

No. 20
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House of Representatives
101st Legislature
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House Chamber, Lansing, Tuesday, March 1, 2022.

1:30 p.m.

The House was called to order by the Speaker Pro Tempore.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Aiyash—present	Coleman—present	LaFave—present	Rogers—present
Albert—present	Damoose—present	LaGrand—present	Roth—present
Alexander—present	Eisen—present	Lasinski—present	Sabo—present
Allor—present	Ellison—present	Liberati—present	Scott—present
Anthony—present	Farrington—present	Lightner—present	Shannon—present
Beeler—present	Filler—present	Lilly—present	Slagh—present
Bellino—present	Fink—present	Maddock—present	Sneller—present
Berman—present	Frederick—present	Manoogian—present	Sowerby—present
Beson—present	Garza—present	Marino—present	Steckloff—present
Bezotte—present	Glenn—present	Markkanen—present	Steenland—present
Bolden—present	Green—present	Martin—present	Stone—present
Bollin—present	Griffin—present	Meerman—present	Tate—present
Borton—present	Haadsma—present	Morse—present	Thanedar—present
Brabec—present	Hall—present	Mueller—present	Tisdell—present
Brann—present	Hauck—present	Neeley—present	VanSingel—present
Breen—present	Hertel—present	O'Malley—present	VanWoerkom—present
Brixie—present	Hoitenga—present	O'Neal—present	Wakeman—present
Calley—present	Hood—present	Outman—present	Weiss—excused
Cambensy—present	Hope—present	Paquette—present	Wendzel—present
Camilleri—present	Hornberger—present	Peterson—present	Wentworth—present
Carra—present	Howell—present	Pohutsky—present	Whiteford—present
Carter, B—present	Johnson, C—present	Posthumus—present	Whitsett—present
Carter, T—present	Johnson, S—present	Puri—present	Witwer—present
Cavanagh—present	Jones—present	Rabhi—present	Yancey—present
Cherry—present	Kahle—present	Reilly—present	Yaroch—present
Clemente—excused	Koleszar—present	Rendon—present	Young—present
Clements—present	Kuppa—present		

e/d/s = entered during session

Rep. Rachel Hood, from the 76th District, offered the following invocation:

“God, across the world, each nation evolves in a wide diversity of cultures, resources and geography. In some areas of the world, people have come of age only knowing war. Today we pray You humble us to understand the pain and fear of those whose lives are torn apart by the hellish ravages of war. Lord, we are humbled before You as leaders who pray for intervention through Your mighty power. Grant understanding where there is none. Break the backs of those who are hostile and hungry for power. Thwart the plans of the murderous and tyrannical. And open our minds and hearts to welcome the refugee. Help us grant Your people peace, prosperity, identity in a new homeland. Help us to trust and work daily so that our fertile soils, vast opportunities and abundant resources, granted by You, will also be sustained with the contributions of new hands, replenishing our communities, our hearts and spirits, to continue doing Your work without fear of scarcity, but instead with confidence in the delivery of abundance that only You can bring. In Your name we pray. Amen.”

Rep. Rabhi moved that Reps. Clemente and Weiss be excused from today’s session.
The motion prevailed.

Motions and Resolutions

Rep. Frederick moved that Rule 42 be suspended.
The motion prevailed, 3/5 of the members present voting therefor.

Rep. Frederick moved that the Committee on Tax Policy be discharged from further consideration of **Senate Bill No. 768**.

The motion prevailed, a majority of the members serving voting therefor.
The bill was placed on the order of Second Reading of Bills.

Reps. Yancey, Brenda Carter, Bolden, Neeley, Scott, Young, Brabec, Tyrone Carter, O’Neal, Whitsett, Anthony, Cavanagh, Hood, Kuppa, Manoogian, Morse, Sneller and Thanedar offered the following resolution:
House Resolution No. 240.

A resolution to urge President Biden to appoint a Black woman to the Supreme Court of the United States.
Whereas, The Supreme Court of the United States is a cornerstone of American democracy and is of paramount importance to the people of this country. As the highest tribunal of the nation, the Court functions as the guardian and interpreter of the U.S. Constitution, and ensures the promise of equal justice under the law for all Americans; and

Whereas, The justices of the Supreme Court act as neutral arbiters of the law. They are entrusted with the critical task of providing an impartial constitutional analysis that is free from political interference; and

Whereas, In order to effectuate true impartiality, it is vital that the Supreme Court reflect the American population that it serves. Diversity is key to maintaining the overall neutrality of the institution. Individuals on the Court are inevitably influenced by their life experience, and it is essential that no one group of Americans is disproportionately represented on the Court; and

Whereas, In the 233 years of the Supreme Court’s existence, the overwhelming majority of justices – 94 percent – have been white men. For centuries, systematic racism and sexism have deprived millions of Americans the opportunity to serve on the Supreme Court. As a result, the majority of this country’s constitutional jurisprudence has been dominated by the interpretations and analyses of only one group of Americans – a group that is highly invested in maintaining a system that affords them power and control over others; and

Whereas, While women remain underrepresented on the Court throughout history, the absence of Black women serving on the Supreme Court is particularly disturbing. Black women have made extraordinary contributions to our country since its founding, and remain the backbone in the fight for justice and equality. The progress that has been achieved, both within and outside the legal system, has been due to the incredible grassroots organizing efforts led largely by Black women. In addition, Black women have fought against decades of oppressive laws and policies to occupy space in the legal profession, which has fostered an impressive list of extremely qualified candidates for the Supreme Court; and

Whereas, During his presidential campaign, President Biden pledged to appoint a Black woman to the Supreme Court. The retirement of Justice Stephen Breyer gives President Biden the opportunity to fulfill this promise and make diversity a true centerpiece of his legacy; now, therefore, be it

Resolved by the House of Representatives, That we urge President Biden to appoint a Black woman to the Supreme Court of the United States; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States.

The resolution was referred to the Committee on Government Operations.

Reps. Tate, Lasinski, Rogers, Steckloff, Hope, Koleszar, Kuppa, Brenda Carter, Bolden, Steenland, Manoogian, Breen, Cavanagh, Hood, Morse, Pohutsky, Sabo, Thanedar and Young offered the following resolution:

House Resolution No. 241.

A resolution to condemn the Republican National Committee for whitewashing and lying about the violent, deadly, and seditious January 6, 2021, insurrection by referring to it as “legitimate political discourse”.

Whereas, While they may disagree on policy matters, our country’s major political parties and their leadership should always act with integrity and honesty. The parties have a responsibility to help uphold our nation’s shared values, including those of peace and democracy; and

Whereas, On January 6, 2021, a mob engaged in an insurrection at the seat of our country’s government and invaded the United States Capitol Complex. The criminal participants violently disrupted a joint session of Congress duly assembled to count the electoral ballots cast in the 2020 presidential election; and

Whereas, The insurrection was a destructive, heinous attack on our democracy. It resulted in at least five deaths, including a Capitol Police officer, and well over 100 injuries. The individuals involved ransacked the chambers of the United States Senate and congressional offices, engaged in numerous acts of vandalism and looting, and committed other abhorrent acts and crimes; and

Whereas, The United States House of Representatives Select Committee to Investigate the January 6th Attack on the United States Capitol, which includes Republicans Liz Cheney and Adam Kinzinger, is carrying out a critically important task vital to our democratic process. Representatives Cheney and Kinzinger, along with the Democratic committee members, deserve commendation for their work to investigate the January 6, 2021, insurrection, not disturbing political attacks; and

Whereas, A Republican National Committee resolution was adopted to “formally censure Liz Cheney and Adam Kinzinger and to no longer support them as members of the Republican Party,” noting that the two U.S. Representatives are part of a “persecution of ordinary citizens engaged in legitimate political discourse”; now, therefore, be it

Resolved by the House of Representatives, That we condemn the Republican National Committee for whitewashing and lying about the violent, deadly, and seditious January 6, 2021, insurrection by referring to it as “legitimate political discourse”; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the members of the United States House of Representatives Select Committee to Investigate the January 6th Attack on the United States Capitol, and the chair of the Republican National Committee.

The resolution was referred to the Committee on Government Operations.

Reps. Jones, Cavanagh, Kuppa, Thanedar and Young offered the following resolution:

House Resolution No. 242.

A resolution to urge the state of Michigan to accelerate efforts to reduce mass incarceration.

