

No. 98
STATE OF MICHIGAN
Journal of the Senate
102nd Legislature
REGULAR SESSION OF 2023

Senate Chamber, Lansing, Tuesday, November 7, 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—excused
Santana—present
Shink—present
Singh—present
Theis—present
Victory—present
Webber—present
Wojno—present

Senator Mallory McMorrow of the 8th District offered the following invocation:

In a moment with so much hatred and division in the world, may we all come together this morning humbled by and in celebration of the vibrancy and diversity of our communities. May we find ourselves driven not by dismissiveness or divisiveness toward one another, but by a consistent sense of curiosity and a desire to learn. In that learning, may we recognize that underneath our differences in skin color, language, religion, dress, tradition, or expression, that we share so much more that binds us together—pride, passion, the drive to transform our places from mere collections of homes and businesses into communities, the desire to treat each other well, to create opportunity, and to leave our place in the world better than we found it in whatever capacity we can.

To all that we hold as our higher power and inspiration. 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 Senator McBroom be temporarily excused from today’s session. The motion prevailed.

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

Senator Singh moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

House Bill No. 4706

House Bill No. 4387

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

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

October 31, 2023

Enclosed is a copy of the following report:

- Performance audit on State Agencies’ Use of Transportation-Related Fundings, Michigan Department of Transportation (591-0105-23).

Sincerely,
Doug Ringle
Auditor General

The audit report was referred to the Committee on Oversight.

Senator Singh moved that rule 3.902 be suspended to allow the guest of Senator Damoose admittance to the Senate floor.

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

Messages from the Governor

The following message from the Governor was received on November 3, 2023, and read:

EXECUTIVE ORDER
No. 2023-11

Amending Executive Order 2023-4 (Growing Michigan Together Council)

Department of Labor and Economic Opportunity

For much of the 20th century, people came to Michigan seeking opportunity. Michiganders could earn family-sustaining wages and build generational wealth with just a high school diploma. Our population and incomes grew faster than the rest of the country, supporting strong schools, world-class infrastructure, and vibrant communities.

Michigan’s population growth began to slow in the 1970s, and in the 21st century, Michigan grew more slowly than all but one state. For Michigan to thrive in the decades ahead, we must ensure that our state is a place that everyone can and wants to call home.

Michiganders are Michigan’s most important resource. Children playing with blocks today will be the workers, designers, and engineers of tomorrow, building bridges and defining the skylines of cities right here in Michigan. Recent graduates from Michigan’s world-class institutions of higher education must be able to see a path to a prosperous future and a good-paying, high-skilled job right here in Michigan. Retirees who have worked hard over decades starting businesses, raising families, and building their communities should be able to enjoy their golden years right here in Michigan. Our friends, family, and neighbors are also the customers that patronize our businesses, the workers who staff our factories, and the innovators who will define our future.

To usher in a better tomorrow, we must collaborate to grow Michigan together today.

Growing Michigan together is a Team Michigan task. We must shore up our talent pipeline, build on our strong manufacturing base, leverage our rich natural resources, and draw more people from across the nation and around the world, all while maintaining our state’s high quality of life and low cost of living. Michigan must be a place that attracts all, welcomes all, and includes all. Together we can again make Michigan a magnet for jobs, people, and prosperity. To achieve these critical goals – to make Michigan bigger, better, stronger – we need a cohesive strategy; a long-term vision that addresses current and future challenges and sets Michigan up for success in the 21st century.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 8 of article 5 of the Michigan Constitution of 1963 obligates the governor to take care that the laws be faithfully executed and places each principal department under the governor’s supervision.

For these reasons, and acting pursuant to the Michigan Constitution of 1963 and Michigan law, I amend Executive Order 2023-4 as follows:

1. Amendment to Executive Order 2023-4

a. Section 2(d) of Executive Order 2023-4 is amended to require the Growing Michigan Together Council to submit its report to the governor, Michigan House of Representatives, and the Michigan Senate by December 15, 2023.

b. All other provisions of Executive Order 2023-4 not amended by this executive order remain in effect.

2. Implementation

a. All departments, committees, commissioners, or officers of this state must give to the Council, or to any member or representative of the Council, any necessary assistance required by the Council, or any member or representative thereof, in the performance of the official duties of the Council so far as is compatible with their duties and applicable law.

b. If any portion of this order is found to be unenforceable, the unenforceable provision should be disregarded, and the rest of the order should remain in effect as issued.

c. This order is immediately effective upon filing.

Given under my hand and the Great Seal of State of Michigan.

Date: November 3, 2023

Time: 8:30 a.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

November 2, 2023

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 368 of 1978, MCL 333.16421:

Michigan Board of Chiropractic

Dr. Joel Kirsch of 25831 Concord Road, Huntington Woods, Michigan 48070, Oakland County, reappointed to represent chiropractors, for a term commencing January 1, 2024, and expiring December 31, 2027.

Dr. Patricia Odette of 20190 Vreeland, Woodhaven, Michigan 48183, Wayne County, reappointed to represent chiropractors, for a term commencing January 1, 2024, and expiring December 31, 2027.

November 2, 2023

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 299 of 1980, MCL 339.1202:

Michigan Board of Cosmetology

Jaelyn Turner of 17478 Violet Drive, Southfield, Michigan 48076, Oakland County, reappointed to represent cosmetologists, for a term commencing January 1, 2024, and expiring December 31, 2027.

November 2, 2023

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 368 of 1978, MCL 333.17801:

Michigan Board of Physical Therapy

Erica Sherman of 10126 Muto Road, Goodrich, Michigan 48438, Genesee County, reappointed to represent physical therapists, for a term commencing January 1, 2024, and expiring December 31, 2027.

