

No. 4
STATE OF MICHIGAN
Journal of the Senate
102nd Legislature
REGULAR SESSION OF 2024

Senate Chamber, Lansing, Thursday, January 18, 2024.

10:00 a.m.

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

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

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

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

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

Senator Roger Victory of the 31st District offered the following invocation:

Lord, we thank You this morning that we may gather here to do the work of the people. We also thank You, Lord, for the four seasons You give to us and may You guide us safely through this winter season as we travel the roadways of this great state of Michigan.

Lord, may Your guiding hand also be upon those members who may have suffered loss of family members or who are currently having health issues with family members. May Your guidance and healing hand be upon them.

And Lord, if it's Your will, may Your hand be upon the Detroit Lions and offer them a victory this coming weekend.

This we ask in Your name. Amen.

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

Motions and Communications

Senator Lauwers moved that Senators Bumstead, Daley, Johnson, Outman, McBroom and Webber be excused from today's session.

The motion prevailed.

Senator Singh moved that Senators Camilleri, Chang and Geiss be excused from today's session.

The motion prevailed.

The following communication was received:

Office of Senator Jon C. Bumstead

January 17, 2024

Please add my name as a cosponsor to Senate Joint Resolution G introduced by Senator Michael Webber.

Thank you,
Jon Bumstead
State Senator
Michigan Senate District 32

The communication was referred to the Secretary for record.

Recess

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

The motion prevailed, the time being 10:03 a.m.

10:37 a.m.

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

The following communication was received and read:

Office of the Senate Majority Leader

January 17, 2024

Pursuant to Senate Rule 1.105 I hereby announce the appointments of Senators to standing committees and Appropriations subcommittees for this the 102nd Legislature.

Economic and Community Development:

- 1. Remove Senator Cherry

Elections and Ethics:

- 1. Remove Senator Camilleri

Finance, Insurance, and Consumer Protection:

- 1. Remove Senator Moss
- 2. Senator Irwin, Majority Vice Chair
- 3. Add Senator Camilleri

Transportation and Infrastructure:

- 1. Remove Senator Camilleri

DHHS:

- 1. Remove Senator Camilleri

General Government:

- 1. Remove Senator Singh

Joint Capital Outlay:

- 1. Remove Senator Camilleri
- 2. Add Senator Bayer

MDE:

- 1. Remove Senator Singh

EGLE:

- 1. Remove Senator McDonald Rivet

Universities and Community Colleges:

- 1. Remove Senator McDonald Rivet

PreK-12:

- 1. Add Senator McDonald Rivet

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,
Winnie Brinks
Senate Majority Leader

The communication was referred to the Secretary for record.

Messages from the Governor

The following message from the Governor was received on January 17, 2024, and read:

EXECUTIVE ORDER
No. 2024-2

Department of Civil Rights

Department of Labor and Economic Opportunity

Department of Licensing and Regulatory Affairs

Department of Lifelong Education, Advancement, and Potential

Workers' Disability Compensation Appeals Commission

Executive Reorganization

Educational attainment after high school is a key determinant of economic opportunity and social mobility. My administration has been focused on ensuring that Michigan is providing the best opportunity for its residents and attracting and retaining talent. With the establishment of the Michigan Department of Lifelong

Education, Advancement, and Potential (MiLEAP), Michigan has an executive department dedicated to advancing our lifelong education efforts—from preschool through postsecondary. Creating a single place in state government to lead our work to increase degree attainment helps more people make it in Michigan.

It is also important that the Michigan Tax Tribunal and the Workers' Disability Compensation Appeals Commission have the tools to exercise their functions as efficiently as possible. This reorganization gives the Tax Tribunal increased autonomy. It also streamlines the process for ensuring that the Workers' Disability Compensation Appeals Commission can proceed expeditiously to hear appeals even when conflicts arise. The transfers contained in this order will increase the efficiency and effectiveness of state government.

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

Section 2 of article 5 of the Michigan Constitution of 1963 empowers the governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the governor considers necessary for efficient administration.

Acting pursuant to the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Transfers from the Department of Labor and Economic Opportunity

(a) Michigan Office of Postsecondary Educational Attainment

(1) All authority, powers, duties, functions, and responsibilities related to the Michigan Office of Postsecondary Educational Attainment, established under MCL 388.1841d, are hereby transferred to the Michigan Department of Lifelong Education, Advancement, and Potential. The transfer includes the civil service personnel and the programs, records, property, and allocations or other funds of the Office.