Whereas, There are over 2 million people currently incarcerated in prisons and jails in the United States, and over 6 million people living under court-ordered supervision. Incarceration rates have increased 500 percent over the last 40 years, while crime rates in the United States have generally decreased over that same period. As a result, the United States now has the highest rate of incarceration of any country in the world; and

Whereas, In Michigan, over 50,000 residents are confined or detained in a state prison, federal prison, or local county jail. In addition, at least 100,000 people are booked into local jails in Michigan each year. Rates of imprisonment have increased dramatically in the last 40 years, and Michigan’s pre-trial population has more than tripled since 1978; and

Whereas, Mass incarceration leads to devastating consequences for those within the prison system and for society at large. Overcrowding in detention facilities contributes to chronic health care neglect, psychological trauma, and other human rights abuses of prisoners. Individuals who have been incarcerated face numerous

disadvantages upon release or parole, particularly in housing and employment. Furthermore, mass incarceration creates an unsustainable financial burden on states as they struggle to accommodate the rapidly expanding penal system; and

Whereas, Communities of color are disproportionately impacted by mass incarceration. Black men are six times more likely to be incarcerated than white men, and about 1 in every 12 Black men in their thirties is in prison or jail on any given day. In Michigan, white people are underrepresented in the prison population, while Black, Hispanic, and American Indian/Alaskan Native communities are overrepresented. The inequities in detainment rates demonstrate how mass incarceration is used to continually disenfranchise and disempower Black communities; and

Whereas, There is little evidence to suggest that mass incarceration improves public safety. While crime rates have generally decreased, mass incarceration has not been shown to contribute substantially to this decline. Lengthy prison sentences are particularly ineffective, as recidivism rates decrease significantly with age. In addition, incarceration does not address any of the societal problems that lead to some types of crimes, such as extreme poverty and drug addiction. The increase in state expenditures on corrections to accommodate mass incarceration is therefore not only expensive, but also ineffective and counterproductive; and

Whereas, The overcrowding that results from mass incarceration is exacerbating stressful conditions for corrections officers and prison employees. The COVID-19 Pandemic has contributed to widespread shortages of corrections officers in Michigan. Corrections officers are overburdened by working conditions that require them to supervise hundreds of prisoners in environments that can be volatile and dangerous; and

Whereas, Every branch of government can play a role in helping to reduce mass incarceration. Some strategies include implementing diversion and deflection programs, changing police practices, reducing the average length of stay, reforming sentencing and parole, improving mental and physical health programming in prison, funding reentry services, and reinvesting money back into the community. Approaching the issue from multiple fronts is the most effective way to address the many causes and contributors to mass incarceration; now, therefore, be it

Resolved by the House of Representatives, That we urge the state of Michigan to accelerate efforts to reduce mass incarceration; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, the Attorney General, the Director of the Michigan State Police, the Director of the Michigan Department of Corrections, and the Supreme Court Administrator.

The resolution was referred to the Committee on Judiciary.

Reps. Filler, Aiyash, Alexander, Allor, Anthony, Beeler, Bellino, Beson, Bezotte, Bolden, Bollin, Borton, Brabec, Brann, Breen, Brixie, Calley, Cambensy, Camilleri, Brenda Carter, Tyrone Carter, Cavanagh, Cherry, Clements, Coleman, Damoose, Eisen, Ellison, Farrington, Fink, Frederick, Garza, Glenn, Griffin, Haadsma, Hauck, Hertel, Hood, Hope, Hornberger, Howell, Cynthia Johnson, Jones, Kahle, Koleszar, Kuppa, LaFave, Lasinski, Liberati, Lightner, Lilly, Maddock, Manoogian, Marino, Markkanen, Martin, Morse, Mueller, Neeley, O'Malley, O'Neal, Outman, Peterson, Pohutsky, Posthumus, Puri, Rendon, Rogers, Roth, Sabo, Scott, Shannon, Slagh, Sneller, Sowerby, Steckloff, Steenland, Stone, Tate, Tisdell, VanSingel, Wakeman, Wendzel, Whiteford, Whitsett, Witwer, Yancey, Yaroch and Young offered the following resolution:

House Resolution No. 243.

A resolution to condemn the Russian invasion of Ukraine in the strongest possible terms.

Whereas, On February 24, 2022, Russian President Vladimir Putin announced a “special military operation” in Ukraine. Soon after, the Russian military launched a full-scale invasion of its neighbor, including sending troops into the country and bombing major cities; and

Whereas, This unjustified invasion has already caused needless anguish and loss of life. Ukrainian soldiers have been killed or wounded, and thousands of refugees have fled to neighboring countries to escape the bloodshed; and

Whereas, The attack on Ukraine is unprovoked and demonstrates a blatant violation of the Budapest Memorandum, a 1994 agreement between the United States, Russia, and Great Britain. As part of the agreement, Russia committed to “respect the independence and sovereignty and the existing borders of Ukraine” and “to refrain from the threat or use of force” against the country; and

Whereas, President Putin has continued to demonstrate a dangerous disregard for international law and a chilling indifference to the unnecessary loss of human life. In announcing the invasion, he commented that Russia remains a powerful nuclear state and threatened grave consequences for countries that interfere with Russia’s goal. It is vital that we remain united in our condemnation of statements and actions that portend a global nuclear threat; now, therefore, be it

Resolved by the House of Representatives, That we condemn the Russian invasion of Ukraine in the strongest possible terms; and be it further

Resolved, That copies of this resolution be transmitted to President of the Russian Federation.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Neeley, Pohutsky, Young, Camilleri, Anthony, Puri, Cavanagh, Lasinski, Tate, Brenda Carter, Stone, Kuppa, Witwer, Hertel, Haadsma, Tyrone Carter, Hood, Cynthia Johnson, Manoogian, Scott, Brixie, Breen, Hope, Morse, Rogers, Cherry, Bolden, Koleszar, Steenland, Roth, Sneller, Whitsett, Calley, Cambensy, Farrington, Peterson, Liberati, Coleman, Garza, Jones, O'Neal, Thanedar, Rabhi, Yancey, Clemente, Brabec and Sabo offered the following resolution:

House Resolution No. 244.

A resolution to declare March 2022 as Women's History Month in the state of Michigan.

Whereas, Michigan women of every race, class, and ethnic background have made historic contributions to the growth and strength of Michigan in countless recorded and unrecorded ways; and

Whereas, Michigan women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of Michigan by constituting a significant portion of the labor force working inside and outside of the home; and

Whereas, Accomplished women in Michigan such as Cora Reynolds Anderson, Lorraine Beebe, Cora Mae Brown, Anna Clemenc, Mary Stallings Coleman, Daisy Elliott, Betty Ford, Martha Griffiths, Marie-Therese Guyon-Cadillac, Erma Henderson, Mildred Jeffrey, Rosa Parks, Elly Peterson, Dorothy Comstock Riley, Anna Howard Shaw, Lucinda Stone, and Sojourner Truth deserve more recognition; and

Whereas, Michigan women have played a unique role throughout the history of Michigan by providing the majority of the volunteer labor force of Michigan; and

Whereas, Michigan women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in Michigan; and

Whereas, Michigan women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement. Michigan women have been leaders not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, the peace movement, and other movements which created a more fair and just society for all; and

Whereas, The population of Michigan is fifty-one percent women. Women compose thirty-six percent of the Michigan Legislature. The percentage of women legislators in the House of Representatives is thirty-eight percent and the percentage of women legislators in the Senate is approximately thirty percent; and

Whereas, Despite these contributions, the role of Michigan women in history has been consistently overlooked and undervalued in the literature, teaching, and study of Michigan history; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare March 2022 as Women's History Month in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 227.

A resolution to commemorate the 25th anniversary of the Michigan Coalition for Responsible Gun Owners. (For text of resolution, see House Journal No. 12, p. 123.)

(The resolution was reported by the Committee on Military, Veterans and Homeland Security on February 22.)

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Beeler, Eisen, Liberati, Lightner, Martin, O'Malley, Roth, Sabo, Shannon, Slagh, Tisdell, Wakeman, and Whitsett were named co-sponsors of the resolution.

Messages from the Senate

The Speaker laid before the House

House Bill No. 4242, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 48729 (MCL 324.48729), as amended by 2018 PA 643.

(The bill was received from the Senate on February 22, with substitute (S-2), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 23, see House Journal No. 17, p. 205.)