November 2, 2023

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 368 of 1978, MCL 333.17025:

Michigan Task Force on Physician's Assistants

Danielle Richards of 1412 French Creek Circle, Lansing, Michigan 48917, Eaton County, reappointed to represent physician's assistants, for a term commencing January 1, 2024, and expiring December 31, 2027.

Michael Coraci of 7801 Eldora Boulevard, West Bloomfield, Michigan 48324, Oakland County, reappointed to represent physician's assistants, for a term commencing January 1, 2024, and expiring December 31, 2027.

November 2, 2023

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 332 of 2020, MCL 460.623:

Propane Commission

Aaron Huizenga of 4752 Ridge Lane, Kewadin, Michigan 49648, Antrim County, reappointed for a term commencing November 2, 2023, and expiring July 1, 2026.

Brad Morrill of 4311 Woodside Oaks Drive, S.E., Grand Rapids, Michigan 49546, Kent County, succeeding Tom Olive whose term has expired, appointed for a term commencing November 2, 2023, and expiring July 1, 2026.

November 2, 2023

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 299 of 1980, MCL 339.302, 339.303, and 339.2502:

Michigan Board of Real Estate Brokers and Salespersons

Chase Cantrell of 18037 Ohio Street, Detroit, Michigan 48221, Wayne County, reappointed to represent the general public, for a term commencing November 2, 2023, and expiring June 30, 2027.

November 2, 2023

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 411 of 2012, MCL 286.943:

Rural Development Fund Board

Christopher Germain of 1880 Harbor Vista Drive, Apt. 3D, Marquette, Michigan 49855, Marquette County, succeeding Margaret Minerick, whose term has expired, appointed to represent Democrats and residents of the Upper Peninsula for a term commencing November 2, 2023, and expiring December 31, 2026.

Justin Horvath of 818 S. Washington Street, Owosso, Michigan 48867, Shiawassee County, reappointed to represent Independents and residents of the Lower Peninsula, for a term commencing November 2, 2023, and expiring December 31, 2026.

November 2, 2023

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 368 of 1978, MCL 333.18801:

Michigan Board of Veterinary Medicine

Caitlin O'Rourke of 720 North Jenison, Lansing, Michigan 48915, Ingham County, reappointed to represent the general public, for a term commencing January 1, 2024, and expiring December 31, 2027.

Respectfully,
Gretchen Whitmer
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

November 2, 2023

I am writing to inform you of my withdrawal of the following appointment submitted to your office on September 14, 2023, pursuant to Public Act 368 of 1978, MCL 333.16121, 333.16122 and 333.16621:

Michigan Board of Dentistry

Ellen Chambers of 6055 Shaftsbury Road, Williamston, Michigan 48895, Ingham County, succeeding Kathleen Webber whose term has expired, appointed to represent dentists, for a term commencing September 14, 2023, and expiring June 30, 2027.

Respectfully,
Gretchen Whitmer
Governor

The message was 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 10:05 a.m.

10:10 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
Introduction and Referral of Bills

Senator McBroom entered the Senate Chamber.

Senator McBroom introduced
Senate Bill No. 641, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending sections 3 and 7 (MCL 15.263 and 15.267), section 3 as amended by 2020 PA 254 and section 7 as amended by 1996 PA 464, and by adding section 3b; and to repeal acts and parts of acts.

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

House Bill No. 4048, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 25 (MCL 432.25), as amended by 1998 PA 465.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4154, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," by amending section 92 (MCL 250.1092), as added by 2006 PA 2.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4158, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2092) by adding section 6d.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4720, entitled

A bill to provide for the statewide coordination of meaningful language access to state services by individuals with limited English proficiency; to provide for the powers and duties of certain state governmental officers and entities; and to establish a process for submitting complaints and obtaining remedies for lack of meaningful language access and for denials of meaningful language access based on one's national origin.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

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

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

House Bill No. 4722, entitled

A bill to amend 2005 PA 48, entitled "An act to designate the third Saturday in June as Juneteenth National Freedom Day; and to designate November 26 of each year as Sojourner Truth Day in the state of Michigan," by amending the title and section 1 (MCL 435.361).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

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

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

House Bill No. 4981, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 191 (MCL 168.191), as amended by 2018 PA 120.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 5059, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2092) by adding section 113.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 5120, entitled

A bill to amend 2008 PA 295, entitled "Clean and renewable energy and energy waste reduction act," by amending the title and section 13 (MCL 460.1013), as amended by 2016 PA 342, and by adding part 8.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 5121, entitled

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending section 205 (MCL 125.3205), as amended by 2018 PA 366.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

Recess

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

The motion prevailed, the time being 10:13 a.m.

11:24 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

Motions and Communications

Senator Singh moved that rule 2.106 be suspended to allow committees to meet during Senate session. The motion prevailed, a majority of the members serving voting therefor.

Senator Singh moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

House Bill No. 4320

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

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Moss, designated Senator Chang 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 bills:

House Bill No. 5021, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 81d (MCL 38.1381d), as amended by 2017 PA 92.

House Bill No. 4949, entitled

A bill to list certain constitutional rights related to reproductive freedom; to prohibit the violation of certain rights and provide remedies; to provide for the powers and duties of certain state and local governmental officers and entities; and to repeal acts and parts of acts.

House Bill No. 4951, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 10d of chapter II, sections 1a and 3 of chapter IV, section 6e of chapter V, section 4a of chapter IX, and sections 13k, 16d, and 16p of chapter XVII (MCL 762.10d, 764.1a, 764.3, 765.6e, 769.4a, 777.13k, 777.16d, and 777.16p), section 10d of chapter II, section 3 of chapter IV, and section 6e of chapter V as added and section 1a of chapter IV as amended by 2020 PA 394, section 4a of chapter IX as amended by 2019 PA 115, section 13k of chapter XVII as amended by 2018 PA 587, section 16d of chapter XVII as amended by 2023 PA 59, and section 16p of chapter XVII as amended by 2008 PA 467.