2. Transfers from the Department of Civil Rights

(a) Michigan Indian Tuition Waiver

(1) All authority, powers, duties, functions, and responsibilities related to the Michigan Indian Tuition Waiver, created under 1976 PA 174, MCL 390.1251 et seq., and transferred to the Department of Civil Rights by Executive Reorganization Order 1999-6 (E.O. 1999-9), are hereby transferred to the Michigan Department of Lifelong Education, Advancement, and Potential. The transfer includes the civil service personnel and the programs, records, property, and allocations or other funds of the Office.

3. Department of Licensing and Regulatory Affairs

(a) Transfer of the Michigan Tax Tribunal to the Department of Licensing and Regulatory Affairs

(1) The Michigan Tax Tribunal, created under the Tax Tribunal Act, 1973 PA 186, as amended, MCL 205.701 et seq., is transferred by Type I transfer from the Michigan Office of Administrative Hearings and Rules to the Department of Licensing and Regulatory Affairs. As a Type I agency, the Michigan Tax Tribunal shall exercise its prescribed authority, powers, duties, functions, and responsibilities independently of the director of the Department of Licensing and Regulatory Affairs. The budgeting, procurement, and related management functions of the Michigan Tax Tribunal shall be performed under the direction and supervision of the director of the Department of Licensing and Regulatory Affairs.

4. Amendment to Executive Order No. 2019-13

(a) Section 4(b) of Executive Order No. 2019-13 is rescinded and replaced with the following:

(1) The Workers' Disability Compensation Appeals Commission will include three members appointed by the governor with the advice and consent of the senate. The Workers' Disability Compensation Appeals Commission shall act by the vote of two or more members. If the Workers' Disability Compensation Appeals Commission does not have the vote of two or more members to decide a case because a member cannot participate due to a conflict under section 4(g) or for any other reason, the director of the Workers' Disability Compensation Agency or the director's designated representative shall randomly assign a member of the Workers' Compensation Board of Magistrates who is not subject to disqualification in that case to participate in the case and cast a vote upon a review of the record. In the event that two members of the Workers' Disability Compensation Appeals Commission cannot participate in a case because of a conflict under section 4(g) or for any other reason, the director of the Workers' Disability Compensation Agency or the director's designated representative shall randomly assign two members of the Workers' Compensation Board of Magistrates who are not subject to disqualification in that case to participate in the case and cast votes upon a review of the record. Members of the Workers' Disability Compensation Appeals Commission must be appointed for a term of four years. A member may continue to serve until a successor is appointed and qualified. A vacancy occurring before the expiration of a term will be filled in the same manner as the original appointment for the remainder of the term.

5. Implementation of Transfers

(a) Except as otherwise provided by this Order, the director of each applicable department shall provide executive direction and supervision for the implementation of all transfers to the director's department under this Order.

(b) Except as otherwise provided by this Order, the director of each applicable department shall administer the assigned functions transferred to the director’s department under this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

(c) The directors of all state departments and agencies having authority transferred under this Order shall immediately initiate coordination to facilitate the transfers and develop memoranda of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved related to the authority to be transferred.

(d) All records, property, and unexpended balances of appropriations, allocations, or other funds used, held, employed, available to be made for activities, powers, duties, functions, and responsibilities transferred to a department under this Order are hereby transferred to that department.

(e) Except as otherwise provided by this Order, the director of each applicable department may delegate a duty or power conferred by law or this Order and the person to whom such duty or power is delegated may perform such duty or exercise such power at the time and to the extent that such duty or power is delegated by the director.

(f) All rules, orders, contracts, and agreements related to the functions transferred by this Order lawfully adopted prior to the effective date of this Order by the responsible state department or agency shall continue to be effective until revised, amended, or rescinded.

(g) Any suit, action or other proceeding lawfully commenced against, or before any entity transferred by this Order shall not abate by reason of the taking effect of this Order. Any lawfully commenced suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

6. Reserved Authority

(a) Nothing in this Order should be construed to diminish the constitutional authority of the State Board of Education to provide leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, and its authority to serve as the general planning and coordinating body for all public education including higher education, and to advise the legislature as to the financial requirements in connection therewith.

(b) Nothing in this Order should be construed to diminish the constitutional authority of the boards of institutions of higher education to supervise their respective institutions and control and direct the expenditure of the institutions' funds.

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.

Consistent with section 2 of article 5 of the Michigan Constitution of 1963, this order is effective **March 18, 2024, at 12:01 a.m.**

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

Date: January 17, 2024
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.

