

No. 59
STATE OF MICHIGAN
Journal of the Senate
102nd Legislature
REGULAR SESSION OF 2023

Senate Chamber, Lansing, Tuesday, June 20, 2023.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Jeremy Moss.

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—excused
Shink—present
Singh—present
Theis—present
Victory—present
Webber—present
Wojno—present

Senator John Cherry of the 27th District offered the following invocation:

Lord, thank You for the opportunities and responsibilities that have been bestowed upon us to serve the people of the state of Michigan. As we strive together in service to our constituents and communities, please grant us strength of mind and open hearts. May we walk forward with patience, understanding, and peace guiding our thoughts and actions to make the best choices for those we serve. Grant us wisdom and grace in all our work. Amen.

The President pro tempore, Senator Moss, led the members of the Senate in recital of the *Pledge of Allegiance*.

Senator Brinks entered the Senate Chamber.

Motions and Communications

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

Senator Anthony entered the Senate Chamber.

The following communications were received:

Department of State

Administrative Rules Notices of Filing

May 22, 2023

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2022-033-SP (Secretary of State Filing #23-05-10) on this date at 12:58 p.m. for the Department of State Police entitled, "Drunk Driving Equipment and Training Fund."

These rules become effective immediately after filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

May 22, 2023

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2022-034-SP (Secretary of State Filing #23-05-11) on this date at 1:47 p.m. for the Department of State Police entitled, "Tests for Breath Alcohol."

These rules become effective immediately after filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

May 26, 2023

In accordance with the provisions of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2022-039-EQ (Secretary of State Filing #23-05-12) on this date at 11:36 a.m. for the Department of Environment, Great Lakes, and Energy entitled, "Groundwater Quality Control."

These rules become effective immediately after filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

June 8, 2023

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2022-014-LR (Secretary of State Filing #23-06-01) on this date at 11:18 a.m. for the Department of Licensing and Regulatory Affairs entitled, "Psychology – General Rules."

These rules become effective immediately after filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

June 8, 2023

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2022-052-NR (Secretary of State Filing #23-06-02) on this date at 11:54 a.m. for the Department of Natural Resources entitled, "Mackinac Island State Park Commission – General Rules."

These rules become effective immediately after filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

June 8, 2023

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2022-045-LR (Secretary of State Filing #23-06-03) on this date at 1:06 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Adult Foster Care Family Homes."

These rules become effective immediately after filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

June 8, 2023

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2022-046-LR (Secretary of State Filing #23-06-04) on this date at 2:03 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Adult Foster Care Congregate Facilities."

These rules become effective immediately after filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

June 9, 2023

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2022-047-LR (Secretary of State Filing #23-06-05) on this date at 9:54 a.m. for the Department of Licensing and Regulatory Affairs entitled, "Adult Foster Care Small Group Homes."

These rules become effective immediately after filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

June 9, 2023

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2022-048-LR (Secretary of State Filing #23-06-06) on this date at 10:46 a.m. for the Department of Licensing and Regulatory Affairs entitled, "Adult Foster Care Large Group Homes."

These rules become effective immediately after filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

June 9, 2023

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2023-024-LE (Secretary of State Filing #23-06-07) on this date at 12:26 p.m. for the Department of Labor and Economic Opportunity entitled, "Ionizing Radiation Rules Governing the Use of Radiation Machines."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

June 9, 2023

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2020-003-HS (Secretary of State Filing #23-06-08) on this date at 12:02 p.m. for the Department of Health and Human Services entitled, "Foster Family Homes and Foster Family Group Homes."

These rules take effect 7 days after filing with the Secretary of State.

Sincerely,
 Jocelyn Benson
 Secretary of State
 Lashana Threlkeld, Departmental Supervisor
 Office of the Great Seal

The communications were referred to the Secretary for record.

The following communication was received:
 State Officers Compensation Commission

June 15, 2023

As chair of the State Officers Compensation Commission, I hereby submit its 2023 determinations. Copies of the report are also being provided to the governor, lieutenant governor, justices, legislative leaders, attorney general, and Secretary of State, in accordance with Public Act 357 of 1968.

The commission has asked that this transmittal emphasize its strong support for reform to the current constitutional system to set elected officers' pay. The current system, combined with political realities, has resulted in two decades without pay increases for most offices despite recommendations for increases by the commission. This is unsustainable and does not reflect pay commensurate with the important work done by these officers. The attached determination is for justices' salary to be increased by 7% in both 2025 and 2026 with a \$10,000 expense allowance. Despite justices having received the first pay increase in two decades earlier this year, they still earn less than judges on the Michigan Court of Appeals. Without action approving the recommended salary increases, this gap will continue to grow.