House Bill No. 4953, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5711 (MCL 600.5711), as amended by 2014 PA 223.

House Bill No. 4954, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 6 (MCL 388.1606), as amended by 2023 PA 103.

House Bill No. 4823, entitled

A bill to amend 1961 PA 94, entitled "Revised judicature act of 1961," by amending section 803 (MCL 600.803), as amended by 2022 PA 8.

House Bill No. 4920, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8130 (MCL 600.8130), as amended by 2014 PA 60.

House Bill No. 4346, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 3a (MCL 15.263a), as amended by 2021 PA 54.

House Bill No. 4337, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," by amending section 103 (MCL 250.1103), as added by 2021 PA 76.

House Bill No. 4850, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1307a (MCL 600.1307a), as amended by 2020 PA 307.

House Bill No. 4706, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the powers and duties of certain state governmental officers and entities; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending the title and sections 10g, 10h, and 10q (MCL 460.10g, 460.10h, and 460.10q), the title as amended by 2016 PA 341, section 10g as amended by 2008 PA 286, section 10h as added by 2000 PA 142, and section 10q as added by 2000 PA 141.

House Bill No. 4320, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145h.

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:

House Bill No. 4945, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16m of chapter XVII (MCL 777.16m), as amended by 2023 PA 22.

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. 480, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending section 108 (MCL 560.108), as added by 1996 PA 591.

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. 4387, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2020 PA 50.

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

Messages from the House

Senate Bill No. 174, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 6, 11, 12a, 12c, 20, 22l, 31a, 31ff, 41, 51a, 51c, 61l, 61s, 61u, 94a, 95b, 97e, 97g, 97k, 99d, 99m, 99n, 99ii, 99jj, 107a, 147a, 201, 236, 236m, and 248 (MCL 388.1606, 388.1611, 388.1612a, 388.1612c, 388.1620, 388.1622i, 388.1631a, 388.1631ff, 388.1641, 388.1651a, 388.1651c, 388.1661l, 388.1661s, 388.1661u, 388.1694a, 388.1695b, 388.1697e, 388.1697g, 388.1697k, 388.1699d, 388.1699m, 388.1699n, 388.1699ii, 388.1699jj, 388.1707a, 388.1747a, 388.1801, 388.1836, 388.1836m, and 388.1848), sections 6, 11, 20, 31a, 41, 51a, 51c, 94a, 95b, 97e, 147a, 201, 236, and 248 as amended and sections 12a, 12c, 22l, 31ff, 61l, 61s, 61u, 97g, 97k, 99d, 99m, 99n, 99ii, 99jj, 107a, and 236m as added by 2023 PA 103, and by adding sections 216d and 236o; and to repeal acts and parts of acts.

(For Conference Report, see Senate Journal No. 98, p. 2326.)

The House of Representatives has adopted the report of the Committee of Conference.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

Senate Bill No. 474

The motion prevailed.

Senate Bill No. 474, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 2690, 2803, 2848, 2854, 9141, 10102, 16221, 16226, 16245, 16299, and 20115 (MCL 333.2690, 333.2803, 333.2848, 333.2854, 333.9141, 333.10102, 333.16221, 333.16226, 333.16245, 333.16299, and 333.20115), section 2690 as amended by 2016 PA 386, section 2803 as amended by 2020 PA 54, sections 2848 and 20115 as amended and section 2854 as added by 2012 PA 499, section 9141 as added by 2004 PA 501, section 10102 as amended by 2008 PA 39, section 16221 as amended by 2023 PA 47, section 16226 as amended by 2023 PA 48, section 16245 as amended by 2014 PA 413, and section 16299 as amended by 2020 PA 375; and to repeal acts and parts of acts.

(This bill was returned from the House on Thursday, November 2 with a House substitute (H-1), immediate effect and title amendment, and was laid over under the rules. See Senate Journal No. 97, p. 2319.)

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 656

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	Lauwers	Outman
Bellino	Hoitenga	Lindsey	Theis

Bumstead
Daley
Damoose

Huizenga
Johnson

McBroom
Nesbitt

Victory
Webber

Excused—1

Runestad

Not Voting—0

In The Chair: Moss

The Senate agreed to the title as amended.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 476, entitled

A bill to amend 2002 PA 687, entitled “Born alive infant protection act,” by amending section 1 (MCL 333.1071).

(This bill was returned from the House on Thursday, November 2 with a House substitute (H-1), immediate effect and full title, and was laid over under the rules. See Senate Journal No. 97, p. 2320.)

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 657

Yeas—20

Anthony
Bayer
Brinks
Camilleri
Cavanagh

Chang
Cherry
Geiss
Hertel
Irwin

Klinefelt
McCann
McDonald Rivet
McMorrow
Moss

Polehanki
Santana
Shink
Singh
Wojno

Nays—17

Albert
Bellino
Bumstead
Daley
Damoose

Hauck
Hoitenga
Huizenga
Johnson

Lauwers
Lindsey
McBroom
Nesbitt

Outman
Theis
Victory
Webber

Excused—1

Runestad

Not Voting—0

In The Chair: Moss

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 477, entitled

A bill to amend 2004 PA 500, entitled “Pregnant and parenting student services act,” by amending section 5 (MCL 390.1595).

(This bill was returned from the House on Thursday, November 2 with a House substitute (H-1), immediate effect and full title, and was laid over under the rules. See Senate Journal No. 97, p. 2320.)