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

Senators Klinefelt, Polehanki and McCann introduced
Senate Bill No. 690, entitled

A bill to amend 1980 PA 523, entitled “Michigan code of military justice of 1980,” by amending sections 2, 3, 6, 10, 15, 16, 17, 18, 19, 20, 23, 24, 26, 27, 29, 32, 34, 36, 43, 48, 52, 54, 58, 61, 65, 66, 67, 121, and 147 (MCL 32.1002, 32.1003, 32.1006, 32.1010, 32.1015, 32.1016, 32.1017, 32.1018, 32.1019, 32.1020, 32.1023, 32.1024, 32.1026, 32.1027, 32.1029, 32.1032, 32.1034, 32.1036, 32.1043, 32.1048, 32.1052, 32.1054, 32.1058, 32.1061, 32.1065, 32.1066, 32.1067, 32.1121, and 32.1147), sections 2, 3, 15, 16, 26, 27,

and 29 as amended and section 121 as added by 2005 PA 186, and by adding sections 6a, 30a, 38a, 58a, 58b, 93a, 106, 106a, 112a, 120, 121a, 121b, 122, 123, 128, 131a, 131b, 131c, 132a, 134a, 134b, 134c, and 134d; 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 Veterans and Emergency Services.

Senators Singh and Daley introduced

Senate Bill No. 691, entitled

A bill to amend 1965 PA 232, entitled “Agricultural commodities marketing act,” by amending section 8 (MCL 290.658), as amended by 2002 PA 601.

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

Senators Singh, Polehanki, Geiss, Klinefelt, Cavanagh and Shink introduced

Senate Bill No. 692, entitled

A bill to provide for the protection of certain individuals through the licensing and regulation of certain camps and camp programs; to provide for the establishment of standards of certain camps and camp programs; to require the promulgation of rules; to provide for the powers and duties of certain state and local governmental officers and entities; to create the camp licensing fund and to provide for contributions to and expenditures from the fund; to provide certain immunity from liability; and to prohibit certain conduct regarding reporting and provide penalties.

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

Senators Klinefelt, Polehanki, Geiss, Singh, Shink and Cavanagh introduced

Senate Bill No. 693, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 15g of chapter XVII (MCL 777.15g), as amended by 2017 PA 259.

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

Senators Cavanagh, Polehanki, Geiss, Klinefelt, Singh and Shink introduced

Senate Bill No. 694, 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,” by amending sections 1 and 9 (MCL 722.111 and 722.119), section 1 as amended by 2023 PA 173 and section 9 as amended by 2022 PA 71; 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.

Senator Singh introduced

Senate Bill No. 695, entitled

A bill to amend 1979 PA 218, entitled “Adult foster care facility licensing act,” by amending sections 3, 5, 7, 13a, 16, 19, 22, and 26a (MCL 400.703, 400.705, 400.707, 400.713a, 400.716, 400.719, 400.722, and 400.726a), sections 3, 5, 7, 13a, and 22 as amended by 2018 PA 557, section 19 as amended by 1992 PA 176, and section 26a as amended by 2018 PA 388.

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

House Bill No. 4845, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2092) by adding section 103a.

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.

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 Hertel as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Gilchrist, having assumed the Chair, the Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 465, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 643b. 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.

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Moss’ statement is as follows:

It’s kind of like what Yogi Berra said, It’s déjà vu all over again. This is the second tribute speech I’ve given as my legislative director Jennie Gies leaves my office yet again. And before you think, Oh Jeremy Moss can’t keep his staff, I like to think of it as, They always come back.

I’ve heard many members talk about these farewells to staff as bittersweet. I personally have not gotten over the bitter yet, and that’s just because of how reliant I’ve been on Jennie for many years. Truly, Jennie and I have been friends for about 15 years. When we both served on staff in the House, she was the first person I called when I didn’t know how to solve an issue or who to reach out to at a department or association or to get ideas on how to move a piece of policy forward. Fifteen years later, none of that has changed.

When I was elected to the House, Jennie came with me on day 1, helping me to vice chair a committee as a freshman, pass legislation in the minority, and ensure we were delivering services to our constituents back home. My first term, she came up with the idea for us to host a resource fair for senior citizens in our district, and now our annual senior summit has become a hallmark event for our district and has grown to host literally several hundreds of our constituents.

Then, Jennie left my office in my second term in the House to be an advocate for Michigan nurses for a few years, but as Jake Gyllenhaal tells Heath Ledger, I just don’t know how to quit you. Jennie came back to my office in the Senate for a second time just in time for a global pandemic. She provided much-needed constituent assistance during that crisis, and then again became my legislative director when Jason Hoskins left my office to go do something over in the House. She has been a model in this role this past year—managing two committees, juggling all these diverse policy issues at various stages in the process, communicating with multiple members and their offices on any given day, compiling a Rolodex of stakeholders, and uplifting everyone around her.

