

No. 15
STATE OF MICHIGAN
Journal of the Senate
101st Legislature
REGULAR SESSION OF 2022

Senate Chamber, Lansing, Wednesday, February 16, 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—present
Lauwers—present
MacDonald—present
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 Mark E. Huizenga of the 28th District offered the following invocation:

Heavenly Father, we come to You with grateful hearts knowing that You are our Creator, the giver of life and the provider of all things. Lord, as we open this session day in the Michigan Senate, we are grateful to You for all that You have done for us.

We pray that You would continue to bless this Legislature as we serve You and serve the residents of the state of Michigan. We pray by the words from the epistle of James, chapter 1, verse 5 which says, “If any of you lack wisdom, let him ask of God, that giveth to all men liberally and upbraideth not; and it shall be given him.” We ask for this wisdom as we face the challenges of the policy and budget processes. Lord, please keep us humble—our position in this chamber has each of us representing thousands of individuals across this great state. Our decisions have consequences and we pray that You guide us, that our decisions would be to the betterment of our state.

It is our prayer that You would give each and every one of us humility for the gifts and blessings for which we have received without merit—for our health, for our comforts in life, and the blessings You have bestowed upon us. Lord, we know that not everyone is equally blessed and healthy. We ask for a special blessing upon those who are less fortunate, for those whom the world has burdened with challenge after challenge. Be with them and give them hope and peace in the face of their trials.

It is in Your most blessed name that I pray. 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 Senators Shirkey, Nesbitt and Runestad be temporarily excused from today’s session.

The motion prevailed.

Senator Chang moved that Senator Ananich be temporarily excused from today’s session.

The motion prevailed.

Senator Geiss entered the Senate Chamber.

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

The motion prevailed.

Senator Schmidt’s statement is as follows:

I’m here this morning—have some very special guests, myself and Senator Irwin, a difficult time in our state and nation’s history. We have some of the survivors and persons who attended the Holy Childhood Indian boarding school up in Harbor Springs and we’re working on—we’re introducing a bill today, myself and Senator Irwin on that. It’s a very dark and tragic part of our history and we want to acknowledge it and move forward; acknowledge the survivors, and we have them in the northeast Gallery. So Senator Irwin and I would like to recognize the survivors of the Holy Childhood boarding school from the Lac Vieux Desert Tribe, the Burt Lake Band, the Sault Ste. Marie Tribe of Chippewa Indians, the Little Traverse Bay Bands of Odawa, Grand Traverse Band of Ottawa and Chippewa Indians, and the Saginaw Chippewa Indian Tribe. They’re up here in the northeast Gallery—the survivors—and shared their stories with us, myself and Senator Irwin, and we would like to welcome them to the Michigan Senate please.

They did do a little package of tobacco, which is a traditional gift and healing part of Native American culture and they were kind enough to bring that down as our guests today and put one on each of the desks. So I just wanted to acknowledge that too.

Senator Ananich entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Schmidt, Irwin, Geiss, Bullock, Brinks, Chang, Hollier, Wojno, Bumstead, VanderWall and Bayer introduced

Senate Bill No. 876, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1278 (MCL 380.1278), as amended by 2016 PA 170.

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

Senators Bumstead, Hollier, Zorn, Wojno, McBroom, Huizenga, Outman, Victory and Schmidt introduced **Senate Bill No. 877, entitled**

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” by amending section 405 (MCL 418.405), as amended by 2021 PA 129.

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

Senators Hertel, Wojno, Hollier, Alexander, Geiss, Chang, Polehanki, McCann, Brinks, Bullock and Bayer introduced

Senate Bill No. 878, entitled

A bill to amend 1992 PA 234, entitled “The judges retirement act of 1992,” by amending section 714 (MCL 38.2664), as amended by 2002 PA 95.

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

By unanimous consent the Senate returned to the order of

Resolutions

Senators Wojno, Outman, Brinks and VanderWall offered the following resolution:

Senate Resolution No. 109.

A resolution to recognize February 2022 as Self-Care Month.

