

No. 84
STATE OF MICHIGAN
Journal of the Senate
102nd Legislature
REGULAR SESSION OF 2023

Senate Chamber, Lansing, Wednesday, October 4, 2023.

10:00 a.m.

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

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

Albert—present
Anthony—present
Bayer—present
Bellino—present
Brinks—present
Bumstead—present
Camilleri—present
Cavanagh—present
Chang—present
Cherry—present
Daley—present
Damoose—present
Geiss—present

Hauck—present
Hertel—present
Hoitenga—present
Huizenga—present
Irwin—present
Johnson—present
Klinefelt—present
Lauwers—present
Lindsey—present
McBroom—present
McCann—present
McDonald Rivet—present
McMorrow—present

Moss—present
Nesbitt—present
Outman—present
Polehanki—present
Runestad—present
Santana—present
Shink—present
Singh—present
Theis—present
Victory—present
Webber—present
Wojno—present

Senator Mary Cavanagh of the 6th District offered the following invocation:

As we join together today, let us take a moment to reflect upon our shared purpose as community members, leaders and changemakers. In this convergence of minds, let empathy be our guiding principle as we share stories—our perspectives. May we take a moment to step into each other’s shoes to feel the pulse of those experiences. With each empathetic connection, we fortify the bridges that unite us, ensuring our deliberation, negotiations and goals are enriched by a tapestry of diverse insight.

Let us weave threads of understanding and compassion, fostering an environment where every voice is valued and unafraid of embracing perspective that challenges the status quo. Gathering here as diverse threads, let unity bind us together as we weave the fabric of collaboration that is resilient in the face of challenges and vibrant in celebration of our shared aspirations. While we may come from different corners of the world, we are united by the desire to create positive change.

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

Senators Webber and Bayer entered the Senate Chamber.

Motions and Communications

Senator Lauwers moved that Senators Johnson and Nesbitt be temporarily excused from today’s session. The motion prevailed.

Senator Singh moved that Senator Brinks be temporarily excused from today’s session. The motion prevailed.

The following communication was received:
Office of Senator Kristen McDonald Rivet

October 3, 2023

I am writing to request my name be added as a co-sponsor to Senate Bills 530 and 531.
Sincerely,
Kristen McDonald Rivet
District 35

The communication was referred to the Secretary for record.

The following communication was received:
Office of Senator Joseph N. Bellino Jr.

October 4, 2023

I write to respectfully request that my name be removed as co-sponsor of Senate Bill 351. Should you have any questions regarding this request, please do not hesitate to contact me or my staff. Thank you.

Sincerely,
Joseph N. Bellino Jr.
State Senator—District 16

The communication was referred to the Secretary for record.

Messages from the Governor

The following message from the Governor was received:

Date: October 3, 2023

Time: 3:02 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 31 (Public Act No. 146), being

An act to amend 1978 PA 368, entitled “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,” (MCL 333.1101 to 333.25211) by adding section 5474d. (Filed with the Secretary of State on October 3, 2023, at 3:44 p.m.)

Respectfully,
Gretchen Whitmer
Governor

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Lindsey, Daley, Runestad, McBroom and Theis introduced

Senate Bill No. 556, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.847) by adding section 281.

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

Senator Bellino introduced

Senate Bill No. 557, entitled

A bill to facilitate the streamlined processing of applications for state permits; to establish certain time frames for the processing of applications for state permits; to provide for the refund or waiver of application fees if permits are not processed within applicable time frames; to require certain reports; and to provide for the powers and duties of certain state governmental officers and entities.

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

Senators Bayer, Bellino, Polehanki, Geiss, Chang, Irwin, Singh, Cavanagh, Shink and Cherry introduced

Senate Bill No. 558, entitled

A bill to invalidate provisions in homeowners’ association agreements that prohibit the installation of certain solar generators; and to provide for the powers and duties of certain state and local governmental officers and entities.

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

Senator Johnson entered the Senate Chamber.

Recess

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

The motion prevailed, the time being 10:06 a.m.

10:20 a.m.

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

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

Senators Brinks and Nesbitt entered the Senate Chamber.

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

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

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

House Bill No. 4342, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” (MCL 722.111 to 722.128) by adding sections 3j, 3k, and 3l.