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 79

Yeas—86

Aiyash	Coleman	Liberati	Sabo
Alexander	Damoose	Lightner	Scott
Allor	Eisen	Lilly	Shannon
Anthony	Farrington	Manoogian	Slagh
Bellino	Filler	Marino	Sneller
Beson	Fink	Markkanen	Sowerby
Bezotte	Frederick	Martin	Steckloff
Bolden	Garza	Meerman	Steenland
Bollin	Green	Morse	Tate
Borton	Griffin	Mueller	Thanedar
Brabec	Haadsma	Neeley	Tisdell
Brann	Hall	O’Malley	VanSingel
Breen	Hauck	O’Neal	VanWoerkom
Brixie	Hertel	Outman	Wakeman
Calley	Hope	Peterson	Wendzel
Cambensy	Howell	Pohutsky	Wentworth
Camilleri	Jones	Posthumus	Whiteford
Carter, B	Kahle	Puri	Whitsett
Carter, T	Koleszar	Rendon	Witwer
Cavanagh	LaFave	Rogers	Yaroch
Cherry	LaGrand	Roth	Young
Clements	Lasinski		

Nays—18

Albert	Glenn	Johnson, S	Rabhi
Beeler	Hoitenga	Kuppa	Reilly
Berman	Hood	Maddock	Stone
Carra	Hornberger	Paquette	Yancey
Ellison	Johnson, C		

In The Chair: Hornberger

The House agreed to the full title.

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

The Speaker laid before the House

House Bill No. 5449, entitled

A bill to amend 1987 PA 96, entitled “The mobile home commission act,” by amending section 30i (MCL 125.2330i), as amended by 2005 PA 162, and by adding section 30j.

(The bill was received from the Senate on February 22, with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 23, see House Journal No. 17, p. 205.)

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 80

Yeas—104

Aiyash	Coleman	Kuppa	Rendon
Albert	Damoose	LaFave	Rogers
Alexander	Eisen	LaGrand	Roth
Allor	Ellison	Lasinski	Sabo
Anthony	Farrington	Liberati	Scott
Beeler	Filler	Lightner	Shannon
Bellino	Fink	Lilly	Slagh
Berman	Frederick	Maddock	Sneller
Beson	Garza	Manoogian	Sowerby
Bezotte	Glenn	Marino	Steckloff
Bolden	Green	Markkanen	Steenland
Bollin	Griffin	Martin	Stone
Borton	Haadsma	Meerman	Tate
Brabec	Hall	Morse	Thanedar
Brann	Hauck	Mueller	Tisdell
Breen	Hertel	Neeley	VanSingel
Brixie	Hoitenga	O’Malley	VanWoerkom
Calley	Hood	O’Neal	Wakeman
Cambensy	Hope	Outman	Wendzel
Camilleri	Hornberger	Paquette	Wentworth
Carra	Howell	Peterson	Whiteford
Carter, B	Johnson, C	Pohutsky	Whitsett
Carter, T	Johnson, S	Posthumus	Witwer
Cavanagh	Jones	Puri	Yancey
Cherry	Kahle	Rabhi	Yaroch
Clements	Koleszar	Reilly	Young

Nays—0

In The Chair: Hornberger

The House agreed to the title as amended.

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

Second Reading of Bills

House Bill No. 5054, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2021; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Appropriations,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Albert moved to substitute (H-2) the bill.

The motion prevailed and the substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Cherry moved to amend the bill as follows:

1. Amend page 5, line 16, by striking out all of subsection (3) and renumbering the remaining subsections accordingly.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Brixie moved to amend the bill as follows:

1. Amend page 11, following line 5, by inserting:

“Sec. 304. (1) An appropriations ethics committee is created and shall consist of twelve members. The purpose of the committee is to review, evaluate, and make recommendations involving grant awards in sections 301 and 302, ensuring a fair, objective, ethical, and impartial process is adhered to when making grant awards. Three members of the committee shall be members of the House Republican Caucus. Three members of the committee shall be members of the House Democratic Caucus. Three members of the committee shall be members of the Senate Republican Caucus. Three members of the committee shall be members of the Senate Democratic Caucus. The Speaker of the House, House Minority Leader, Senate Majority Leader, and Senate Minority Leader shall each designate a co-chair of the committee.

(2) The committee may subpoena witnesses, administer oaths, and examine the books, records, and any other pertinent material or any person, partnership, association, or corporation, public or private, involved in a matter properly before the committee; may call upon the services and personnel of any agency of the state and its political subdivisions; and may engage such assistance as it deems necessary to effectively and efficiently authorize and award grants under sections 301 and 302.

(3) The committee shall have the power to investigate impropriety, unjust or illicit self-enrichment, or gross misconduct, and to work in conjunction with law enforcement on suspected criminal activity by current and former members of the House of Representatives and Senate for the purposes of transparency, to inform the public, and to consider disciplinary action.

(4) The committee shall do all of the following:

(a) Act only on complaints made publicly, tendered with an offer of proof and subject to criminal penalties for knowingly false statements in tendered complaints.

(b) Open investigations only by vote of a majority of each caucus' members serving on the committee.

(c) Conduct all deliberations in public, and make all documents tendered to the select committee freely available to the public and comply with the Open Meetings Act.

(5) The committee shall reports its findings and recommendations on grant awards to the House of Representatives and Senate.”

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Albert moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Frederick moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5054, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2021; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 81**Yeas—71**

Aiyash	Damoose	Jones	Roth
Albert	Eisen	Kahle	Shannon
Alexander	Farrington	Koleszar	Slagh
Allor	Filler	LaFave	Sneller
Beeler	Fink	Lightner	Steckloff
Bellino	Frederick	Lilly	Thanedard
Berman	Garza	Maddock	Tisdell
Beson	Glenn	Marino	VanSingel
Bezotte	Green	Markkanen	VanWoerkom
Bollin	Griffin	Martin	Wakeman
Borton	Haadsma	Meerman	Wendzel
Brann	Hall	Mueller	Wentworth
Breen	Hauck	O'Malley	Whiteford
Calley	Hoitenga	Outman	Whitsett
Cambensy	Hood	Paquette	Witwer
Camilleri	Hornberger	Posthumus	Yancey
Carra	Howell	Reilly	Yaroch
Clements	Johnson, S	Rendon	

Nays—33

Anthony	Ellison	Manoogian	Rogers
Bolden	Hertel	Morse	Sabo
Brabec	Hope	Neeley	Scott
Brixie	Johnson, C	O'Neal	Sowerby
Carter, B	Kuppa	Peterson	Steenland
Carter, T	LaGrand	Pohutsky	Stone
Cavanagh	Lasinski	Puri	Tate
Cherry	Liberati	Rabhi	Young
Coleman			

In The Chair: Hornberger

The question being on agreeing to the title of the bill,

Rep. Frederick moved to amend the title to read as follows:

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2022; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

The motion prevailed.

The House agreed to the title as amended.

Rep. Frederick moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Rep. Young, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I believe the ‘devil is in the details’. On the surface, it sounds good, but currently the one thing I know is this legislation was put forward without any negotiations with the Senate or the Governor’s office. The future of this legislation may be like so many others a slow death in the Senate because the work wasn’t done on the front end to ensure support.

Points to consider:

- Municipal pension systems are struggling in no small part because of underinvestment in municipal revenue sharing over the last decade of Republican governance.
- The conversation about how to help local government pension systems should be part of a conversation that includes increased revenue sharing.
- A holistic approach opposed to a piecemeal approach to spending available funds, whether it be for investments in infrastructure improvements, economic development or pension system support should be used. We can do better.”

Rep. Rogers, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

Municipal pension systems are struggling because of a decade of underinvestment and cuts in municipal revenue sharing. If we truly want to address this issue, we can’t rely on a piecemeal approach that is likely too small to entirely fix the problem of unfunded liabilities. We need a comprehensive approach that includes conversations about increased revenue sharing. This is why I could not support House Bill 5054.”