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 658

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	Lauwers	Outman
Bellino	Hoitenga	Lindsey	Theis
Bumstead	Huizenga	McBroom	Victory
Daley	Johnson	Nesbitt	Webber
Damoose			

Excused—1

Runestad

Not Voting—0

In The Chair: Moss

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

Senate Bill No. 280

Senate Bill No. 519

The motion prevailed.

Senate Bill No. 280, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 9316 (MCL 333.9316), as added by 2020 PA 261.

(This bill was returned from the House on Thursday, November 2 with a House substitute (H-1) and full title, and was laid over under the rules. See Senate Journal No. 97, p. 2376.)

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 659

Yeas—29

Anthony	Damoose	Lauwers	Outman
Bayer	Geiss	McBroom	Polehanki

Brinks	Hauck	McCann	Santana
Camilleri	Hertel	McDonald Rivet	Shink
Cavanagh	Huizenga	McMorrow	Singh
Chang	Irwin	Moss	Webber
Cherry	Klinefelt	Nesbitt	Wojno
Daley			

Nays—8

Albert	Bumstead	Johnson	Theis
Bellino	Hoitenga	Lindsey	Victory

Excused—1

Runestad

Not Voting—0

In The Chair: Moss

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 full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 519, entitled

A bill to provide for the adjustment of transition-impacted workers into new industries; to create the community and worker economic transition office in the department of labor and economic opportunity; to allow the creation of certain advisory committees; to make certain appropriations; and to provide for the powers and duties of certain state governmental officers and entities.

The House of Representatives has passed the bill and ordered that it be given immediate effect.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

Senate Bill No. 271

Senate Bill No. 277

Senate Bill No. 502

The motion prevailed.

Senate Bill No. 271, entitled

A bill to amend 2008 PA 295, entitled “Clean and renewable energy and energy waste reduction act,” by amending the title, the heading of subpart A of part 2, and sections 1, 3, 5, 7, 9, 11, 13, 22, 28, 29, 39, 45, 47, 49, 173, 177, and 191 (MCL 460.1001, 460.1003, 460.1005, 460.1007, 460.1009, 460.1011, 460.1013, 460.1022, 460.1028, 460.1029, 460.1039, 460.1045, 460.1047, 460.1049, 460.1173, 460.1177, and 460.1191), the title and sections 1, 3, 5, 7, 9, 11, 13, 29, 39, 45, 47, 49, 173, and 177 as amended and sections 22 and 28 as added by 2016 PA 342, and by adding sections 32, 51, 53, 101, and 103.

The House of Representatives has substituted (H-5) the bill.

The House of Representatives has passed the bill as substituted (H-5), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 277, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 36101 and 36104a (MCL 324.36101 and 324.36104a), section 36101 as amended by 2016 PA 265 and section 36104a as added by 1996 PA 233, and by adding sections 36104c and 36104e.

The House of Representatives has amended the bill as follows:

1. Amend page 9, line 25, after “**Habitat**” by striking out “**Planting**” and inserting “**Planning**”.
2. Amend page 9, line 27, after “**Entomology**” by striking out the balance of the line through “**maintained**” on line 29 and inserting “**or is designed, planted, and maintained**” and relettering the remaining subdivisions.
3. Amend page 10, line 19, by striking out “**(h), or (i).**” and inserting “**or (h).**”.

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 502, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the powers and duties of certain state governmental officers and entities; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” by amending sections 6a, 6m, and 6t (MCL 460.6a, 460.6m, and 460.6t), sections 6a and 6m as amended and section 6t as added by 2016 PA 341, and by adding section 6aa.

The House of Representatives has substituted (H-6) the bill.

The House of Representatives has passed the bill as substituted (H-6) and ordered that it be given immediate effect.

Pursuant to rule 3.202, the bill was laid over one day.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

House Bill No. 4949

House Bill No. 4951

House Bill No. 4953

House Bill No. 4954

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**Recess**

Senator Singh moved that the Senate recess until 2:30 p.m.

The motion prevailed, the time being 11:59 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Moss.

Recess

Senator Singh moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 2:31 p.m.

2:39 p.m.

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

Senator Singh moved that the Senate proceed to consideration of the following bill:
House Bill No. 4717
The motion prevailed.

The following bill was read a third time:

House Bill No. 4717, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending section 2504a (MCL 339.2504a), as amended by 2020 PA 342.

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. 660

Yeas—36

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

Nays—1

Lindsey

Excused—1

Runestad

Not Voting—0

In The Chair: Moss

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations and to regulate certain persons and activities relative to those occupations; to create a board for

each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to provide immunity from certain civil liability for certain entities and certain related occupations under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4861, entitled

A bill to allow the state administrative board to accept and to convey real property in Muskegon County; to prescribe conditions for the conveyances required under this act; to provide for the powers and duties of certain state departments and officers in regard to the properties; and to provide for disposition of revenue.

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. 661

Yeas—36

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

Nays—1

Lindsey

Excused—1

Runestad

Not Voting—0

In The Chair: Moss

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.

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

House Bill No. 4949

House Bill No. 4951

House Bill No. 4953

House Bill No. 4954

The motion prevailed.

The following bill was read a third time:

House Bill No. 4949, entitled

A bill to list certain constitutional rights related to reproductive freedom; to prohibit the violation of certain rights and provide remedies; to provide for the powers and duties of certain state and local governmental officers and entities; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Albert offered the following amendment:

1. Amend page 3, line 27, after “(a)” by striking out the balance of the subdivision and inserting “Section 323 of the Michigan penal code, 1931 PA 328, MCL 750.323.”.