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. 4341, entitled

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

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. 441, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 44508, 44524, 47325, 47327, and 47333 (MCL 324.44508, 324.44524, 324.47325, 324.47327, and 324.47333), sections 44508, 47325, and 47333 as added by 1995 PA 57, section 44524 as amended by 2012 PA 249, and section 47327 as amended by 2020 PA 385.

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
Third Reading of Bills

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

House Bill No. 4438

House Bill No. 4439

Senate Bill No. 513

The motion prevailed.

The following bill was read a third time:

House Bill No. 4438, entitled

A bill to amend 1969 PA 312, entitled “An act to provide for compulsory arbitration of labor disputes in municipal police and fire departments; to define such public departments; to provide for the selection of members of arbitration panels; to prescribe the procedures and authority thereof; and to provide for the enforcement and review of awards thereof,” by amending section 2 (MCL 423.232), as amended by 2011 PA 116.

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. 490

Yeas—31

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

Nays—7

Bellino	Irwin	Nesbitt	Runestad
Bumstead	Lindsey	Outman	

Excused—0

Not Voting—0

In The Chair: President

Senator Singh moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4439, entitled

A bill to amend 1969 PA 312, entitled “An act to provide for compulsory arbitration of labor disputes in municipal police and fire departments; to define such public departments; to provide for the selection of members of arbitration panels; to prescribe the procedures and authority thereof; and to provide for the enforcement and review of awards thereof,” by amending sections 5 and 7a (MCL 423.235 and 423.237a), section 5 as amended by 2011 PA 116.

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. 491

Yeas—31

Albert	Daley	Klinefelt	Santana
Anthony	Damoose	Lauwers	Shink
Bayer	Geiss	McBroom	Singh
Brinks	Hauck	McCann	Theis

Camilleri	Hertel	McDonald Rivet	Victory
Cavanagh	Hoitenga	McMorrow	Webber
Chang	Huizenga	Moss	Wojno
Cherry	Johnson	Polehanki	

Nays—7

Bellino	Irwin	Nesbitt	Runestad
Bumstead	Lindsey	Outman	

Excused—0

Not Voting—0

In The Chair: President

Senator Singh moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 513, entitled

A bill to amend 1987 PA 230, entitled “Municipal health facilities corporations act,” by amending section 305a (MCL 331.1305a), as amended by 2017 PA 148.

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. 492

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Recess

Senator Singh moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:46 a.m.

11:01 a.m.

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

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator McMorrow introduced

Senate Bill No. 559, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 5, 9, 88s, and 88t (MCL 125.2005, 125.2009, 125.2088s, and 125.2088t), section 5 as amended by 2023 PA 24, section 9 as amended and section 88s as added by 2021 PA 136, and section 88t as added by 2021 PA 134, and by adding sections 88u and 88v.

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

Senator Cavanagh introduced

Senate Bill No. 560, entitled

A bill to amend 1921 PA 2, entitled "An act to promote the efficiency of the government of the state, to create a state administrative board, to define the powers and duties thereof, to provide for the transfer to said board of powers and duties now vested by law in other boards, commissions, departments and officers of the state, and for the abolishing of certain of the boards, commissions, departments and offices, whose powers and duties are hereby transferred," by amending section 3 (MCL 17.3), as amended by 2021 PA 143.

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

Senator McMorrow introduced

Senate Bill No. 561, entitled

A bill to amend 2018 PA 540, entitled "Economic development incentive evaluation act," by amending section 3 (MCL 18.1753).

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

Senator Cavanagh introduced

Senate Bill No. 562, entitled

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending sections 2 and 4 (MCL 12.252 and 12.254), section 2 as amended by 2022 PA 83 and section 4 as added by 2021 PA 137.

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills**Recess**

Senator Singh moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 11:03 a.m.

11:40 a.m.

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

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

Senate Bill No. 483

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 483, entitled

A bill to provide for a cost and affordability review of certain prescription drug products; to create the prescription drug pricing board and prescription drug affordability stakeholder council and to prescribe their powers and duties; to provide for the powers and duties of certain state governmental officers and entities; to establish upper payment limits for certain prescription drug products and provide remedies; and to provide for the promulgation of rules.

The question being on the passage of the bill,

Senator Runestad offered the following amendment:

1. Amend page 4, line 20, after “activities.” by inserting “The governor shall not appoint an individual to the board if the individual is a lobbyist who is registered in this state. An individual who is appointed to the board shall not register as a lobbyist in this state for a period of 5 years after the individual’s term on the board expires.”.