House Bill No. 5657, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 7b (MCL 722.627b), as amended by 2011 PA 89.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 82

Yeas—104

Aiyash	Coleman	Kuppa	Rendon
Albert	Damoose	LaFave	Rogers
Alexander	Eisen	LaGrand	Roth
Allor	Ellison	Lasinski	Sabo
Anthony	Farrington	Liberati	Scott
Beeler	Filler	Lightner	Shannon
Bellino	Fink	Lilly	Slagh
Berman	Frederick	Maddock	Sneller
Beson	Garza	Manoogian	Sowerby
Bezotte	Glenn	Marino	Steckloff
Bolden	Green	Markkanen	Steenland
Bollin	Griffin	Martin	Stone
Borton	Haadsma	Meerman	Tate
Brabec	Hall	Morse	Thanedar
Brann	Hauck	Mueller	Tisdell
Breen	Hertel	Neeley	VanSingel
Brixie	Hoitenga	O’Malley	VanWoerkom
Calley	Hood	O’Neal	Wakeman
Cambensy	Hope	Outman	Wendzel
Camilleri	Hornberger	Paquette	Wentworth
Carra	Howell	Peterson	Whiteford
Carter, B	Johnson, C	Pohutsky	Whitsett
Carter, T	Johnson, S	Posthumus	Witwer
Cavanagh	Jones	Puri	Yancey
Cherry	Kahle	Rabhi	Yaroch
Clements	Koleszar	Reilly	Young

Nays—0

In The Chair: Hornberger

The House agreed to the title of the bill.

Rep. Frederick moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills

Senate Bill No. 251, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 47309, 47311, and 47315 (MCL 324.47309, 324.47311, and 324.47315), as added by 1995 PA 57.

The bill was read a second time.

Rep. Frederick moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

House Bill No. 5701, entitled

A bill to amend 1937 PA 306, entitled "An act to promote the safety, welfare, and educational interests of the people of this state by regulating the construction, reconstruction, and remodeling of, and the installation of certain security devices at, certain public or private school buildings or additions to those buildings and by regulating the construction, reconstruction, and remodeling of, and the installation of certain security devices at, buildings leased or acquired for school purposes; to define the class of buildings affected by this act; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties for the violation of this act; and to repeal acts and parts of acts," by amending section 1d (MCL 388.851d), as added by 2020 PA 45.

The bill was read a second time.

Rep. VanSingel moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Senate Bill No. 768, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 30, 51, and 623 (MCL 206.30, 206.51, and 206.623), section 30 as amended by 2022 PA 5, section 51 as amended by 2020 PA 75, and section 623 as amended by 2021 PA 135, and by adding section 277.

The bill was read a second time.

Rep. Hall moved to substitute (H-3) the bill.

The motion prevailed and the substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Hall moved to amend the bill as follows:

1. Amend page 21, line 26, after "**31**," by striking out "**2022**," and inserting "**2021**,".

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Brann moved to amend the bill as follows:

1. Amend page 14, line 4, after "(7)" by striking out the balance of the line through "30a," on line 5 and inserting a comma and "**for tax years beginning on and after January 1, 2022**,".

2. Amend page 14, line 5, after the first "of" by striking out "\$3,700.00" and inserting "**\$7,000.00**".

3. Amend page 16, line 6, after "1," by striking out "2013," and inserting "**2023**,".

4. Amend page 16, line 9, by striking out "2012" and inserting "**2022**".

5. Amend page 16, line 13, after the first "the" by striking out "2010-2011" and inserting "**2020-2021**".

6. Amend page 16, line 13, after "year." by striking out the balance of the line through "\$600.00." on line 15.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. LaGrand moved to amend the bill as follows:

1. Amend page 27, following line 21, by inserting:

"Enacting section 1. This amendatory act does not take effect unless House Resolution No. 224 of 2022 is adopted."

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Kuppia moved to amend the bill as follows:

1. Amend page 27, following line 21, by inserting:

“Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 417 of the 101st Legislature is enacted into law.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Anthony moved to amend the bill as follows:

1. Amend page 23, line 3, after “31,” by striking out “2021,” and inserting “2022;”.

2. Amend page 23, line 4, by striking out the balance of the page through “51d.” on line 16 of page 24 and inserting:

“(c) Beginning on and after January 1, 2023, except as otherwise provided under subsection (5), as follows:

(i) For a single return, as follows:

(A) On the first \$20,000.00, 3.0%.

(B) On all taxable income over \$20,000.00 but less than or equal to \$40,000.00, 4.0%.

(C) On all taxable income over \$40,000.00 but less than or equal to \$80,000.00, 5.0%.

(D) On all taxable income over \$80,000.00 but less than or equal to \$125,000.00, 6.0%.

(E) On all taxable income over \$125,000.00 but less than or equal to \$200,000.00, 7.0%.

(F) On all taxable income over \$200,000.00 but less than or equal to \$500,000.00, 8.0%.

(G) On all taxable income over \$500,000.00 but less than or equal to \$1,000,000.00, 9.0%.

(H) On all taxable income over \$1,000,000.00, 10.0%.

(ii) For a joint return, as follows:

(A) On the first \$40,000.00, 3.0%.

(B) On all taxable income over \$40,000.00 but less than or equal to \$80,000.00, 4.0%.

(C) On all taxable income over \$80,000.00 but less than or equal to \$160,000.00, 5.0%.

(D) On all taxable income over \$160,000.00 but less than or equal to \$200,000.00, 6.0%.

(E) On all taxable income over \$200,000.00 but less than or equal to \$250,000.00, 7.0%.

(F) On all taxable income over \$250,000.00 but less than or equal to \$500,000.00, 8.0%.

(G) On all taxable income over \$500,000.00 but less than or equal to \$1,000,000.00, 9.0%.

(H) On all taxable income over \$1,000,000.00, 10.0%.”.

3. Amend page 25, line 21, after “(5)” by inserting “For the 2024 tax year and each tax year after the 2024 tax year, the taxable income amounts under subsection (1)(c) shall be adjusted by the department of treasury for inflation by multiplying each amount for the tax year beginning in 2023 by a fraction, the numerator of which is the Midwest employment cost index for the east north central division for the state fiscal year ending in the tax year prior to the tax year for which the adjustment is being made and the denominator of which is the Midwest employment cost index for the east north central division for the 2021-2022 state fiscal year. The resultant product shall be rounded to the nearest \$100.00 increment.”.

4. Amend page 26, line 24, by striking out the balance of the page and inserting:

“(a) “Midwest employment cost index for the east north central division” means the Midwest employment cost index for the east north central division for private workers as defined and reported by the United States Department of Labor, Bureau of Labor Statistics.” and relettering the remaining subdivisions.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Witwer moved to amend the bill as follows:

1. Amend page 27, following line 21, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4490 of the 101st Legislature is enacted into law.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. LaFave moved to amend the bill as follows:

1. Amend page 14, following line 3, by inserting:

“(ee) For tax years that begin on and after January 1, 2022, deduct, to the extent included in adjusted gross income, bonus compensation to a maximum of \$10,000.00 for a single return and

\$20,000.00 for a joint return and overtime compensation that is received by the taxpayer during the tax year. As used in this subdivision:

(i) **“Bonus compensation” means compensation that is above and beyond the normal payment expectations or salary of the employee.**

(ii) **“Overtime compensation” means compensation that was required to be paid by the employer under section 4a of the improved workforce opportunity wage act, 2018 PA 337, MCL 408.934a.”.**

2. Amend page 27, following line 21, by inserting:

“Sec. 701. As used in this part:

(a) **“Bonus compensation” means compensation that is above and beyond the normal payment expectations or salary of the employee.**

(b) ~~(a)~~ **“Casino” means that term as defined in section 110.**

(c) ~~(b)~~ **“Casino licensee” means a person licensed to operate a casino under the Michigan gaming control and revenue act, 1996 IL 1, MCL 432.201 to 432.226.**

(d) ~~(c)~~ **“Eligible production company” means that term as defined under section 455 of the Michigan business tax act, 2007 PA 36, MCL 208.1455.**

(e) ~~(d)~~ **“Flow-through entity” means an entity that for the applicable tax year is treated as an S corporation under section 1362(a) of the internal revenue code, a general partnership, a limited partnership, a limited liability partnership, or a limited liability company, that for the applicable tax year is not taxed as a corporation for federal income tax purposes. Flow-through entity does not include any entity disregarded under section 699.**

(f) ~~(e)~~ **“Member” means a shareholder of an S corporation, a partner in a general partnership, a limited partnership, or a limited liability partnership, a member of a limited liability company, or a beneficiary of a trust, that is a flow-through entity.**

(g) ~~(f)~~ **“Nonresident” means an individual who is not a resident of or domiciled in this state, a business entity that does not have its commercial domicile in this state, or a trust not organized in this state.**