The commission strongly urges the legislature adopt the recommendation. The commission also asks the legislature to consider potential constitutional reforms to the pay-setting process for elected officials that might end the political logjams the current process creates.

Sincerely,
 Robert Emerson

The communication was referred to the Secretary for record.

Messages from the Governor

The following message from the Governor was received:

Date: June 15, 2023

Time: 2:26 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 90 (Public Act No. 45), being

An act to amend 1976 PA 453, entitled "An act to define civil rights; to prohibit discriminatory practices, policies, and customs in the exercise of those rights based upon religion, race, color, national origin, age, sex, height, weight, familial status, or marital status; to preserve the confidentiality of records regarding

arrest, detention, or other disposition in which a conviction does not result; to prescribe the powers and duties of the civil rights commission and the department of civil rights; to provide remedies and penalties; to provide for fees; and to repeal certain acts and parts of acts," by amending section 103 (MCL 37.2103), as amended by 2023 PA 6.

(Filed with the Secretary of State on June 15, 2023, at 3:20 p.m.)

Respectfully,
Gretchen Whitmer
Governor

The following messages from the Governor were received and read:

June 15, 2023

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 327 of 1945, MCL 259.26:

Michigan Aeronautics Commission

Ms. Kelly K. Burris of 1530 Wellesley Drive, Detroit, Michigan 48203, county of Wayne, reappointed for a term commencing June 15, 2023 and expiring May 27, 2027.

Dr. Brian R. Smith of 7621 La Salle Boulevard, Detroit, Michigan 48206, county of Wayne, reappointed for a term commencing June 15, 2023 and expiring May 27, 2027.

June 15, 2023

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 180 of 1981, MCL 400.583:

Commission on Services to the Aging

Mr. Walid Gammouh of 49509 Galway Drive, Macomb, Michigan 48044, county of Macomb, reappointed to represent Republicans, for a term commencing July 29, 2023 and expiring July 28, 2026.

Ms. Nancy Duncan of 1420 Lindbergh Drive, Lansing, Michigan 48910, county of Ingham, reappointed to represent Independents, for a term commencing July 29, 2023 and expiring July 28, 2026.

Ms. Kristie Zamora of 521 Commonwealth Avenue, Flint, Michigan 48503, county of Genesee, reappointed to represent Independents, for a term commencing July 29, 2023 and expiring July 28, 2026.

Mr. Mark Bomberg of 6084 25.25 Lane, Gladstone, Michigan 49837, county of Delta, reappointed to represent Republicans, for a term commencing July 29, 2023 and expiring July 28, 2026.

Mr. Michael Pohnl of 2404 Emerald Forest Circle, East Lansing, Michigan 48823, county of Ingham, reappointed to represent Independents, for a term commencing July 29, 2023 and expiring July 28, 2026.

June 15, 2023

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 407 of 2016, MCL 339.5303, 339.5305 and 339.5705:

Electrical Administrative Board

Mr. Donald Iverson of 421 North Waverly Road, Eaton Rapids, Michigan 48827, county of Eaton, reappointed to represent electrical parts manufacturers that operate in this state, for a term commencing June 15, 2023 and expiring July 31, 2025.

June 15, 2023

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 469 of 2016, MCL 399.833:

Michigan Historical Commission

Mr. Brian J. Egen of 720 O'Brien Street, Monroe, Michigan 48161, county of Monroe, reappointed for a term commencing June 15, 2023 and expiring May 21, 2027.

June 15, 2023

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 96 of 1987, MCL 125.2303 and Executive Reorganization Order No. 2010-5, MCL 125.2291:

Manufactured Housing Commission

Mrs. Bobbie Meehan of 2500 Mann Road, Lot 403, Clarkston, Michigan 48346, county of Oakland, succeeding Martin Boisture who has resigned, appointed to represent licensed mobile home dealers, for a term commencing June 15, 2023 and expiring May 9, 2025.

Respectfully,
Gretchen Whitmer
Governor

The appointments were referred to the Committee on Government Operations.

Recess

Senator Singh moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:04 a.m.

11:17 a.m.

