wojno
Bumstead	Johnson	Runestad	Wozniak
Chang	Lauwers	Santana	Zorn

Nays—0**Excused—2**

LaSata	MacDonald
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1183, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803e (MCL 257.803e), as amended by 2022 PA 143.

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. 473**Yeas—36**

Alexander	Daley	McBroom	Schmidt
Ananich	Geiss	McCann	Shirkey
Barrett	Hertel	McMorrow	Stamas
Bayer	Hollier	Moss	Theis
Bizon	Horn	Nesbitt	VanderWall
Brinks	Huizenga	Outman	Victory
Bullock	Irwin	Polehanki	Wojno
Bumstead	Johnson	Runestad	Wozniak
Chang	Lauwers	Santana	Zorn

Nays—0

Whereas, Article XI, Section 5 of the *Constitution of the State of Michigan of 1963* provides, in relevant part:

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year.

; and

Whereas, New compensation plans for various exclusively represented positions in certain classifications have been settled upon as a result of the negotiations recently completed between the AFSCME Council 25, Michigan State Employees Association, the UAW International and its Local 6000, the Service Employees International Union Local 517 Scientific and Engineering Unit, and the Service Employees International Union Local 517M Technical Unit. This settlement was reached past the time when the Governor could transmit the increase as part of the budget; and

Whereas, The State Personnel Director, with the consent of the chair of the Civil Service Commission, granted approval of the newly negotiated pay schedules on June 25, 2022; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That, pursuant to Article XI, Section 5 of the *Constitution of the State of Michigan of 1963*, we waive the prior notice requirement to permit increases in rates of compensation for certain employees of the Department of Transportation as set in the agreement reached between the AFSCME Council 25, Michigan State Employees Association, the UAW International and its Local 6000, the Service Employees International Union Local 517 Scientific and Engineering Unit, and the Service Employees International Union Local 517M Technical Unit; and be it further

Resolved, That copies of this resolution be transmitted to the members of the Civil Service Commission.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Lauwers moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Lauwers moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senator Lauwers offered the following concurrent resolution:

Senate Concurrent Resolution No. 35.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, November 10, 2022, it stands adjourned until Tuesday, November 29, 2022, at 10:00 a.m.; and be it further

Resolved, That when the House of Representatives adjourns on Thursday, November 10, 2022, it stands adjourned until Tuesday, November 29, 2022, at 1:30 p.m.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Lauwers moved that the rule be suspended.

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

The concurrent resolution was adopted.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Barrett introduced

Senate Bill No. 1208, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 5a (MCL 28.725a), as amended by 2020 PA 295.

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

Senators Daley and Irwin introduced

Senate Bill No. 1209, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 108b.

The bill was read a first and second time by title.

Senator Lauwers 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.

Senators Irwin and Daley introduced

Senate Bill No. 1210, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 108a.

The bill was read a first and second time by title.

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

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

Senator Horn introduced

Senate Bill No. 1211, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2023; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

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

Senator Hollier introduced

Senate Bill No. 1212, entitled

A bill to amend 1987 PA 231, entitled “An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds,” by amending section 9 (MCL 247.909), as amended by 2018 PA 473.

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

Senator Hollier introduced

Senate Bill No. 1213, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 543b (MCL 750.543b), as added by 2002 PA 113.

The bill was read a first and second time by title and referred to the Committee on Judiciary and Public Safety.

Senator Hollier introduced

Senate Bill No. 1214, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 10g (MCL 400.10g), as added by 2015 PA 162.

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

Senator Hollier introduced

Senate Bill No. 1215, entitled

A bill to amend 2000 PA 489, entitled “Michigan trust fund act,” (MCL 12.251 to 12.262) by adding section 8a.

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

Senator Chang introduced

Senate Bill No. 1216, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2023; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

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

Senator Chang introduced

Senate Bill No. 1217, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7524 (MCL 333.7524), as amended by 2016 PA 418.

The bill was read a first and second time by title and referred to the Committee on Judiciary and Public Safety.

Senator Chang introduced

Senate Bill No. 1218, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 20205 and 20205a.

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

Senator Chang introduced

Senate Bill No. 1219, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1507 (MCL 380.1507), as amended by 2004 PA 165.

The bill was read a first and second time by title and referred to the Committee on Education and Career Readiness.

Senator Schmidt introduced

Senate Bill No. 1220, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 553a (MCL 380.553a), as amended by 2018 PA 619.

The bill was read a first and second time by title and referred to the Committee on Education and Career Readiness.

Senator Schmidt introduced

Senate Bill No. 1221, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 4 (MCL 125.2684), as amended by 2014 PA 27.

The bill was read a first and second time by title and referred to the Committee on Economic and Small Business Development.

Senator Schmidt introduced

Senate Bill No. 1222, entitled

A bill to amend 2008 PA 554, entitled "Regional convention facility authority act," by amending sections 5, 17, and 23 (MCL 141.1355, 141.1367, and 141.1373), section 5 as amended by 2009 PA 63.

The bill was read a first and second time by title and referred to the Committee on Economic and Small Business Development.

Senator Schmidt introduced

Senate Bill No. 1223, entitled

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending sections 3, 9, 10, 11, 12, and 20 (MCL 207.623, 207.629, 207.630, 207.631, 207.632, and 207.640), sections 3, 9, and

12 as amended by 2009 PA 61, section 10 as amended by 2020 PA 205, section 11 as amended by 2002 PA 237, and section 20 as amended by 2008 PA 553.

The bill was read a first and second time by title and referred to the Committee on Economic and Small Business Development.

Senator Schmidt introduced
Senate Bill No. 1224, entitled

A bill to amend 1961 PA 120, entitled “An act to authorize the development or redevelopment of principal shopping districts and business improvement districts; to permit the creation of certain boards; to provide for the operation of principal shopping districts and business improvement districts; to provide for the creation, operation, and dissolution of business improvement zones; and to authorize the collection of revenue and the bonding of certain local governmental units for the development or redevelopment projects,” by amending sections 10, 10b, 10c, 10e, 10f, 10g, 10h, 10j, 10k, and 10l (MCL 125.990, 125.990b, 125.990c, 125.990e, 125.990f, 125.990g, 125.990h, 125.990j, 125.990k, and 125.990l), as amended by 2020 PA 91.

The bill was read a first and second time by title and referred to the Committee on Economic and Small Business Development.

Announcements of Printing and Enrollment

The Secretary announced that the following bills and joint resolutions were printed and filed on Wednesday, November 9, and are available on the Michigan Legislature website:

House Bill Nos.	6469	6470	6471	6472	6473	6474	6475	6476	6477	6478	6479	6480	6481
	6482	6483	6484	6485	6486	6487	6488	6489	6490	6491	6492	6493	6494
	6495	6496	6497	6498									
House Joint Resolutions	W	X											

Senator Lauwers moved that the Senate adjourn.
The motion prevailed, the time being 10:54 a.m.

Pursuant to Senate Concurrent Resolution No. 35, the President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Tuesday, November 29, 2022, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