(h) **“Overtime compensation” means compensation required to be paid to the employee by the employer under section 4a of the improved workforce opportunity wage act, 2018 PA 337, MCL 408.934a.**

(i) ~~(g)~~ **“Partnership” means a taxpayer that is required to or has elected to file as a partnership for federal income tax purposes.**

(j) ~~(h)~~ **“Publicly traded partnership” means that term as defined under section 7704 of the internal revenue code.**

(k) ~~(i)~~ **“Race meeting licensee” and “track licensee” mean a person to whom a race meeting license or track license is issued pursuant to section 8 of the horse racing law of 1995, 1995 PA 279, MCL 431.308.**

(l) ~~(j)~~ **“S corporation” means a corporation electing taxation under subchapter S of chapter 1 of subtitle A of the internal revenue code, sections 1361 to 1379 of the internal revenue code.**

Sec. 703. (1) A person who disburses pension or annuity payments, except as otherwise provided under this section, shall withhold a tax in an amount computed by applying the rate prescribed in section 51 on the taxable part of payments from an employer pension, annuity, profit-sharing, stock bonus, or other deferred compensation plan as well as from an individual retirement arrangement, an annuity, an endowment, or a life insurance contract issued by a life insurance company. Withholding shall be calculated on the taxable disbursement after deducting from the taxable portion the same proportion of the total amount of personal and dependency exemptions of the individual allowed under this act. Withholding is not required on any part of a distribution that is not expected to be includable in the recipient’s gross income or that is deductible from adjusted gross income under section 30(1)(e) or (f).

(2) Every employer in this state required under the provisions of the internal revenue code to withhold a tax on the compensation of an individual, except as otherwise provided, shall deduct and withhold a tax in an amount computed by applying, except as provided by subsection (14), the rate prescribed in section 51 to the remainder of the compensation after deducting from compensation the same proportion of the total amount of personal and dependency exemptions of the individual allowed under this act that the period of time covered by the compensation is of 1 year **and beginning on and after January 1, 2022, after deducting from compensation any overtime compensation and up to \$10,000.00 in bonus compensation per individual.** The department may prescribe withholding tables that may be used by employers to compute the amount of tax required to be withheld.

(3) Except as otherwise provided under this section, for tax years that begin before July 1, 2016, every flow-through entity in this state shall withhold a tax in an amount computed by applying the rate prescribed in section 51 to the distributive share of taxable income reasonably expected to accrue after allocation and apportionment under chapter 3 of each nonresident member who is an individual after deducting from that distributive income the same proportion of the total amount of personal and dependency exemptions of the

individual allowed under this act. All of the taxes withheld under this section shall accrue to the state on April 15, July 15, and October 15 of the flow-through entity's tax year and January 15 of the following year, except a flow-through entity that is not on a calendar year basis shall substitute the appropriate due dates in the flow-through entity's fiscal year that correspond to those in a calendar year. Withholding for each period shall be equal to 1/4 of the total withholding calculated on the distributive share that is reasonably expected to accrue during the tax year of the flow-through entity.

(4) Except as otherwise provided under this section, for tax years that begin before July 1, 2016, every flow-through entity with business activity in this state that has more than \$200,000.00 of business income reasonably expected to accrue in the tax year after allocation or apportionment shall withhold a tax in an amount computed by applying the rate prescribed in section 623 to the distributive share of the business income of each member that is a corporation or that is a flow-through entity. For purposes of calculating the \$200,000.00 withholding threshold, the business income of a flow-through entity shall be apportioned to this state by multiplying the business income by the sales factor of the flow-through entity. The sales factor of the flow-through entity is a fraction, the numerator of which is the total sales of the flow-through entity in this state during the tax year and the denominator of which is the total sales of the flow-through entity everywhere during the tax year. As used in this subsection, "business income" means that term as defined in section ~~603(2)~~ **603(3)**. For a partnership or S corporation, business income includes payments and items of income and expense that are attributable to business activity of the partnership or S corporation and separately reported to the members. As used in this subsection, "sales" means that term as defined in section 609 and sales in this state is determined as provided in sections 665 and 669. All of the taxes withheld under this section shall accrue to the state on April 15, July 15, and October 15 of the flow-through entity's tax year and January 15 of the following year, except a flow-through entity that is not on a calendar year basis shall substitute the appropriate due dates in the flow-through entity's fiscal year that correspond to those in a calendar year. Withholding for each period shall be equal to 1/4 of the total withholding calculated on the distributive share of business income that is reasonably expected to accrue during the tax year of the flow-through entity.

(5) For tax years that begin before July 1, 2016, if a flow-through entity is subject to the withholding requirements of subsection (4), then a member of that flow-through entity that is itself a flow-through entity shall withhold a tax on the distributive share of business income as described in subsection (4) of each of its members. The department shall apply tax withheld by a flow-through entity on the distributive share of business income of a member flow-through entity to the withholding required of that member flow-through entity. All of the taxes withheld under this section shall accrue to the state on April 15, July 15, and October 15 of the flow-through entity's tax year and January 15 of the following year, except a flow-through entity that is not on a calendar year basis shall substitute the appropriate due dates in the flow-through entity's fiscal year that correspond to those in a calendar year. Withholding for each period shall be equal to 1/4 of the total withholding calculated on the distributive share of business income that is reasonably expected to accrue during the tax year of the flow-through entity.

(6) Every casino licensee shall withhold a tax in an amount computed by applying the rate prescribed in section 51 to the winnings of a nonresident reportable by the casino licensee under the internal revenue code.

(7) Every race meeting licensee or track licensee shall withhold a tax in an amount computed by applying the rate prescribed in section 51 to a payoff price on a winning ticket of a nonresident reportable by the race meeting licensee or track licensee under the internal revenue code that is the result of pari-mutuel wagering at a licensed race meeting.

(8) Every casino licensee or race meeting licensee or track licensee shall report winnings of a resident reportable by the casino licensee or race meeting licensee or track licensee under the internal revenue code to the department in the same manner and format as required under the internal revenue code.

(9) Every eligible production company shall, to the extent not withheld by a professional services corporation or professional employer organization, deduct and withhold a tax in an amount computed by applying the rate prescribed in section 51 to the remainder of the payments made to the professional services corporation or professional employer organization for the services of a performing artist or crew member after deducting from those payments the same proportion of the total amount of personal and dependency exemptions of the individuals allowed under this act.

(10) Every publicly traded partnership that has equity securities registered with the securities and exchange commission under section 12 of title I of the securities and exchange act of 1934, 15 USC 78I, shall not be subject to withholding.

(11) Except as otherwise provided under this subsection, all of the taxes withheld under this section shall accrue to the state on the last day of the month in which the taxes are withheld but shall be returned and paid to the department by the employer, eligible production company, casino licensee, or race meeting licensee or track licensee within 15 days after the end of any month or as provided in section 705. For an employer

that has entered into an agreement with a community college pursuant to chapter 13 of the community college act of 1966, 1966 PA 331, MCL 389.161 to 389.166, a portion of the taxes withheld under this section that are attributable to each employee in a new job created pursuant to the agreement shall accrue to the community college on the last day of the month in which the taxes are withheld but shall be returned and paid to the community college by the employer within 15 days after the end of any month or as provided in section 705 for as long as the agreement remains in effect. For purposes of this act and 1941 PA 122, MCL 205.1 to 205.31, payments made by an employer to a community college under this subsection shall be considered income taxes paid to this state.

(12) A person required by this section to deduct and withhold taxes on income under this section holds the amount of tax withheld as a trustee for this state and is liable for the payment of the tax to this state or, if applicable, to the community college and is not liable to any individual for the amount of the payment.

(13) An employer in this state is not required to deduct and withhold a tax on the compensation paid to a nonresident individual employee, who, under section 256, may claim a tax credit equal to or in excess of the tax estimated to be due for the tax year or is exempted from liability for the tax imposed by this act. In each tax year, the nonresident individual shall furnish to the employer, on a form approved by the department, a verified statement of nonresidence.

(14) A person required to withhold a tax under this act, by the fifteenth day of the following month, shall provide the department with a copy of any exemption certificate on which a person with income subject to withholding under subsection (6) or (7) claims more than 9 personal or dependency exemptions, claims a status that exempts the person subject to withholding under subsection (6) or (7) from withholding under this section.