The question being on the adoption of the amendment,

Senator Lauwers requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 493

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Huizenga

In The Chair: Geiss

Senator Runestad offered the following amendment:

1. Amend page 4, line 20, after “activities.” by inserting “The governor shall not appoint an individual to the board if the individual has made a personal political contribution to the governor.”.

The question being on the adoption of the amendment,

Senator Lauwers requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 494

Yeas—17

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

Nays—20

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

Excused—0

Not Voting—1

Huizenga

In The Chair: Geiss

Senator Webber offered the following amendment:

1. Amend page 4, line 13, after “medicine.” by inserting “At least 1 member of the board must be an individual who advocates for patients.”.

The question being on the adoption of the amendment,

Senator Lauwers requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 495

Yeas—17

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

Nays—20

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

Excused—0

Not Voting—1

Huizenga

In The Chair: Geiss

Senator Nesbitt offered the following amendment:

1. Amend page 15, following line 18, by inserting:

“Sec. 24. This act does not apply beginning 3 years after the effective date of this act.”.

The question being on the adoption of the amendment,

Senator Lauwers requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 496

Yeas—17

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

Nays—20

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

Excused—0

Not Voting—1

Huizenga

In The Chair: Geiss

Senator Theis offered the following amendment:

1. Amend page 12, following line 7, by inserting:

“(j) The cost of manufacturing the prescription drug product.” and relettering the remaining subdivision.

The question being on the adoption of the amendment,

Senator Lauwers requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 497

Yeas—17

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

Nays—20

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

Excused—0

Not Voting—1

Huizenga

In The Chair: Geiss

Senator Theis offered the following amendments:

1. Amend page 2, line 11, after “the” by inserting “medical care component of the”.

2. Amend page 2, line 12, after “Index” by striking out “for all urban consumers as defined and” and inserting “as”.

The question being on the adoption of the amendments,

The amendments were not adopted, a majority of the members serving not voting therefor.

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. 498

Yeas—20

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

Nays—17

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

Excused—0

Not Voting—1

Huizenga

In The Chair: Geiss

The Senate agreed to the title of the bill.

Protests

Senators Theis, Damoose, McBroom, Bellino and Nesbitt, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 483.

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

The motion prevailed.

Senator Theis’ statement is as follows:

I’m disappointed right now that I have to be giving a “no” vote explanation today because I believe the bills before us are truly a missed opportunity to address—you’re right—a very serious problem. Let’s start from a place I hope we can all agree on: prescription drug costs are too high, and too many Michiganders are struggling to afford the medications they need. We all agree on this. But if you take the time to actually listen to the patients, and the patient advocates, they’re telling us the bills before us may in fact make the situation worse, potentially significantly worse.

Patients like Sabrina. Sabrina lives in Colorado, where they already have a prescription drug affordability board, so she’s seen it in action. Her legislature is considering changes that would bring her medicine under the board’s review. Rather than being excited about this, she’s scared. Her story is worth hearing. Sabrina has cystic fibrosis. For much of her life her condition was so severe she had to be hospitalized three to four times a year, and for weeks each time. Even on her good days she spent hours doing breathing treatments just to survive. But after starting a new breakthrough, innovative medication just four years ago, her life changed. Since then, she’s been hospitalized only once in the past four years. She uses the time she had spent doing breathing treatments for her full-time job, and she’s taken up running. But now, she fears she’ll lose access to her life-changing medication because of her state’s prescription drug affordability board. By establishing these artificial limits, there’s a good chance the drug will simply not be sold in Colorado at all. It’s the worst possible example of the old Ronald Reagan adage, “I’m from the government, and I’m here to help.” Sabrina isn’t alone. Thirty million Americans are living with weird diseases like cystic fibrosis, hemophilia, and muscular dystrophy. Their medications tend to be harder to develop and more expensive. But as Sabrina experienced, they can also be life changing.

Mr. President, I urge my colleagues to listen to the patients and reverse course on these particular bills, and come back with something that will actually help them. If manufacturers really are motivated by greed, as has been alleged, such companies will choose to limit or prohibit sales in Michigan in response to the board’s mandates because they will neither innovate nor sell at a loss, which would then make these drugs less available to Michiganders. No one has access to drugs that haven’t even been created or aren’t being sold. Because while Michigan can’t fix the massive problems associated with our prescription drug system on our own, or frankly, with these bills, we can certainly make it worse, and I believe that’s what these bills do. I ask you for a “no” vote.