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

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 President pro tempore, Senator Moss, designated Senator Hertel as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Moss, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4364, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 28 (MCL 205.28), as amended by 2017 PA 215.

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:

House Bill No. 4362, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 471 (MCL 206.471), as amended by 2011 PA 38, and by adding section 474.

Substitute (S-2).

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. 4363, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 10105 and 10120 (MCL 333.10105 and 333.10120), section 10105 as amended and section 10120 as added by 2008 PA 39.

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

Senators Bellino and Runestad asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Bellino's statement is as follows:

Bonjour, Monsieur President. As the clock ticks toward the July 1 deadline to complete our state budget, the historic building our Governor is closest to isn't the Capitol Building, it's the Eiffel Tower. She is closer to the Champs-Élysées than Capitol Avenue. Or, to be fair, perhaps she's made her way to Bavaria by now, which I hear is beautiful this time of year. It's hard to keep track, since this is our Governor's third trip to Europe this year alone. I must admit to a tinge of jealousy at the upgrades she must be getting from those miles. Who knows, maybe she'll use these miles for another trip to Florida this winter.

Now surely her office and her defenders across the aisle will tell you that it's an important trade mission, but this is the same Governor who hasn't brought back state employees to their offices to work full time. She insists they work via Zoom. But as we've seen before many times, what's good for the goose is clearly not good for the gander when it comes to the Governor.

Monsieur President, we all deserve a break, but I don't think our constituents are asking too much if they expect us to finish our job before taking one. Or three, in the case of the Governor.

Senator Runestad's statement is as follows:

Well, the Democrats have proposed \$823 million in new state pet projects. I've expressed some exasperation that some members of the media simply consume uncritically the musings of honey-tongued committee chairs. However, there are also many members of the media willing to really drill down and ask tough questions and not just accept the self-serving platitude of committee chairs.

This week, Jonathan Oosting of Bridge Magazine asked some important chairs tough questions and received some very interesting comments. He reports that the Senate Appropriations Chair indicates they are, "being really intentional about transparency." Oh she's absolutely correct; you can take that to the bank. For instance, the bill I sponsored requiring that any of these earmark pork barrel projects must have a requesting legislator's name associated with the project has been intentionally pitched down into the dungeon of a death committee. My bill requiring the disclosure of any personal financial benefit to a sponsoring legislator or their family member from the earmark has been intentionally shoved off the cliff to hit the rocks of a death committee. The bill requiring at least some demonstrable public community support or need for these projects such as a newspaper report or letter of support from local officials has been, likewise, intentionally knocked down the black hole of a death committee. And of course, the bill to require that all completed appropriations bills must be posted 72 hours in advance of a vote for the media and Legislature to be able to digest has similarly intentionally been sent to a death committee.

The Appropriations Chair is spot-on. All of this anti-sunshine activity has certainly been intentional. The chair adds she is not sure if those "would be considered earmarks, or just us actually looking at things through fresh eyes." Is there another name for earmarks than earmarks? But she is absolutely correct about the fresh eyes. Fresh, new, wolfish eyes cast upon the hapless, friendless, \$9 billion pork surplus. New pack, new fresh set of wolfish eyes, and same old motivations. The Democrats are trumpeting to the media that they put some early pork projections out, but when questioned further they sheepishly concede that every one of these is totally subject to change at any point. They could easily just slap a brand-new finished product on our desks immediately before a vote. But the gleeful chair says that "it'll be exciting to see where we are trying to prioritize these state dollars." Oh yes, ecstatic excitement over these pork barrel appropriation plans. For all too many of the power brokers from both sides, potential spending equates to nothing short of political Spanish fly for stimulating the excitement. Unfortunately for us, the taxpaying public, what is stimulating Spanish fly and exciting for many legislators has the exact opposite effect on the taxpayer.

Finally, the Muskegon Democrat who helped craft the gigantic LEO budget stated, "There's a significant amount of one-time money that our state has right now," he said, referring to the state's historic budget surplus from federal relief dollars. "That might make it look like there's a lot more (spending) this year or last year, but I don't see that happening forever." He is "not opposed to discussions" about the earmark process but that could or should work in the future. Pure political genius, Mr. Chair. In other words, we have a record amount of money we can blow through a gigantic historic budget surplus. We don't see this happening forever, he says, but after we blow it all in a gigantic pork barrel boondoggle budget and when it's all gone, then and only then he will not be opposed to discussions about the earmark process in the future. Bravo, Mr. Chair. Bravo.