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. 662

Yeas—17

Albert	Hauck	Lauwers	Outman
Bellino	Hoitenga	Lindsey	Theis
Bumstead	Huizenga	McBroom	Victory
Daley	Johnson	Nesbitt	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—1

Runestad

Not Voting—0

In The Chair: Moss

Protests

Senators McMorrow, McDonald Rivet, Chang, Geiss, Santana, McCann, Cavanagh, Hertel, Wojno, Bayer, Shink, Polehanki, Anthony, Klinefelt, Moss and Brinks, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Albert to House Bill No. 4949.

Senators McMorrow and Brinks moved that the statements they made during the discussion of the amendment be printed as their reasons for voting “no.”

The motion prevailed.

Senator McMorrow’s statement, in which Senators McDonald Rivet, Chang, Geiss, Santana, McCann, Cavanagh, Hertel, Wojno, Bayer, Shink, Polehanki, Anthony, Klinefelt and Moss concurred, is as follows:

I appreciate that our colleague mentioned he would appreciate an explanation as to why repealing this language is necessary, and I’m glad to be able to stand here to fulfill that request. Quote—partial-birth

abortion is not a medical term at all. It was created by the National Right to Life Council in 1995 in the wake of a newly-developed procedure—the D&E—which is the most commonly used procedure in a later abortion. Now, to be clear, in the state of Michigan in 2021, in a state of 10 million people, there were exactly two abortions performed after 28 weeks. When I was pregnant, I had a really terrifying moment very early on in my pregnancy. Just a few weeks after finding out I was pregnant, I was bleeding—a lot. I called my OB/GYN and they immediately told me to go to the emergency room. Even though I was only a few weeks pregnant, I was devastated. I was terrified that I might lose this pregnancy. It surprised me how deeply I felt in that moment given that it was so new to me. I can only imagine how devastating it is taking the feeling I felt just a few weeks in magnified by months. Not being weeks pregnant, but months pregnant, and finding out that something has gone horribly, horribly wrong.

In 2019 this body attempted to push forward a ban on D&E procedures and in 2019 I brought forward the story of constituents of mine—Michal and Jordan—who came to Lansing and met with many legislators one-on-one to share their own story. They had been married for about a year, they got pregnant, they wanted to be pregnant, they were so looking forward to bringing a child into the world. Everything was going well—every appointment, every check-in—until the 20-week appointment revealed something absolutely devastating. The collagen simply was not developing, and their doctors advised them that if they decided to proceed with the pregnancy, that the fetus very likely would not survive and that if it did, their baby might only live a few days and only know a life of suffering—that a sneeze might break a rib, that any movement, any breath would be nothing but pain and agony. They made a decision that I don't think any of us could ever imagine. We heard the previous speaker speak about the gore of the procedure in a way that really dehumanizes and demonizes the people who suddenly find themselves having to make a decision that they never anticipated they might have to make. Michal and Jordan shared with me how every day from that point forward made it significantly worse, that their doctors knowing that Michigan's law as written—the partial-birth abortion language—was so vague, so contradictory to even what is in federal law—they said their doctors were afraid to move forward in scheduling the procedure, that they might be arrested, that they might be demonized. They shared a story with me that Michigan's law required they receive counseling and education and they were presented with images of healthy pregnancies. Michal told me how needlessly cruel that was because she was forced to view pictures of the pregnancy she wanted, not the pregnancy she had.

As the previous speaker mentioned, there is already federal language related to limitations on this procedure. Michigan's go beyond that and are vague and confusing and might prohibit a doctor from using their best judgement to provide life-saving surgery even in the case of a miscarriage, so in repealing Michigan's language we default to the federal language and we lead with compassion for the two people in this state who found themselves facing a decision that, God-willing, none of us in this room will ever have to experience. That after you've already carried a pregnancy for months, after you've picked out a name, after you've sent cards to your family introducing your soon-to-be new member of the family, after you've painted their room, after you've picked out furniture, that the pregnancy is not compatible with life.

In the interest of compassion, I ask for a “no” vote on this amendment.

Senator Brinks' statement is as follows:

I have spoken to protect abortion rights from the other side of this chamber a few years ago, and now I am speaking to it again from a position where I can finally respond in accordance with the voters' will. This amendment flies in the face of what voters called for last November. The law you're trying to protect is not just poorly written and ambiguous, it is designed to cause confusion and shock, and is worthy of being repealed.

There's been some grotesque language thrown around today, and it bears repeating that nearly 99 percent of abortions occur before 21 weeks, but when they are needed later in pregnancy, it is often in very complex circumstances, as the previous speaker mentioned. The kinds of situations where a woman and her doctor may need every medical option available. In fact, abortions later in pregnancy often involve rare, severe fetal abnormalities and serious risks to women's health. The current law punishes people, including moms and dads who are faced with the most unbearable and heartbreaking situations that a person can experience, by adding untold suffering to this tragedy. I cannot let us proceed with this vote without reminding you of who would be hurt by a “yes” vote on this amendment.

People like Christy. Christy was pregnant with her second child, a planned and wanted pregnancy. After a 20-week ultrasound, they found out their daughter would be born with a complication called congenital diaphragmatic hernia, and would suffocate at birth. As an act of compassion, they made a difficult decision of ending the pregnancy at 21 weeks.

Consider Julie. Julie's doctor told her and her husband that their son's brain had a serious abnormality, a diagnosis they confirmed with tests, more ultrasounds, and an MRI. If the baby survived, he would never speak, walk, or have a conscious thought, based on what had developed in his brain. As an act of compassion, Julie and her husband decided to terminate the pregnancy and the soonest that they could get an appointment was at 21 weeks.