Senator Damoose's statement is as follows:

Let's all agree, and I think that everybody in this room should agree that our drug prices make absolutely no sense, and we hear time and time again from all of our constituents about this. It's a national issue and anybody who's not concerned is not a thinking, feeling, human being. I've asked myself, time and time again, why a drug would cost so much money in the United States but if you went to Great Britain the same drug is the fraction of the cost, especially when a huge portion of those drugs are made and developed here in the United States? The answer I always get is because the British government won't allow them to charge the prices there. Why do we allow it when they won't? Why are we subsidizing other countries while our own people suffer? So, I applaud, very much so, the intent behind these bills.

I've seen it in my own home. My mom was prescribed a \$3,000 a month treatment for a disorder she has and she can be a pain in the neck. And she got on this and drove everybody crazy and whittled it down from \$3,000, to \$1,000, to \$500, to \$300, to less \$100 to get her prescription, but recognizing she has the time and patience to do that. Most people can't do that, so not everybody gets that.

My complaint with this bill has also nothing to do with an issue of free market economics because we're so far from a free market when it comes to the whole prescription drug environment, it's unbelievable. Whether its grants for research and development or whether its lawsuits and these types of things, so that argument doesn't hold water. So, why am I voting "no" with these feelings? My vote today is 100 percent because I believe this can only be settled at the federal level, and I get why we are trying to do it here in Michigan. But Michigan acting alone, with a handful of other states, I think could backfire and just hurt our residents. So I applaud the efforts, but I cannot support these specific bills.

Senators McBroom's statement, in which Senator Bellino concurred, is as follows:

The price of prescription drugs is very real and a serious problem, and medicine is essential for millions of people. It is often—often—far too expensive. But food is also essential, and it is far too expensive. And some might argue that gas is essential, and it is too expensive.

Obviously, energy in itself is too costly. We have set up an entire commission whose job is to control the price of energy. What is the success of that commission? Are we keeping energy costs low for everybody? I don't think so. Obviously not, we have some of the most expensive energy in the country. The Upper Peninsula does have the most expensive energy in the country. So it's not a very good track record of government price controlling and of commissions trying to control that.

As for the comments from one of my colleagues earlier, Oh don't worry, this commission is going to have independent people on it, they don't stand to profit or gain anything by this, they are there because they are there for the right reasons, so we don't need to worry about how they got there, how they got appointed, where they come from, what their background is, all the people on the commission for energy, the Public Service Commission, they don't profit from these companies while they are out there regulating our energy. And yet, they clearly tend to represent the needs of the big producers and the big users and not the small individual rate payers. Not the small businesses that can't expand, can't grow, or even go bankrupt because of the cost of energy.

We have to understand that price controls have a long history of not working, especially not when you try to marry price controls in with private businesses. These lead to counterproductive results. The history on this is very real, as can be seen by what we have done to our energy sector by trying to wed-in the private and the public interest together, and it is not working and this commission won't be able to answer these problems either.

How would it be if we simply decided to control food prices, because that is essential. Why are we picking one thing and not another, because we understand the failed argument is there and yet this effort is here because it is compassionate, we care about this. Many of us have been personally impacted by this and so we stand and say, We've got to do something about it. And yet the solution that is offered to us today is not the solution that is going to create that end result. It is not working in other states and I don't see the evidence that is going to work here. I believe it offers false hope to our citizens. So I am asking for a "no" vote today.

Senator Nesbitt's statement is as follows:

Unfortunately these bills are not a solution to the problem of high prescription drug prices. They are simply copy and paste from other states that haven't seen any real savings for patients in any of them that have passed this. At best, these bills are a press release, a tweet, a Facebook post. At worst, they could make it even harder for patients to access the medication they need to improve their health. As we've seen all too often this year from our Governor and her majority, these bills seem to be less about fixing a problem and more about keeping up with the Joneses, or maybe it is just keeping up with the Newsom's. I ask for a "no" vote.