Whereas, Self-care is the lifelong daily habit of healthy choices for overall wellness, including good hygiene practices, healthy diet, regular exercise, and personal healthcare for the prevention, diagnosis, treatment, and management of infections, injuries, and illness, as well as knowing when to seek assistance from healthcare professionals; and

Whereas, The cornerstone of helping to reduce the overall cost of healthcare in Michigan and the country is self-care; and

Whereas, Self-care includes making responsible use of over-the-counter or prescription medications, dietary supplements, and medical devices; and

Whereas, The United States Food and Drug Administration (FDA) deems over-the-counter medicine safe and effective for the self-care treatment of minor acute and chronic health conditions and symptoms such as pain, the common cold, and allergies which impact large segments of the population; and

Whereas, According to an Information Resources, Inc. (IRI) study, every dollar spent on over-the-counter medicines saves more than \$7 for the healthcare system, resulting in more than \$146 billion in annual savings; and

Whereas, Over-the-counter medical devices like bandages, menstrual products, face masks, and at-home test kits, used for the purposes of prevention, testing, and treatment are well accepted, cost saving elements of the healthcare system; and

Whereas, Consumption of vitamin and mineral supplements can also fill critical nutrient gaps, particularly for lower income families that may experience food insecurities; and

Whereas, Michigan benefits when its citizens practice appropriate self-care, do not make unnecessary visits to healthcare professionals, which reduce the burden on the healthcare system, and are empowered by higher self-esteem, improved health, and overall wellness; and

Whereas, Availability of self-care can help improve personal and public health, save personal and public treasury, and strengthen the sustainability of the broader healthcare system; and

Whereas, Sales tax exemptions for over-the-counter medicines, dietary supplements, and consumer medical devices benefit residents; and

Whereas, When affordability of consumer healthcare products increase, more people will seek treatment for their ailments before they become more serious; now, therefore, be it

Resolved by the Senate, That members of this legislative body recognize February 2022 as Self-Care Month; and be it further

Resolved, That we encourage consumers, healthcare practitioners, policymakers, and regulators to communicate the benefits of self-care.

Pending the order that, under rule 3.204, the 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 resolution was adopted.
Senators Bullock and Chang were named co-sponsors of the resolution.

Recess

Senator Lauwers moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:09 a.m.

11:03 a.m.

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

During the recess, Senators Shirkey, Nesbitt and Runestad 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 Moss 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:

House Bill No. 4976, entitled

A bill to amend 2004 PA 175, entitled "Streamlined sales and use tax revenue equalization act," by amending section 5 (MCL 205.175), as amended by 2015 PA 177.

House Bill No. 4977, entitled

A bill to amend 1960 PA 124, entitled "An act to create the Michigan highway reciprocity board; to prescribe its powers and duties; and to repeal certain acts and parts of acts," by amending the title and sections 1 and 3 (MCL 3.161 and 3.163).

House Bill No. 4978, entitled

A bill to amend 1980 PA 119, entitled "Motor carrier fuel tax act," by amending section 3 (MCL 207.213).
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. 632, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 7b (MCL 29.7b).
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:

House Bill No. 4351, entitled

A bill to amend 1984 PA 218, entitled "Third party administrator act," by amending sections 2, 36, and 52 (MCL 550.902, 550.936, and 550.952) and by adding sections 26 and 27.

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:

House Bill No. 4352, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17757 (MCL 333.17757), as amended by 2021 PA 36, and by adding section 17757b.

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 returned to the order of

Motions and Communications

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

House Bill No. 4351

House Bill No. 4352

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 bill:

House Bill No. 4351

The motion prevailed.

The following bill was read a third time:

House Bill No. 4351, entitled

A bill to amend 1984 PA 218, entitled “Third party administrator act,” by amending sections 2, 36, and 52 (MCL 550.902, 550.936, and 550.952) and by adding sections 26 and 27.

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. 30

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

Senator Lauwers 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 to provide for the regulation of third party administrators; to provide for the licensure of administrative service managers; to provide for certain powers and duties for certain state agencies and officers; to provide for the confidentiality of certain personal data; and to prescribe penalties for a violation of this act,”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4352, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17757 (MCL 333.17757), as amended by 2021 PA 36, and by adding section 17757b.

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. 31

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

Senator Lauwers 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 to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services; to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for

penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Schmidt, Bullock and Hertel asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Schmidt’s statement is as follows:

It’s kind of weird that I’m talking twice in one day but I just wanted to take a moment to recognize one of our colleagues. Tomorrow he gets a little bit older but also a little bit better—tomorrow is my good friend Senator Stamas’ birthday. We won’t be here but we’ll keep a good thought for him tomorrow.

Senator Bullock’s statement is as follows:

Just something that’s dear to me. Every three minutes, someone is diagnosed with a blood cancer. The cure for blood cancer is in the hands of our ordinary people. Senator Hertel’s office along with the Michigan Legislative Black Caucus has partnered with Be the Match; an education, research, and advocacy organization managing the world’s largest marrow registry which helps connect people living with life-threatening blood diseases and cancers and match them with life-saving donors. As we continue to celebrate Black History Month—Black history 365—help us contribute and continue to build a diverse registry. Our commitment to wellness ensures every patient can receive the life-saving transplant they need. Together we can be change-makers and save lives shaping tomorrow.