We heard similar stories from Kate and Chelsea and Danielle, and I don't have to repeat every single one of them, but so many more hopeful parents who had to make painful but compassionate decisions. People just like Kate, Chelsea, Danielle, Christy, Julie—they may be at your Thanksgiving table. They sit next to you in church, and in line with you at the grocery store. You may not know their stories, because they are just too painful to speak out loud, and frankly, many fear judgment from those unwilling to put themselves in their shoes. I cannot imagine facing those decisions as a mother. I cannot comprehend the pain that they must have experienced. What I can understand, to the depths of my heart, is the desire to spare my children the kind of suffering that these conditions cause. I urge you to really think about these stories before you cast your vote. I urge you to support parents who are faced with incredibly complex and heart-wrenching decisions, and to affirm their right to do so, free from the fear of unnecessary medical complications, and even maternal death. As an act of compassion, I urge you to vote “no” on this amendment.

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. 663

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	Lauwers	Outman
Bellino	Hoitenga	Lindsey	Theis
Bumstead	Huizenga	McBroom	Victory
Daley	Johnson	Nesbitt	Webber
Damoose			

Excused—1

Runestad

Not Voting—0

In The Chair: Moss

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Albert's statement is as follows:

This amendment will keep Michigan's partial-birth abortion ban on the books. The Democrats' repeal of partial-birth abortion is an issue that has perplexed me since these bills were first introduced. In the first version of these bills, the House bill did repeal Michigan's partial-birth abortion ban; then a Senate version was introduced and we voted on that bill in this chamber, that did not repeal the partial-birth abortion ban. Now, here we are again, and this time for what is the final bill going to the Governor's desk to become law, is a repeal of Michigan's partial-birth abortion ban.

I'm struggling greatly to understand why this law is being repealed and why Democrats have gone back and forth on this ban. At first I thought it might be because the infant protection act is still in state law and that seems to be a duplicative law to the partial-birth abortion ban. However, after looking more into it, the infant protection act was struck down in a court case and is now unenforceable. There is a federal law prohibiting partial-birth abortion, but eliminating the state law and leaving only federal law in place creates issues. First off, the federal government could change their law and remove any ban of partial-birth abortion whatsoever. Additionally, relying only on federal law monumentally weakens enforcement. No state can be forced to enforce federal law, so if a partial-birth abortion in this state were to be performed and this state law is not on the books, we might very well have to rely on a federal prosecutor to elect to take the case. I do not understand what the policy objective is here. I would greatly appreciate it if someone could explain to the people of Michigan why repealing our state's ban on partial-birth abortion is necessary. One may argue that this procedure rarely happens, but that does not mean that we should not have a law prohibiting it. Many of our state laws criminalize conduct that rarely happens. That is the whole point. Making rare-but-reprehensible conduct illegal is part of why we have criminal laws in the first place.

I cannot fathom anyone saying this procedure should be allowable. This is a procedure where a child is delivered, so part of their body is out of the womb, and their brains are sucked out and its head is crushed. Repealing this law is entirely unjustified and barbaric. I encourage my colleagues to support my amendment to ensure Michigan's partial-birth abortion ban remains in state law.

The following bill was read a third time:

House Bill No. 4951, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 10d of chapter II, sections 1a and 3 of chapter IV, section 6e of chapter V, section 4a of chapter IX, and sections 13k, 16d, and 16p of chapter XVII (MCL 762.10d, 764.1a, 764.3, 765.6e, 769.4a, 777.13k, 777.16d, and 777.16p), section 10d of chapter II, section 3 of chapter IV, and section 6e of chapter V as added and section 1a of chapter IV as amended by 2020 PA 394, section 4a of chapter IX as amended by 2019 PA 115, section 13k of chapter XVII as amended by 2018 PA 587, section 16d of chapter XVII as amended by 2023 PA 59, and section 16p of chapter XVII as amended by 2008 PA 467.

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. 664

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	Lauwers	Outman
Bellino	Hoitenga	Lindsey	Theis
Bumstead	Huizenga	McBroom	Victory
Daley	Johnson	Nesbitt	Webber
Damoose			

Excused—1

Runestad

Not Voting—0

In The Chair: Moss

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4953, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 5711 (MCL 600.5711), as amended by 2014 PA 223.

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. 665

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	Lauwers	Outman
Bellino	Hoitenga	Lindsey	Theis
Bumstead	Huizenga	McBroom	Victory
Daley	Johnson	Nesbitt	Webber
Damoose			

Excused—1

Runestad

Not Voting—0

In The Chair: Moss

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4954, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 6 (MCL 388.1606), as amended by 2023 PA 103.

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. 666

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	Lauwers	Outman
Bellino	Hoitenga	Lindsey	Theis
Bumstead	Huizenga	McBroom	Victory
Daley	Johnson	Nesbitt	Webber
Damoose			

Excused—1

Runestad

Not Voting—0

In The Chair: Moss

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

Protests

Senator McBroom, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill Nos. 4949, 4951, 4953, and 4954 and moved that the statement he made on Thursday, October 19 protesting against the passage of Senate Bill Nos. 474, 475, 476, and 477 be printed as his reasons for voting “no.”

The motion prevailed.

Senator McBroom’s statement is as follows:

It’s almost pointless it seems at times to stand up and speak on an issue. This issue particularly is one I have certainly stood up and spoken on before, and I know those who advocated for these policies have also stood up and spoke before. It’s difficult to know whether or not, I suspect my opponents agree, whether there is anything new to be said. Many of us weren’t even born when abortion became legalized in this country so we are not the first generation to debate it and what new issues we can bring to the floor. Rising to speak on it can seem very futile. Futile for those who advocate for it I’m sure and futile for those who advocate against it. Yet I feel compelled to speak regardless because truth should always be heard. Regardless whether truth is winning at any given moment, regardless if people want to hear the truth, truth must be spoken.