Senators Runestad, Camilleri, Webber, Moss, Nesbitt, Theis and McDonald Rivet asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Runestad's first statement is as follows:

I rise today to speak to my amendment to push back, once again, on the power of lobbyists and influence peddlers. Specifically, this amendment would ban any prescription board members from lobbying during their time on the board, and for five years thereafter. Controlling prices on prescription drugs, or anything else for that matter, means holding a lot of power, and we know lobbyists are willing to pay a lot of money for power like that and they go to great lengths to gain access to power.

That's why this amendment is so important to be passed today. We need guarantees that this board, these board members, are putting Michigan first and not lobbyists. I've been working for many years to fight the power of special interests, now we have a chance to vote to limit those special interests. While this ban would only apply to this board, it is a start. I know that I believe transparency bills are not going to pass in this chamber, but I urge a "yes" vote on this amendment.

Senator Runestad's second statement is as follows:

I rise today to speak to another amendment—a common sense, transparent, and important amendment to prevent any hint of political potential corruption. The amendment would ban any appointments if a political appointee has been giving political contributions to an individual who is appointing. Essentially, that means that a governor cannot provide political payback to a donor in the form of a powerful position to oversee prescription drug prices. Now I ask, why would anyone be opposed to this? Why would anyone be opposed to political transparency and accountability? Shouldn't appointments be made on the basis of merit and not who writes the biggest checks?

It is not like a governor has ever appointed a wealthy donor to a political position, correct? Wait a minute, last month our current Governor appointed a big, wealthy donor to lead the Michigan Department of Natural Resources. It just so happens that appointee has donated to our Governor multiple times, including a \$50,000 donation in 2021 that violated campaign finance laws. Friends, this isn't right; corruption is wrong. Let's make sure here today that this cannot happen again. I urge a "yes" vote on my amendment to prevent political cronyism and political paybacks for this board.

Senator Camilleri's first statement is as follows:

This board, to be clear, is about expanding access to life-saving medications, and saving employers and patients money. We need to be clear on the intent of what we are hoping to do. The amendment that is offered today is nothing but a distraction. We know that this board we are creating will have staggered appointments, so that will span multiple administrations, different governors. This amendment is not about what an overwhelming majority of Michiganders care about, which is being able to afford the medications that they need. So, I urge a "no" vote on this amendment.

Senator Webber's statement is as follows:

Madam President, in the rush to pass these bills, my colleagues across the aisle are failing to listen to the very people they claim to be helping—patients. If they were listening, they'd hear patients telling them that this board might keep them from accessing the medications that they need. That should be enough to stop these bills and go back to the drawing board. But if the majority insists on pushing ahead, instead of listening, the least they can do is ensure patients are properly represented on this board. My amendment will require at least one appointee by the Governor to be a member of a patient advocacy organization. I ask for a "yes" vote on my amendment.

Senator Moss' statement is as follows:

I'm rising to speak against this amendment because it's entirely redundant to the whole point of the bill. The whole purpose of this board is to uplift patient advocates in all sectors who have not had a tool in the marketplace to address rising prices of medicine. If previous legislatures had done this work to advocate for patients in this space and the costs that they bear, we wouldn't have the urgent need to push forward on this board. So I listen to the comments from the previous speaker, and that is exactly the case to vote for this bill. So I look forward to some "yes" votes on the final bill, and "no" votes on the redundancy of this amendment.

Senator Nesbitt's statement is as follows:

Madam President, at best this price-fixing board will do absolutely nothing—like has happened in other states—but at worst it could reduce and eliminate access to life-saving drugs for Michiganders. My amendment will simply sunset this board in three years so the legislature can assess its impact. I ask for a "yes" vote on my amendment.

Senator Camilleri's second statement is as follows:

This is a very complex market, as we all know. It is also not transparent. The different business models that compete with each other for profits are often opaque and dense in complexity. Getting beneath the surface to understand the levels of disfunction are the key to success. So, setting a sunset for three years is not going to yield the results that our patients and our residents deserve. When we're talking about upper payment limits, it's going to require knowledge, it will require steady input from insurers, employers, patients, providers, and suppliers to know that we are making the right decisions. Again, a three-year sunset is just not sufficient. We need this board to be in existence for the long haul. Colorado just eliminated the sunset on their board and raised the cap on UPLs to a level beyond what the board is probably capable of doing anyways. We don't believe there should be a cap on how long this board should be in service, so please allow the board to do the job that we need them to do without undue limitations or pressure. I urge your "no" vote on this amendment.