(15) A person who disburses annuity payments pursuant to the terms of a qualified charitable gift annuity is not required to deduct and withhold a tax on those payments as prescribed under subsection (1). As used in this subsection, "qualified charitable gift annuity" means an annuity described under section 501(m)(5) of the internal revenue code and issued by an organization exempt under section 501(c)(3) of the internal revenue code.

(16) Notwithstanding the requirements of subsections (4) and (5), if a flow-through entity receives an exemption certificate from a member other than a nonresident individual, the flow-through entity shall not withhold a tax on the distributive share of the business income of that member if all of the following conditions are met:

(a) The exemption certificate is completed by the member in the form and manner prescribed by the department and certifies that the member will do all of the following:

(i) File the returns required under this act.

(ii) Pay or withhold the tax required under this act on the distributive share of the business income received from any flow-through entity in which the member has an ownership or beneficial interest, directly or indirectly through 1 or more other flow-through entities.

(iii) Submit to the taxing jurisdiction of this state for purposes of collection of the tax under this act together with related interest and penalties under 1941 PA 122, MCL 205.1 to 205.31, imposed on the member with respect to the distributive share of the business income of that member.

(b) The department may require the member to file the exemption certificate with the department and provide a copy to the flow-through entity.

(c) The department may require a flow-through entity that receives an exemption certificate to attach a copy of the exemption certificate to the annual reconciliation return as required by section 711. A flow-through entity that is entirely exempt from the withholding requirements of subsection (4) or (5) by this subsection may be required to furnish a copy of the exemption certificate in another manner prescribed by the department.

(d) A copy of the exemption certificate shall be retained by the member and flow-through entity and made available to the department upon request. Any copy of the exemption certificate shall be maintained in a format and for the period required by 1941 PA 122, MCL 205.1 to 205.31.

(17) The department may revoke the election provided for in subsection (16) if it determines that the member or a flow-through entity is not abiding by the terms of the exemption certificate or the requirements of subsection (16). If the department does revoke the election option under subsection (16), the department shall notify the affected flow-through entity that withholding is required on the member under subsection (4) or (5), beginning 60 days after notice of revocation is received.

(18) Notwithstanding the requirements of subsections (4) and (5), a flow-through entity is not required to withhold in accordance with this section for a member that voluntarily elects to file a return and pay the tax imposed by the Michigan business tax act under section 680 or section 500 of the Michigan business tax act, 2007 PA 36, MCL 208.1500.

(19) Notwithstanding the withholding requirements of subsection (3), (4), or (5), a flow-through entity is not required to comply with those withholding requirements to the extent that the withholding would violate any of the following:

(a) Housing assistance payment programs distribution restrictions under 24 CFR part 880, 881, 883, or 891.

(b) Rural housing service return on investment restrictions under 7 CFR 3560.68 or 3560.305.

(c) Articles of incorporation or other document of organization adopted pursuant to section 83 or 93 of the state housing development authority act of 1966, 1966 PA 346, MCL 125.1483 and 125.1493.”

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Frederick moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Frederick moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 768, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending sections 30, 51, and 623 (MCL 206.30, 206.51, and 206.623), section 30 as amended by 2022 PA 5, section 51 as amended by 2020 PA 75, and section 623 as amended by 2021 PA 135, and by adding section 277.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 83

Yeas—62

Albert	Damoose	Howell	Paquette
Alexander	Eisen	Johnson, S	Posthumus
Allor	Farrington	Jones	Reilly
Beeler	Filler	Kahle	Rendon
Bellino	Fink	Koleszar	Roth
Berman	Frederick	LaFave	Sabo
Beson	Garza	Lightner	Slagh
Bezotte	Glenn	Maddock	Tisdell
Bollin	Green	Marino	VanWoerkom
Borton	Griffin	Markkanen	Wakeman
Brann	Haadsma	Martin	Wendzel
Calley	Hall	Meerman	Wentworth
Cambensy	Hauck	Mueller	Whiteford
Camilleri	Hertel	O’Malley	Whitsett
Carra	Hoitenga	Outman	Witwer
Clements	Hornberger		

Nays—42

Aiyash	Ellison	Neeley	Sowerby
Anthony	Hood	O’Neal	Steckloff
Bolden	Hope	Peterson	Steenland
Brabec	Johnson, C	Pohutsky	Stone
Breen	Kuppa	Puri	Tate
Brixie	LaGrand	Rabhi	Thanedar
Carter, B	Lasinski	Rogers	VanSingel
Carter, T	Liberati	Scott	Yancey
Cavanagh	Lilly	Shannon	Yaroch

Cherry
Coleman

Manoogian
Morse

Sneller

Young

In The Chair: Hornberger

The question being on agreeing to the title of the bill,
Rep. Frederick moved to amend the title to read as follows:

A bill to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement by lien and otherwise of taxes on or measured by net income and on certain commercial, business, and financial activities; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal acts and parts of acts,” by amending sections 30 and 51 (MCL 206.30 and 206.51), section 30 as amended by 2022 PA 5 and section 51 as amended by 2020 PA 75, and by adding section 277.

The motion prevailed.

The House agreed to the title as amended.

Rep. Frederick moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.



Rep. Yaroch, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I love to cut taxes as much as any fiscal conservative, but being a fiscal conservative is not simply about cutting taxes. We have a duty of fiscal responsibility. Our state is experiencing a one-time surge of tax revenue. When this surge of tax revenue brought about by federal borrowing and spending ends, tax revenue will return to normal levels. While I support tax relief, we have many issues to deal with including post pandemic mental health issues, southeast Michigan has a major roads issue, and our state government is billions in debt. During the last recession our State Government balanced its budget shortfall on the backs of local government. When the economy improved schools and higher education saw their funding returned but not local government. Then add to that the billions of dollars in unfunded mandates placed on local government, which has constrained them from properly serving their residents. I support cutting taxes, but we need to do it with a plan of how we are going to cut spending.”



Rep. Frederick moved that House Committees be given leave to meet during the balance of today’s session. The motion prevailed.

By unanimous consent the House returned to the order of

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been reproduced and made available electronically on Thursday, February 24:

**House Bill Nos. 5839 5840 5841 5842 5843 5844 5845 5846 5847 5848 5849 5850 5851
5852 5853 5854 5855 5856 5857 5858 5859**

House Joint Resolution P

The Clerk announced the enrollment printing and presentation to the Governor on Monday, February 28, for her approval of the following bills:

- Enrolled House Bill No. 4693 at 11:04 a.m.**
- Enrolled House Bill No. 5294 at 11:06 a.m.**
- Enrolled House Bill No. 4152 at 11:08 a.m.**
- Enrolled House Bill No. 4976 at 11:10 a.m.**
- Enrolled House Bill No. 4977 at 11:12 a.m.**
- Enrolled House Bill No. 4978 at 11:14 a.m.**
- Enrolled House Bill No. 5090 at 11:16 a.m.**

The Clerk announced that the following bills had been reproduced and made available electronically on Tuesday, March 1:

Senate Bill Nos.	926	927	928	929	930	931	932	933	934	935	936	937	938
	939												

Reports of Standing Committees

The Committee on Military, Veterans and Homeland Security, by Rep. LaFave, Chair, reported **House Bill No. 4065, entitled**

A bill to amend 1967 PA 150, entitled “Michigan military act,” by amending section 182 (MCL 32.582). Without amendment and with the recommendation that the bill pass. The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. LaFave, Beeler, Eisen, Bezotte, Martin, Rogers, Anthony, Coleman and Steenland
Nays: None

The Committee on Military, Veterans and Homeland Security, by Rep. LaFave, Chair, reported **House Bill No. 5565, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7b (MCL 211.7b), as amended by 2013 PA 161.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass. The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. LaFave, Beeler, Eisen, Bezotte, Martin, Coleman and Steenland
Nays: None

The Committee on Military, Veterans and Homeland Security, by Rep. LaFave, Chair, reported **House Bill No. 5678, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 217d, 803e, 803f, 803i, 803j, 803k, 803l, 803n, 803o, and 804 (MCL 257.217d, 257.803e, 257.803f, 257.803i, 257.803j, 257.803k, 257.803l, 257.803n, 257.803o, and 257.804), section 217d as amended by 2006 PA 562, section 803e as amended by 2020 PA 51, section 803f as amended by 2018 PA 681, section 803i as amended by 2011 PA 74, sections 803j, 803k, 803n, and 803o as amended by 1999 PA 183, section 803l as amended by 2000 PA 77, and section 804 as amended by 2019 PA 88.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass. The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. LaFave, Beeler, Eisen, Bezotte, Martin, Rogers, Anthony, Coleman and Steenland