During the earlier debate on these bills, once again heard proponents speak about how this is about women’s rights, this is about women’s health, and that those of us who oppose this legislation are seeking somehow or other to trample on those rights, seeking to control other people’s bodies. The important truth that must be shared again, lest be forgotten and lost in the cacophony, is that we are advocates against abortion because we advocates for human life and for human rights. Come, let us reason together, if what grows inside of a mother is not human but is simply tissue, simply material, to be expelled like a tumor or a cancer, then we wouldn’t have this debate.

There are those of us who fundamentally believe that it is a human life, not a partial life, not sort of a life, not pre-life, but life itself. It is incumbent on those who view it differently that it should simply be ended, or able to be ended, to explain how it is not human life when it has all of the aspects that we deem life to have. It has its own distinct DNA, it has its own distinct fingerprints, it has its own heart and mind and breath. The body grows and respirates, it consumes, it expels, and those who argue, Well but it is dependent, well there are a lot of lives that are dependent, where should we draw this line? At two years old? My two-year-olds were certainly dependent. At 10 years old? My seven-year-old is still very dependent. How about at 90 years old? I have a grandmother who is extremely dependent who is over 90. So it cannot be based on dependence. Where should we draw this line? We know we can’t draw this line based whether they are actively participating, whether their minds are, because we recognize people who are in coma or who are sleeping are still alive and can’t be snuffed out. So where I ask should that line be? It is incumbent upon the others who advocate the ending of a life is somehow not the ending of a life to explain how it’s not a life. To us it is a life and the line is very clear, we say it all the time, at conception. When this DNA is created, when the ovum and sperm come together, that is a new human life. It is entitled to all the rights every other human life is entitled to. All the rights.

These are important and profound truths. What is particularly upsetting in this discussion is where this line is just ignored. The need to even establish the line is ignored and it moves around even to the point where some literally advocate for the allowance of death after the baby is born. We see the incredible inconsistency when the determination of what is or isn’t a life depends upon the perception of the one carrying the life and whether or not they want it or not. It’s not convenient this time so therefore, I deem it not to be a life. This time I want it, I’ve named it, I’ve listened to it, so now it is a life. This tremendous inconsistency, incongruity, even hypocrisy is for the other side to answer. It is for them to stand up and say, Here’s why you’re wrong, here’s why it is not a human life, here’s why convenience, here’s why expediency, here’s why the debate on affordability or the circumstance of the parents do matter, this is why it is okay to say, Well life isn’t going to be good enough yet, the parents aren’t ready yet, so therefore it is okay because it’s not really a life anyway. When we don’t allow that excuse for anyone else who ends a life, at any other time, except when it’s not yet born life. That definition seems to be in jeopardy. Once again I know, I’m not saying anything that hasn’t been said or heard before. I know the chances that it makes a difference are low. Truth needs to be heard. Truth needs to be spoken. Come let us reason together.

By unanimous consent the Senate returned 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 Chang 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 bills:

House Bill No. 4955, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 1810 (MCL 339.1810), as amended by 2020 PA 265.

House Bill No. 4956, entitled

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties," by amending section 1 (MCL 780.621), as amended by 2021 PA 78.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

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

House Bill No. 4955

House Bill No. 4956

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

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. 4955

House Bill No. 4956

The motion prevailed.

The following bill was read a third time:

House Bill No. 4955, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 1810 (MCL 339.1810), as amended by 2020 PA 265.

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. 667

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	Lauwers	Outman
Bellino	Hoitenga	Lindsey	Theis
Bumstead	Huizenga	McBroom	Victory
Daley	Johnson	Nesbitt	Webber
Damoose			

Excused—1

Runestad

Not Voting—0

In The Chair: Moss

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations and to regulate certain persons and activities relative to those occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to provide immunity from certain civil liability for certain entities and certain related occupations under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4956, entitled

A bill to amend 1965 PA 213, entitled “An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties,” by amending section 1 (MCL 780.621), as amended by 2021 PA 78.

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. 668

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	Lauwers	Outman
Bellino	Hoitenga	Lindsey	Theis
Bumstead	Huizenga	McBroom	Victory
Daley	Johnson	Nesbitt	Webber
Damoose			

Excused—1

Runestad

Not Voting—0

In The Chair: Moss

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Polehanki’s statement is as follows:

I rise today, Mr. President, to celebrate some big wins for public education here in Michigan. The new Democratic majority in the Legislature has repealed the misguided third grade read-or-flunk law; eliminated the duplicative and inferior A-F school scorecard in favor of the parent dashboard that was created by parents; made it easier for teachers from other states to come join our ranks; returned the unfair prohibited subjects of bargaining back to the bargaining table; allowed newly-retired teachers to come back to school to help in areas of shortage, like being sub teachers; overhauled the flawed teacher evaluation system; and passed a truly historic school aid budget that boosts teacher pay, increases funding for at-risk and special-ed students, provides free meals for all public school kids, and much more. And we are only getting started.

Senator McBroom’s statement is as follows:

Mr. President, I’d like to bring to your attention the recent announcement from the Department of Corrections. Last week, our Department of Corrections issued an order without having done any sort of outreach to its staff and workers who would be implementing a new policy. They suddenly dropped on the laps of our hardworking state employees at our facilities that from now on, female corrections officers will be required to do any sort of strip searches on any inmate who’s male but claims to be female. This is an egregious violation of our female employees of this state—particularly when you consider the fact that the director had already denied the right of male employees to work at the female prison. To have implemented this policy without having done any outreach to the corrections officers union ahead of time is an incredible slap in the face to these people who put their lives on the line to protect our state every day.