Senator Theis' statement is as follows:

This amendment would simply add the cost associated with manufacturing the prescription drug to the list of considerations that this board would be required to review when looking at the pricing that they're going to be providing for the drug. It takes years and an awful lot of money to create these drugs, and it's certainly something that should be a consideration when you're deciding what it should cost—manufactured cost is essential, I think, to that component. So the board should, at the very least, be required to consider this particular piece. I ask for a "yes" vote on this very-reasonable amendment.

Senator Camilleri's third statement is as follows:

This amendment is not needed. PDAB will accept any and all information that a manufacturer wants to provide. Whatever they send in, the board will look at. The problem, I think, that we're facing comes from our manufacturers who are making an argument in this space that they do not want to be held to a transparent standard so that we all know the inflated costs that they tell us are the reasons why prescription drugs are so high. We believe that the board, once they submit this information, will be able to review any and all information that they want to really get at the heart of the high cost of prescription drugs. So I am urging a "no" vote on this amendment. Again, they have the ability to tell us how much things cost. We know that with a public and transparent board, we will be able to see some of those savings. So I urge a "no" vote.

Senator Camilleri's fourth statement is as follows:

I rise today in support of my bill—Senate Bill No. 483—and its two companion bills, Senate Bill Nos. 484 and 485, which taken together would create our state's first-ever prescription drug affordability board, also known as PDAB. Every year prescription drug costs go one direction, higher. I've heard too many stories of this across my community.

There's the woman in Grosse Isle who told me one treatment for her disease last month alone was suddenly \$2,000 more than the previous one with no difference in her medicine, an expense that was taking up all of their family's extra funds. Or the man in Brownstown who told me that he'd been filling his prescriptions in Canada because it's \$250 per month without insurance over there, versus nearly \$1,300 per month here, and that's with insurance. Or the young mother who told me she's been rationing asthma inhalers due to the high cost. These stories are not uncommon, they are the norm in a system where there is no recourse or accountability for volatile and rising drug costs. Too many people in our state are having to choose between affording food and the medication that they need. Too many people are having to ration their medicines or skip doses because their prescriptions are just too expensive, resulting in some very frightening and avoidable health outcomes.

Recently, the Michigan Prescription Drug Taskforce found that nearly one-third of residents from the ages of 19 to 64 stopped taking their prescriptions because of the cost. One-third of residents said, I can't afford this and I'm going to risk my health because of the cost. During the committee process, we've heard heartbreaking stories from so many patients across Michigan who couldn't afford their medications at all.

One woman, who was diabetic, told us who the cost for a single vial of insulin had skyrocketed from \$25 to \$300 in recent years, an over 1,000 percent increase. Another man shared the story of storing up medicine and skipping the doses just in case he lost his job, because it was growing way too expensive; medicine that he needed just to slow his disease progression and he couldn't afford to be skipping.

The evidence is clear, this is a crisis that is only going to get worse; our answer can't be doing nothing. We must act to help our patients and help our residents. It's time to take this courageous step forward and create a prescription drug affordability board right here in Michigan. A PDAB is an independent body that uses data, analysis, and input from experts across the healthcare industry to identify drugs that pose an affordability challenge for Michiganders. It would be made up of members who have no financial stake in the pharmaceutical industry. The board would be able to set an upper payment limit, or a UPL, helping consumers see relief from rising prescription drug costs. Establishing a PDAB in Michigan has garnered a

wide coalition of support from various medical associations including the Michigan State Medical Society, the Michigan Nurses Association, family doctors and many other stakeholders who are in that profession.

This is not a new concept. Six other states have already created PDABs and we already have public boards like this for utilities and water and energy all the state and all over the country. It's time to make sure that there's a non-partisan review process in our state to make sure life-saving medications are truly accessible to everyone. This board will allow us to bring together diverse perspectives, to develop innovative solutions that promote affordability and equitable access to vital medications for all Michiganders. It will be a forceful advocate, it will help Michigan's consumers take power back from big pharma and the pharmaceutical industry everywhere, and finally once and for all hold them accountable to consumers. From doctors and nurses to policy experts and health advocates, there is a widespread consensus that prescription costs are way too high. Michiganders from all backgrounds also overwhelmingly support an independent review of prescription drug costs.

I am proud of the work that we have done to craft this legislation. Let's get it over the finish line; let's offer real results for our residents because to be clear, both Democrats and Republicans have promised to lower the costs of prescription medicine for our residents for decades. Today we are doing something about it. I urge both sides of the aisle to join me in supporting this bill to provide relief for all of our residents.

Senator McDonald Rivet's statement is as follows:

We have heard a number of personal stories. We have people from our district that all of us in the chamber have heard. I'm going to start today with a personal story. In my family, we have a genetically-linked autoimmune disease that affects many of us, including myself. One of the many medications that I take monthly has a co-pay of \$4,000. I watched my mother die in part because she could not afford all the medication that she needed on a fixed income.

In 2020, when we were in the middle of a global pandemic, costs of everything began to rise, but at the same time 500 prescription drugs skyrocketed by two times the rate of inflation in Michigan. So yes, other states are creating similar legislation and we all wish Congress would act quickly here, but we must address the problem, we must do the same in Michigan because we have to hold big pharma accountable. Doing nothing simply cannot be an option for us.

So let's go over again what this legislation actually does. It puts rules in place to ensure a very-transparent process. Unlike any public board, there is opportunity for the public to weigh in and provide comments but the act prevents the over-influence of politicians, big pharma, health care industry executives, or any special interest groups. These board members must be individuals without financial ties or bias.

Now, there will be informed consultation in this process and the board will be advised by the Prescription Drug Affordability Stakeholder Council. This 21-member council will include representatives with knowledge of the pharmaceutical industry, supply chains, clinical training, and more. It is not an uninformed group. These representatives could include pharmacists, health care providers, researchers, drug manufacturers, even those whom the legislation will directly impact. So there is ample room for input from people with skin in the game with the independent, unbiased PDAB making the ultimate decision, all subject to our rule-making process. A PDAB will help lower the costs of the most expensive prescription drugs for every Michigan resident, employer, small business, pharmacy and health plan, and bring much-needed accountability, oversight and transparency to pharmaceutical companies, making them more responsive to consumers who are quite literally dying without our help. The overarching goal of the PDAB is to find a UPL at which insurers, employers, purchasers and government can afford to provide the drug to everyone in the state and who should absolutely get that job. It is the point of the UPL, despite everything you have heard today, to expand sales and patient access.

Our constituents, our everyday focus, and right now many of their everyday drug costs are unnecessarily extreme. To bring it to a point, it should not take a herculean effort for someone to get lifesaving drugs. It should not break families backs and we cannot allow Michiganders to die needlessly because they cannot afford their prescription drugs. I urge you to vote "yes" on this today.

The following bill was read a third time:

Senate Bill No. 484, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406z.

The question being on the of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 499

Yeas—20

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

Nays—17

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

Excused—0

Not Voting—1

Huizenga

In The Chair: Geiss

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 485, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 109o.

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. 500

Yeas—20

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

Nays—17

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

Excused—0

Not Voting—1

Huizenga

In The Chair: Geiss

The Senate agreed to the title of the bill.

Pursuant to rule 1.306, Senator Huizenga submitted the following:

October 4, 2023

Pursuant to rule 1.306, I will be abstaining from the vote on Senate Bill Nos. 483, 484, and 485. I am disclosing a potential conflict of interest in Senate Bill Nos. 483-485 as I have extensive experience in the health care consulting space. Out of an abundance of caution, I will be abstaining from the vote on Senate Bill Nos. 483, 484, and 485.

I ask that my comments be printed in the Journal as my required disclosure under Senate Rule 1.306. Thank you.

Sincerely,
Mark Huizenga
State Senator
30th District

By unanimous consent the Senate proceeded to the order of
Resolutions

Senators Shink, Bayer, Polehanki, Cavanagh, Wojno, Geiss, Santana, McCann, Irwin and Cherry offered the following concurrent resolution:

Senate Concurrent Resolution No. 11.

A concurrent resolution to urge the United States Congress to designate the Ehlco Area, the Trap Hills, the Norwich Plains, and a 2,000-acre addition to the Sturgeon River Gorge Wilderness in Michigan’s Upper Peninsula as federal Wilderness.