Specifically, the Prop 2 implementation happened because of Jennie Gies. She facilitated our workgroup of election officials and voting rights activists, worked with bill drafters on the dozens of bills and the dozens of drafts, and smoothly set the timeline to get these bills moving through committee, then the Senate, then the House. Some of the most seasoned policy folks in this town told me how masterfully she guided this process.

So of course it wouldn’t be long before someone else would want Jennie on their legislative team—thank you very much, Governor Whitmer—but I’ll move past the bitter to get to the sweet. Jennie, you are incredible. You gave me the confidence that, in what can be a really tough job, we’d be able to tackle any of the challenges before us and I know that Sarah, Elizabeth, Riley, and Adam feel the same way. I can’t thank you enough for all the success we’ve been able to achieve together on behalf of the constituents of the 35th House District, the 11th Senate District, and the 7th Senate District. And while this may be goodbye—literally, this may be goodbye; seems like you’ll be back—you will always be an all-star player on any team you’re a part of.

Senator Albert’s statement is as follows:

The weather we have seen in Michigan and the Midwest as a whole over the last week has been cold, brutally cold in fact. Where I live in West Michigan, in a one week period we’ve had roughly two feet of snow in some places and temperatures in the high teens if we’re lucky. These ice-cold temperatures have prompted news articles to be written about how unreliable electric vehicles are in cold weather. There have been images of frustrated electric vehicle owners in Chicago, crammed into charging stations, unable to get their car running.

One particular *Detroit News* column entitled, “Electric school buses already hit the brakes” detailed the flaws of big government centralized planners pushing electric school buses in our public schools. It displayed how this overzealous electrification is being pushed no matter the cost to taxpayers and no matter what problems they have with reliability. This column highlights problems in Ann Arbor Public Schools and what they’ve had with issues of onboarding four electric school buses.

The first issue is cost. Electric school buses cost roughly three to five times more than a regular bus, depending on the size. Many electric school buses going into operation are subsidized by government programs and it may initially not cost the school districts themselves more to get one, but it certainly costs more to taxpayers overall, and it certainly costs schools more to operate electric school buses. Many are discovering the costs far exceed what they had expected. There are also issues with downtime and performance.

This Legislature approved \$125 million to school districts to buy electric school buses in this current budget. And recently, the Biden administration has announced another round of funding that will direct about \$18 million in grants in Michigan for alternative school buses. That money would be better spent elsewhere in the school system, helping kids improve their academic performance, or it could have not been spent at all and let the taxpayers keep their money.

Sadly, school buses are just one example of how big government planners, including Democrats in Michigan, are trying to force the automotive market toward electric vehicles. I’m not against electric vehicles in and of themselves—if someone can buy an electric vehicle and make it work, all the power to them—but I am against the government helping build and buy electric vehicles with taxpayer money, especially when there’s clear signs that this product is not ready for the mass market.

On top of all of this, the state has begun plans to transition its own fleet to zero-emission vehicles, even though the cost to taxpayers is far more than gas-powered alternatives. I for one would have been very interested to see how effective an electric-powered snowplow would have performed this past week. I would bet we’d still in West Michigan have over a foot of snow on the roads.

With all of this in mind, it would certainly be unwise to pursue this nonsense with an electric vehicle tax rebate. The most recent proposal from the Governor would offer a rebate only to new vehicle purchases, heavily weighted to those in favor of electric vehicles. There are a lot of problems with this elitist proposal, not the least of which is that it does nothing to help Michiganders who are the most in need of help. Those who rely on used vehicles can’t afford new vehicles of any kind. The evidence is clear—it’s time to stop this elitist, big government centralized planning approach and let people decide for themselves where the vehicle market should go.

Announcements of Printing and Enrollment

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, January 17:

House Bill No. 4845

The Secretary announced that the following bills were printed and filed on Wednesday, January 17, and are available on the Michigan Legislature website:

Senate Bill No. 689

House Bill No. 5399

Scheduled Meetings

Local Government – Tuesday, January 23, 1:30 p.m., Room 1200, Binsfeld Office Building (517) 373-5312

Senator Singh moved that the Senate adjourn.

The motion prevailed, the time being 10:56 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Tuesday, January 23, 2024, at 10:00 a.m.

DANIEL OBERLIN
Secretary of the Senate