Stop by the Speaker’s Library between 11 and 3 today to talk with a Be the Match representative, learn more, and potentially join the donor registry.

Senator Hertel’s statement is as follows:

It is with a heavy heart and a deep appreciation that I rise to honor the life of Jay Price who passed in my district last week. He was a trailblazer within the world of journalism and a dedicated leader within our greater Lansing community. We join in extending our sincerest condolences to his family, his friends, and colleagues. Jay will be sincerely missed and long remembered.

He was born in Panola County, Mississippi. He then relocated his family to Chicago in the late ‘50s. Chicago’s vibrant and lively music scene drew Jay to the world of broadcasting. Jay’s passion for radio journalism inspired him to pursue a bachelor’s degree from Columbia College in broadcast journalism. Jay engaged with a variety of different radio markets from Milwaukee, Wisconsin to Gary, Indiana, before finally settling here in Lansing. It was here that Jay and his colleagues established the first contemporary urban daytime radio station in the capital city.

Jay is fondly remembered for his innovative transformation of the radio market here in mid-Michigan. In the mid ‘80s Jay shifted his career focus and turned to apply his radio skills to print media. At this time, not only were Black voices underrepresented within our media here but rhetoric and policy surrounding the war on drugs perpetuated the sordid and racist stereotypes. In 1986 Jay, along with his wife Caroline, started the *Chronicle* newspaper to reclaim and reframe the narrative by offering stories about Black Americans from the perspective of Black journalists. In its 35 years of operation through the leadership of Jay, the *Chronicle* has functioned as a forum to empower Black individuals by elevating the accomplishments and contributions of Black Americans.

As an entrepreneurial leader, Jay Price graced Lansing with his expertise in communications. He has a tremendous work ethic and he managed to devote an enormous amount of time to serving his community while also remaining dedicated to his family. Throughout his career, Jay struck down monumental barriers within the field of broadcasting and has paved the way for countless generations of Black journalists. We will forever honor the legacy Jay leaves behind, with nearly 50 years as a revolutionary and groundbreaking journalist.

We are happy that he is now with his wife who passed before him, but Lansing is a little less of a fun place without Jay. Jay was a personal friend and we spent a lot of fun times together, but it’s also a less honest place in many ways because he brought out a lot of truths and he will be missed for that. So I ask the Senate offer our sincerest condolences to all who were affected by the loss of this remarkable man and I ask for a moment of silence.

A moment of silence was observed in memory of Jay Price, journalist and founder of the *Chronicle* newspaper.

Announcements of Printing and Enrollment

The Secretary announced that the following bills were printed and filed on Tuesday, February 15, and are available on the Michigan Legislature website:

Senate Bill Nos. 874 875

House Bill Nos. 5735 5736 5737 5738 5739 5740 5741 5742 5743 5744 5745 5746 5747
5748 5749 5750 5751 5752 5753 5754 5755 5756 5757

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on Community Health/Human Services submitted the following:
Meeting held on Tuesday, February 15, 2022, at 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Outman (C), Bizon, Daley, LaSata, MacDonald, Schmidt, Huizenga, Santana, Irwin, Brinks and Hollier

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on Transportation submitted the following:
Meeting held on Tuesday, February 15, 2022, at 12:00 noon, Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Schmidt (C), Victory, MacDonald and Zorn

Excused: Senators Hollier and Bayer

COMMITTEE ATTENDANCE REPORT

The Committee on Oversight submitted the following:
Meeting held on Tuesday, February 15, 2022, at 2:00 p.m., Room 1300, Binsfeld Office Building
Present: Senators McBroom (C), Theis, Bizon, Wozniak, Irwin and Chang

Scheduled Meetings

Appropriations –

Subcommittees –

Agriculture and Rural Development – Thursday, February 24, 3:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

Corrections and Judiciary – Wednesday, February 23, 11:30 a.m., or immediately following session, Room 1300, Binsfeld Office Building (517) 373-2768

K-12 and Michigan Department of Education – Thursday, February 24, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Military and Veterans Affairs/State Police – Thursday, February 24, 1:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

Universities and Community Colleges – Thursdays, February 17 (CANCELLED) and February 24, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Oversight – Tuesday, February 22, 2:00 p.m., Room 1300, Binsfeld Office Building (517) 373-5312

Senator Lauwers moved that the Senate adjourn.
The motion prevailed, the time being 11:22 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Thursday, February 17, 2022, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