It’s an outrage that this administration continues to support this director’s poor leading of this department, where they’re not focusing on the fact that we have employees who are working days and days with mandated overtime, violating the 32-hour rule repeatedly, left with little to no time with their families—barely enough time to get home, sleep, and go back to work again. Now all of a sudden, we give rights to sexual predators to utilize an obscurity of the law and process to assault our female officers. It’s an outrageous development at this already-troubled department.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, November 2:

House Bill Nos. 4048 4154 4158 4720 4722 4981 5059

The Secretary announced that the following House bills were received in the Senate and filed on Friday, November 3:

House Bill Nos. 5120 5121

The Secretary announced that the following bills and joint resolution were printed and filed on Thursday, November 2, and are available on the Michigan Legislature website:

House Bill Nos. 5291 5292 5293 5294 5295

House Joint Resolution I

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

House Bill Nos. 5296 5297 5298 5299 5300 5301 5302 5303 5304

The Secretary announced that the following bill was printed and filed on Tuesday, November 7, and is available on the Michigan Legislature website:

Senate Bill No. 641

Committee Reports

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

House Bill No. 4320, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 145h.

With the recommendation that the bill pass.

Stephanie Chang
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

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

House Bill No. 4387, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2020 PA 50.

With the recommendation that the bill pass.

Stephanie Chang
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Civil Rights, Judiciary, and Public Safety submitted the following:

Meeting held on Thursday, November 2, 2023, at 9:00 a.m., Room 1200, Binsfeld Office Building

Present: Senators Chang (C), Shink, Wojno, Irwin, Santana, Runestad and Johnson

The Committee on Labor reported

House Bill No. 4082, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2092) by adding section 23b.

With the recommendation that the bill pass.

John Cherry
Chairperson

To Report Out:

Yeas: Senators Cherry, Camilleri, Cavanagh and Albert

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Labor submitted the following:

Meeting held on Thursday, November 2, 2023, at 9:30 a.m., Room 1300, Binsfeld Office Building

Present: Senators Cherry (C), Camilleri, Cavanagh and Albert

The Committee on Economic and Community Development reported

House Bill No. 5074, entitled

A bill to amend 2018 PA 57, entitled “Recodified tax increment financing act,” by amending section 402 (MCL 125.4402).

With the recommendation that the bill pass.

Mallory McMorrow
Chairperson

To Report Out:

Yeas: Senators McMorrow, Cavanagh, Polehanki, Cherry, McDonald Rivet, Moss, Geiss, Victory and Webber

Nays: Senator Lindsey

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic and Community Development submitted the following:

Meeting held on Thursday, November 2, 2023, at 12:00 noon, Room 1100, Binsfeld Office Building

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

The Committee on Energy and Environment reported

House Bill No. 4706, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the powers and duties of certain state governmental officers and entities; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” by amending the title and sections 10g, 10h, and 10q (MCL 460.10g, 460.10h, and 460.10q), the title as amended by 2016 PA 341, section 10g as amended by 2008 PA 286, section 10h as added by 2000 PA 142, and section 10q as added by 2000 PA 141.

With the recommendation that the bill pass.

Sean McCann
Chairperson

To Report Out:

Yeas: Senators McCann, McDonald Rivet, Singh, Bayer, Shink, Hertel, Camilleri, Chang, Polehanki, Lauwers, Damoose, Outman, Hauck and Bellino

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Environment submitted the following:

Meeting held on Thursday, November 2, 2023, at 1:30 p.m., Room 403, 4th Floor, Capitol Building

Present: Senators McCann (C), McDonald Rivet, Singh, Bayer, Shink, Hertel, Camilleri, Chang, Polehanki, Lauwers, Damoose, Outman, Hauck and Bellino

The Committee on Health Policy reported

Senate Bill No. 44, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 16279.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Kevin Hertel
Chairperson

To Report Out:

Yeas: Senators Hertel, Santana, Wojno, Cherry, Klinefelt, Geiss, Webber, Hauck, Huizenga and Runestad
 Nays: None
 The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 45, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16105 and 16106 (MCL 333.16105 and 333.16106), section 16105 as amended by 2002 PA 643 and section 16106 as amended by 2022 PA 80.

With the recommendation that the bill pass.

Kevin Hertel
 Chairperson

To Report Out:

Yeas: Senators Hertel, Santana, Wojno, Cherry, Klinefelt, Geiss, Webber, Hauck, Huizenga and Runestad
 Nays: None
 The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 482, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 13809 and 13810 (MCL 333.13809 and 333.13810), as added by 1990 PA 21.

With the recommendation that the bill pass.

Kevin Hertel
 Chairperson

To Report Out:

Yeas: Senators Hertel, Santana, Wojno, Cherry, Klinefelt, Geiss, Webber, Hauck, Huizenga and Runestad
 Nays: None
 The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Thursday, November 2, 2023, at 3:00 p.m., Room 1100, Binsfeld Office Building

Present: Senators Hertel (C), Santana, Wojno, Cherry, Klinefelt, Geiss, Webber, Hauck, Huizenga and Runestad

Scheduled Meetings

Administrative Rules, Joint – Wednesday, November 8, 8:30 a.m., Room 326, 3rd Floor, Anderson House Office Building (517) 373-0127

Appropriations – Wednesday, November 8, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5307 (CANCELLED)

Civil Rights, Judiciary, and Public Safety – Thursday, November 9, 9:00 a.m., Room 1200, Binsfeld Office Building (517) 373-5312

Elections and Ethics – Wednesday, November 8, 1:00 p.m., Room 1100, Binsfeld Office Building (517) 373-1721

Finance, Insurance, and Consumer Protection – Wednesday, November 8, 9:45 a.m., Room 1200, Binsfeld Office Building (517) 373-5314

Senator Singh moved that the Senate adjourn.
The motion prevailed, the time being 3:22 p.m.

The President pro tempore, Senator Moss, declared the Senate adjourned until Wednesday, November 8, 2023, at 10:00 a.m.

DANIEL OBERLIN
Secretary of the Senate