Whereas, The National Wilderness Preservation System, established under the Wilderness Act of 1964, is made up of more than 800 national Wilderness areas that are defined as areas “where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain.” Federal Wilderness areas are designated by the United States Congress for the use and enjoyment of the American people in such a manner that will leave them unimpaired for their future use and enjoyment as Wilderness areas. It is the highest form of protection of any federal wildland; and

Whereas, The Ehlco Area, the Trap Hills, the Norwich Plains, and a 2,000-acre addition to the Sturgeon River Gorge Wilderness together consist of approximately 51,000 acres of federal land in Michigan’s Upper Peninsula. Home to numerous types of wildlife, including black bears, white-tailed deer, wolves, beavers, moose, and other native fauna and flora, including rare and endangered species, these natural areas are among the most special, unique, and biodiverse areas within the state of Michigan; and

Whereas, The state of Michigan is a champion of environmental stewardship, boasting 16 federal Wilderness areas that cover over 291,300 acres. As some of the last areas in the state to meet the criteria for Wilderness designation, the Ehlco Area, the Trap Hills, the Norwich Plains, and the addition to the Sturgeon River Gorge Wilderness deserve the protection afforded to formally designated Wilderness under the Wilderness Act. Designating areas as Wilderness preserves ecosystem diversity, offers robust support to native flora and fauna, and represents the most special land in the State; and

Whereas, Designating these four areas as federal Wilderness protects the region from environmental loss or destruction. Such a designation maintains habitats for wildlife and threatened species, protects forests that help to filter and clean the air we breathe, preserves watersheds so local communities can access clean water, and provides recreational opportunities, including hunting and fishing, that support local economies. Without this designation, the land remains open for commercial and other activities that can pollute, deforest, destroy habitats, and harm the land; and

Whereas, It is in the long-term environmental, economic, and recreational interests of Michigan’s residents that the United States Congress designate the Ehlc0 Area, the Trap Hills, the Norwich Plains, and the addition to the Sturgeon River Gorge Wilderness as federal Wilderness. These natural areas provide Michigan residents and nonresidents with vast opportunities for hunting, fishing, hiking, wildlife viewing, camping, and other outdoor recreational activities, which are invaluable to Michigan’s character and serve as the economic cornerstone of many Michigan communities. Such recreational activities generate 11.2 billion dollars for the state each year and support over 170,000 jobs. Designating land as federal Wilderness helps safeguard the health, happiness, and character of all Michiganders; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the United States Congress to designate the Ehlc0 Area, the Trap Hills, the Norwich Plains, and a 2,000-acre addition to the Sturgeon River Gorge Wilderness in Michigan’s Upper Peninsula as federal Wilderness; and be it further

Resolved, That copies of this resolution be transmitted to the members of the Michigan congressional delegation.

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

Senator Singh moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Singh moved that the concurrent resolution be referred to the Committee on Natural Resources and Agriculture.

The motion prevailed.

Announcements of Printing and Enrollment

The Secretary announced that the following bills were printed and filed on Tuesday, October 3, and are available on the Michigan Legislature website:

House Bill Nos. 5074 5075 5076 5077 5078 5079 5080 5081 5082 5083

The Secretary announced that the following bills were printed and filed on Wednesday, October 4, and are available on the Michigan Legislature website:

**Senate Bill Nos. 538 539 540 541 542 543 544 545 546 547 548 549 550
551 552 553 554 555**

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Infrastructure submitted the following:

Meeting held on Tuesday, October 3, 2023, at 3:30 p.m., Room 403, 4th Floor, Capitol Building

Present: Senators Geiss (C), Klinefelt, Wojno, Hertel, Camilleri, Chang, McCann, Bellino, McBroom, Victory and Bumstead

Scheduled Meetings

Civil Rights, Judiciary, and Public Safety – Thursday, October 5, 12:00 noon, Room 1200, Binsfeld Office Building (517) 373-5312

Economic and Community Development – Thursday, October 5, 12:00 noon, Room 1100, Binsfeld Office Building (517) 373-1721

Regulatory Affairs – Thursday, October 5, 9:15 a.m., Room 1100, Binsfeld Office Building (517) 373-1721

Senator Singh moved that the Senate adjourn.
The motion prevailed, the time being 12:32 p.m.

The Assistant President pro tempore, Senator Geiss, declared the Senate adjourned until Thursday, October 5, 2023, at 10:00 a.m.

DANIEL OBERLIN
Secretary of the Senate