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. LaFave, Chair, of the Committee on Military, Veterans and Homeland Security, was received and read:

Meeting held on: Tuesday, March 1, 2022

Present: Reps. LaFave, Beeler, Eisen, Bezotte, Martin, Rogers, Anthony, Coleman and Steenland

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hornberger, Chair, of the Committee on Education, was received and read:

Meeting held on: Tuesday, March 1, 2022

Present: Reps. Hornberger, Paquette, Green, Markkanen, O'Malley, Beeler, Damoose, Posthumus, Camilleri, Brenda Carter, Koleszar, Shannon and Stone

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hauck, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Tuesday, March 1, 2022

Present: Reps. Hauck, Hoitenga, Bellino, Hall, Mueller, Wendzel, Clements, Damoose, Outman, Hertel, Yancey, Witwer, Steenland and Young

Absent: Rep. Garza

Excused: Rep. Garza

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bollin, Chair, of the Committee on Elections and Ethics, was received and read:

Meeting held on: Tuesday, March 1, 2022

Present: Reps. Bollin, Wendzel, Calley, Steven Johnson, Filler and Koleszar

Absent: Rep. Whitsett

Excused: Rep. Whitsett

Messages from the Senate**House Bill No. 4833, entitled**

A bill to levy and collect a specific tax upon the rental of certain heavy equipment rental personal property; to provide for the disposition of that specific tax; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide penalties.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2) and ordered that it be given immediate effect.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

House Bill No. 4834, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 9p.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

Notices

NOTICE OF PROPOSAL THAT A RULE BE CHANGED

TO: Adam Fracassi, Regulatory Manager
Michigan Office of Administrative Hearings and Rules (MOAHR)
Secretary of the Senate
Clerk of the House

FROM: Senator Jon Bumstead, Chair
Representative Luke Meerman, Alternate Chair

DATE: February 23, 2022

As provided in MCL 24.245a(1)(b), the Joint Committee on Administrative Rules is, by a concurrent majority vote, proposing that the following rule set be changed:

JCAR No. 21-72
MOAHR No. 2021-60ST
Department of State,
Bureau of Elections & Campaign Finance

Specifically, the Committee respectfully proposes that the Secretary of State consider changing **R 168.2** and **R 168.3** in the following ways and for the following reasons:

1. **R 168.2(2)** requires a candidate to disclose every Michigan jurisdiction where the candidate sought elected office. The Secretary should strike this provision. First, this isn't a requirement under Michigan's election law. Second, there is no central or easily searchable database with such filing information; thus, verifying it would unreasonably burden filing officials. Third, the rule says that failing to comply won't disqualify a candidate, so there appears to be no purpose to the rule.
 2. **R 168.2(3)** requires a filing official to verify the affidavit using state and county records. The Secretary should change this rule to require a filing official to review only state campaign finance records. First, many counties may not have these records. And even if they do have records, many will not be easily accessible, meaning filing officials may not have sufficient time to meet these requirements if a candidate files at the last minute.
 3. **R 168.2(4)** requires a filing official to disqualify a candidate for false statements on an affidavit of identity but does not allow the candidate to cure. The Secretary should change this provision. First, this is an excessively strict disqualification requirement that could disqualify otherwise qualified candidates for simple, benign mistakes. Second, MCL 168.558 already establishes fines and criminal penalties for false averments, so this extra punishment is unnecessary. Candidates should be allowed to cure an incorrect affidavit before the filing deadline.
 4. **R 168.3(1)** requires certain information on the affidavit of identity. The Secretary should strike this provision. It nearly duplicates Michigan election law but has just enough changes to create confusion. It should either mirror the law or be stricken.
 5. **R 168.3(3)** should be changed for the same reasons articulated for R. 168.2(4).
- Under MCL 24.245c, if the committee suggests that a proposed rule be changed, the agency shall, within 30 days, do one of the following:
- (a) Decide to change the rule and, within the 30 days, resubmit the changed rule to the committee. If the agency decides to change the rule, the agency shall withdraw the rule, which is treated as a withdrawal with permission under MCL 24.245a(10), and follow the procedures in MCL 24.245c(2)-(5).
 - (b) Decide to not change the rule. If the agency decides to not change the rule, the agency shall within the 30-day period notify the Committee of the decision and the reasons for the decision and file the notice with the Michigan Office of Administrative Hearings and Rules. After the notice is filed, the Committee has 15 session days in which to consider the agency's decision and take 1 of the actions listed in MCL 24.245a(1).

These proposed changes are offered for the purpose of facilitating deliberation between the Secretary and the Legislature regarding this rule set and should not be construed as waiving any bases for filing a notice objection under MCL 24.245a(2).

Sincerely,
Senator Bumstead
Chair

Representative Meerman
Alternate Chair

NOTICE OF PROPOSAL THAT A RULE BE CHANGED

TO: Adam Fracassi, Regulatory Manager
Michigan Office of Administrative Hearings and Rules (MOAHR)
Secretary of the Senate
Clerk of the House

FROM: Senator Jon Bumstead, Chair
Representative Luke Meerman, Alternate Chair

DATE: February 23, 2022

As provided in MCL 24.245a(1)(b), the Joint Committee on Administrative Rules is, by a concurrent majority vote, proposing that the following rule set be changed:

JCAR No. 21-73
MOAHR No. 2021-61ST
Department of State,
Bureau of Elections & Campaign Finance

Specifically, the Committee respectfully proposes that the Secretary of State consider changing **R 168.2** and **R 168.3** in the following ways and for the following reasons:

1. **R 168.21(1)(d)** expands the definition of “signature on file” to include an absent-voter-application signature that agrees sufficiently with the QVF or the mastercard. The Secretary should change this rule. MCL 168.766 requires a board of election inspectors to search the QVF for a digital signature. Only if the QVF lacks a digital signature may the board then use the mastercard signature. This rule contradicts MCL 168.766 by treating the QVF signature and mastercard signature as interchangeable. The Secretary should change this definition to say that a signature on file is limited to the QVF digital signature and that a mastercard signature be considered a signature on file only when a QVF digital signature is missing.
2. **R 168.22(1)** creates a presumption that a signature is valid. The Secretary should strike this presumption. Michigan election law (e.g., MCL 168.766) nowhere creates a presumption of validity or invalidity. Rather, MCL 168.761 and 168.766 require the clerks to use available information to determine the validity of every signature. The rule should not put a thumb on the scale but should mirror the statute and allow a clerk and board of election inspectors to weigh each signature on its own merits.
3. **R 168.22(3)** says that when an election official has “genuine concerns” about a signature’s validity, they “may contact the voter to address those concerns.” The Secretary should amend this provision. First, the phrase “genuine concerns” is vague and confusing in this context. Second, an election official should be *required* to contact an individual if they have concerns about a signature. By using *may*, this provision appears to say that even if an election official has genuine concerns about a signature, they need not contact a voter. Finally, the second to last sentence says that a voter contact made under this provision does not count as notification for purposes of R 168.25. This seems inefficient and inexplicable and should be changed.
4. **R 168.23(2)** provides several “redeeming qualities” election officials must consider when determining a signature’s validity. The Secretary should amend this provision. First, this list is overly broad. Second, many of the listed “redeeming qualities” are vague and confusing. For example, it is not clear at all what the “redeeming quality” “more matching features than nonmatching features” means. Third, that this list is noncomprehensive means an election official could create and apply a much more expansive list of redeeming qualities. Given that the rule allows such customization, it seems likely that it will be disparately applied. Election officials should instead be given a list of objective signature features to compare—e.g., whether capital letters match; similarity in drop-down letters (e.g., *g* or *p*); how the letter *i* is dotted and how *t* is crossed; how open round letters like *o* are, etc.
5. **R 168.24(1)** requires election officials to consider five possibilities as explanations of signature differences. The Secretary should amend this rule. First, like R 168.23(2), these five factors are vague and ambiguous. Second, some seem unlikely—e.g., the idea that a voter would rearrange their first and last name. Third, they require elections officials to speculate about the circumstances of the signature and mind of the voter (e.g., the voter was old or in a hurry). Finally, subsection (2) says that the elections official may consider “any other plausible reason given by the voter” to explain why the signatures do

not match. This ultra-flexible standard could easily be abused. It would be simpler and far more secure to require an elections official to obtain a new signature from the voter whenever possible and allow consideration of explanations only when a clean signature is not available.

- 6. **R 168.25(1)** requires the clerk to notify a voter of a signature problem by the end of the calendar day following the receipt of the application or ballot envelope; and R 168.25(2) says that starting five days before the election, the clerk must notify the voter that same calendar day. The Secretary should amend these requirements. They appear to conflict with MCL 168.761(2), which requires a clerk to notify a voter of a signature problem either within 48 hours after receiving the application or by 8:00 p.m. on election night—whichever comes first.
- 7. **R 168.25(8)** (emphasis added) requires a clerk to contact a voter whose application or ballot is rejected by “phone *and* email, *and*, in the absence of the voter’s email address, by United States mail.” The Secretary should either amend or strike this language. It contradicts MCL 168.761(2) (emphasis added), which says a clerk must notify a voter of his application or ballot envelope “rejection by mail, telephone, *or* electronic mail.” The statute gives a clerk discretion to contact a voter in whichever of three ways she chooses. But the rule demands that the clerk contact the voter in at least two ways. The rule should mirror the statute or be deleted.
- 8. **R 168.26(1)(b)** allows the curing of a signature deficiency by using a “cure form.” The Secretary should amend this provision. Michigan election law mentions no “cure form,” nor do the rules describe what this form would or should look like. At the very least, the Secretary should provide an example so clerks know what information should be included.
- 9. **R 168.26(3)** allows an election official to provide an application or ballot envelope to the voter so the voter can fix the signature. The Secretary should clarify that this rule does *not* allow a clerk to place a received ballot envelope back into the mail system. The rule should make it clear that signature curing must take place in the clerk’s presence—either at the clerk’s office or at the voter’s residence.

Under MCL 24.245c, if the Committee suggests that a proposed rule be changed, the agency shall, within 30 days, do one of the following:

- (a) Decide to change the rule and, within the 30 days, resubmit the changed rule to the committee. If the agency decides to change the rule, the agency shall withdraw the rule, which is treated as a withdrawal with permission under MCL 24.245a(10), and follow the procedures in MCL 24.245c(2)-(5).
- (b) Decide to not change the rule. If the agency decides to not change the rule, the agency shall within the 30-day period notify the Committee of the decision and the reasons for the decision and file the notice with the Michigan Office of Administrative Hearings and Rules. After the notice is filed, the Committee has 15 session days in which to consider the agency’s decision and take 1 of the actions listed in MCL 24.245a(1).

These proposed changes are offered to facilitate substantive dialogue between the Secretary and the Legislature and should not be construed as waiving any of JCAR’s other statutory rights or powers.

Sincerely,
Senator Bumstead
Chair

Representative Meerman
Alternate Chair

**NOTICE OF PROPOSAL THAT A
RULE BE CHANGED**

TO: Adam Fracassi, Regulatory Manager
Michigan Office of Administrative Hearings and Rules (MOAHR)
Secretary of the Senate
Clerk of the House
FROM: Senator Jon Bumstead, Chair
Representative Luke Meerman, Alternate Chair
DATE: February 23, 2022

As provided in MCL 24.245a(1)(b), the Joint Committee on Administrative Rules is, by a concurrent majority vote, proposing that the following rule set be changed:

JCAR No.21-74
MOAHR No. 2021-62ST
Department of State,
Bureau of Elections & Campaign Finance

Specifically, the Committee respectfully proposes that the Secretary of State consider changing **R168.31** and **R 168.32** in the following ways and for the following reasons:

- 1. The rule should be changed to permit only an online *request* for an absentee ballot application. Under that rule, an elector could satisfy the statutory physical signature requirement while also taking

advantage of the convenience of filling out an online form. The elector could then print and sign the request form and then scan or mail it to the clerk for processing.

If the rules are not withdrawn or changed to allow a voter to only request an absentee ballot application, they should still be amended in the following ways:

2. **R168.31 (l)(e)** defines “stored digital signature” to mean the image kept in the motor vehicle database. However, the law does not require that stored digital signature to be regularly updated. This means that an outdated digital signature could be used on an online absent voter application ballot. The Secretary should change this definition to include the most recent signature on file in either the motor vehicle database or the mastercard.
3. **R 168.33(4)** allows an individual without a digital signature on file to request an absentee ballot by simply uploading a picture of their physical signature. The Secretary should strike this provision. There is no statutory authority for such a rule, nor is there a quality control mechanism or requirement that the uploaded picture signature be sufficiently clear. Nor are there other verification requirements. The rule should ensure clear, legible signatures and protect against fraudulent ones.

Under MCL 24.245c, if the Committee suggests that a proposed rule be changed, the agency shall, within 30 days, do one of the following:

- (a) Decide to change the rule and, within the 30 days, resubmit the changed rule to the committee. If the agency decides to change the rule, the agency shall withdraw the rule, which is treated as a withdrawal with permission under MCL 24.245a(10), and follow the procedures in MCL 24.245c(2)-(5).
- (b) Decide to not change the rule. If the agency decides to not change the rule, the agency shall within the 30-day period notify the Committee of the decision and the reasons for the decision and file the notice with the Michigan Office of Administrative Hearings and Rules. After the notice is filed, the Committee has 15 session days in which to consider the agency’s decision and take 1 of the actions listed in MCL 24.245a(1).

These proposed changes are offered to facilitate substantive dialogue between the Secretary and the Legislature and should not be construed as waiving any of JCAR’s other statutory rights or powers.

Sincerely,
 Senator Bumstead
 Chair

Representative Meerman
 Alternate Chair

Introduction of Bills

Reps. Tisdell, Roth, Markkanen, Beeler, Fink, Allor, Marino, Green, LaFave, Meerman, Mueller, Rendon and Hornberger introduced

House Bill No. 5860, entitled

A bill to amend 1956 PA 205, entitled “The paternity act,” by amending section 2 (MCL 722.712), as amended by 2009 PA 235.

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

Reps. Hornberger, Tisdell and Meerman introduced

House Bill No. 5861, entitled

A bill to amend 1982 PA 295, entitled “Support and parenting time enforcement act,” by amending section 5b (MCL 552.605b), as amended by 2009 PA 193.

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

Reps. Borton, Damoose, Markkanen, Roth, Bezotte, LaFave, Cambensy and Allor introduced

House Bill No. 5862, entitled

A bill to provide limited immunity from civil liability for personal injury or property damage to owners and operators of campgrounds and their employees.

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

Reps. Roth, Bezotte, Yaroch, Steenland, O’Malley, Allor, Beeler, Beson, Bellino, Breen, Hope, Liberati and Cherry introduced

House Bill No. 5863, entitled

A bill to amend 1897 PA 230, entitled “An act to provide for the formation of corporations for the purpose of owning, maintaining and improving lands and other property kept for the purposes of summer resorts or

for ornament, recreation or amusement, and to repeal all laws or parts of laws in conflict herewith; and to impose certain duties on the department of commerce.” (MCL 455.1 to 455.24) by adding section 19.

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

Reps. Roth, Bezotte, Yaroch, Steenland, O’Malley, Beeler, Allor, Beson, Bellino, Breen, Hope, Liberati and Cherry introduced

House Bill No. 5864, entitled

A bill to amend 1982 PA 162, entitled “Nonprofit corporation act,” by amending section 123 (MCL 450.2123), as amended by 2014 PA 557.

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

Reps. Hood, Outman and Sneller introduced

House Bill No. 5865, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 5316a.

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

Reps. Steven Johnson, Aiyash, Paquette, Cynthia Johnson, Rabhi, Howell, Pohutsky, Outman, Thanedar, Camilleri, LaGrand, Puri and Yancey introduced

House Bill No. 5866, entitled

A bill to prohibit a local unit of government or a person negotiating on behalf of a local unit of government from entering into certain confidentiality or nondisclosure agreements.

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

Reps. Aiyash, Steven Johnson, Paquette, Cynthia Johnson, Rabhi, Howell, Pohutsky, Outman, Thanedar, Camilleri, LaGrand, Puri and Yancey introduced

House Bill No. 5867, entitled

A bill to prohibit any agency of this state, any political subdivision of this state, or any employee or officer of any agency of this state or any political subdivision of this state from entering into certain confidentiality or nondisclosure agreements.

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

Rep. Albert moved that the House adjourn.

The motion prevailed, the time being 5:05 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, March 2, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives