

No. 12
STATE OF MICHIGAN
Journal of the Senate
102nd Legislature
REGULAR SESSION OF 2023

Senate Chamber, Lansing, Tuesday, February 7, 2023.

10:00 a.m.

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

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

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

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

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

Senator Jeremy Moss of the 7th District offered the following invocation:

As we continue into Black History Month, I offer these words of prayer from the perspective of my faith that can guide all of our work here in the Michigan Senate today, and all days.

From Rabbi Abraham Joshua Heschel, who met and formed a deep and lasting friendship with Dr. Martin Luther King in 1963 as he gave the speech titled “Race and Religion.” The two later marched beside each other at Selma in 1965. From his speech: “How many disasters do we have to go through in order to realize that all of humanity has a stake in the liberty of one person; whenever one person is offended, we are all hurt. What begins as inequality of some inevitably ends as inequality of all.”

More recently, from Rabbi Noam Marans, Director of the American Jewish Committee’s Interreligious and Intergroup Relations:

At a time when hate is rising, we commit to modelling love.
 We are marching together again, led by the spirit of Dr. King and Rabbi Heschel, tied in a single garment of destiny, praying with our legs.
 Our religious traditions call upon us to emulate our God as healer, love our neighbor, do unto others as you would have them do unto you, strive together towards good works, and judge others by the content of their character, not the color of their skin.
 We cherish religious, racial, and ethnic diversity and defend pluralism as a bedrock foundation for America’s future.

From Dr. Tarece Johnson, a Black Jewish author:

Celebrate the legacy of Dr. Martin Luther King Jr. and other individuals and communities who joined together to pursue justice. May we continue to collectively play an active role in repairing our world by standing up for the truth, serving others, and demonstrating powerful love.
 Regardless of our differences and similarities, may we continue to collaboratively and positively impact change. We can all make the world a better place in peace, joy and love.

And from Rabbi Sandra Lawson, a Black, queer, Jewish religious leader: “May we continue to strive for justice and equality for all people. And may the stories and memories of those who have come before us continue to inspire us to work towards a better, brighter future.”

Amen.

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

Motions and Communications

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

Messages from the Governor

The following message from the Governor was received on February 6, 2023, and read:

EXECUTIVE ORDER
 No. 2023-1

**Michigan Strategic Fund
 Michigan State Housing Development Authority
 Department of Labor and Economic Opportunity
 Department of Health and Human Services**

Executive Reorganization

Housing is the cornerstone to thriving communities. A successful housing ecosystem provides safe, healthy, affordable, accessible, and attainable housing for all in a community of their choice. Yet, in

Michigan, too many families are unable to find affordable housing. According to Michigan's Statewide Housing Needs Assessment, Michigan faces a shortage of owner and renter occupied housing. The most recent Asset Limited, Income Constrained, Employed (ALICE) Report found that 48% of Michigan renters and 18% of homeowners paid too much for housing (over 30% of their income). This constraint on housing supply, which was decades in the making, is a primary driver of the current affordability crisis.

Michigan struggled with a lack of affordable housing before COVID-19. The pandemic amplified the challenge and highlighted the need to increase safety, address issues of quality, and tackle racial disparities. When combined with the ongoing affordability issue, these core challenges further illustrated the need for a statewide housing plan. It is vital to develop strategies that strengthen neighborhoods and communities grappling with a lack of affordable housing.

That's why in 2022 the State of Michigan released its first Statewide Housing Plan, which outlined strategies to tackle the state's affordable housing crisis. Michigan's Statewide Housing Plan includes ambitious goals for the state, including the target of building or rehabilitating over 75,000 housing units statewide in the next five years. The Michigan State Housing Development Authority is well-positioned to begin implementing the Statewide Housing Plan. However, achieving the goals of the Statewide Housing Plan will also require the coordination of state departments and agencies and the focus of state and federal resources around the primary goal of housing access.

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 under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Transfer of Program Administration

a) The administration of the Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) program funded by the annual CDBG program allocation, effective with the 2023 CDBG annual program allocation, and all future CDBG annual program allocations is transferred to the Michigan State Housing Development Authority (Authority) from the Michigan Strategic Fund. The transfer includes the Michigan Strategic Fund civil service personnel and/or vacancies to assist with the administration of the CDBG Program and includes the program's records, property, and allocations or other funds, if any, related to the 2023 CDBG annual program allocation and all future CDBG annual program allocations.

b) Except as transferred by this section, the Michigan Strategic Fund shall retain all of its unexpended balances of appropriations. The Michigan Strategic Fund shall retain the portion of the administration of the CDBG Program related to the 2022 CDBG annual program allocation and all prior year allocations. The Michigan Strategic Fund shall retain the administration of the CDBG Program Disaster Recovery (DR) program and the Community Development Block Grant Coronavirus Aid, Relief, and Economic Security (CARES) Act program. The Michigan Strategic Fund shall retain the records, property and allocations or other funds, if any, related to the 2022 CDBG annual program allocation and all prior year CDBG program allocations. All statutory authority, powers, duties, functions, responsibilities, records, personnel, and property related to housing programs funded with any CDBG annual program allocation are transferred from the Michigan Strategic Fund to the Authority. The Michigan Strategic Fund and the Authority may enter into separate agreements related to the 2022 CDBG program allocation and prior year allocations.

c) This order does not affect the status of money of the Authority. Money of the Authority is not money of this state and will continue to be non-state funds. State money appropriated to the Authority will continue to lose its status as state money upon payment to the Authority and become public money of the Authority under the control of the Authority. Funds established by or within the Authority will continue to be public trust funds administered by the Authority.

d) This order does not impair the obligation of any bond or note issued by or on behalf of the Authority. Bonds and notes issued by or on behalf of the Authority are obligations of the Authority and not obligations of the state.

e) The Authority shall continue to coordinate activities relating to investments of the Authority with the Department of Treasury when responsibilities relating to investments are vested in the state treasurer or the Department of Treasury under the State Housing Development Authority Act of 1966, 1966 PA 346, as amended MCL 125.1401 to 125.1499c.

2. Definitions

As used in this Order:

a) "Community Development Block Grant" or "CDBG Program" means the Michigan Strategic Fund Program created under Title 1 of the Housing and Community Development Act of 1974, 42 U.S.C.

5301 et seq., 24 C.F.R. § 570. The “Community Development Block Grant Disaster Recovery” or “CDBG-DR” and the “Community Development Block Grant Coronavirus Aid, Relief, and Economic Security Act” allocation or “CDBG – CARES” are not included in the definition of Community Development Block Grant Program.

b) “2023 CDBG annual program allocation” means any allocation from the CDBG program in connection with the 2023 federal fiscal year from the Department of Housing and Urban Development.

c) “Community Development Block Grant Disaster Recovery” or “CDBG – DR” means the Michigan Strategic Fund Program created pursuant to the Disaster Relief Supplemental Appropriations Act, Pub. L. No. 117-43, 135 Stat. 345 (2021), in accordance with Allocations for Community Development Block Grant Disaster Recovery, 87 Fed. Reg. 23, 6364 (February 3, 2022) as further modified by 87 Fed. Reg. 100, 31636.

d) “Community Development Block Grant Coronavirus Aid, Relief, and Economic Security Act” or “CDBG – CARES” means the funds allocated pursuant to the CARES Act, Pub. L. No. 116-136, 134 Stat. 281 (2020).

e) “Michigan Strategic Fund” means the public body corporate and politic created within the Department of Treasury under Section 5 of 1984 PA 270, as amended, MCL 125.2005, and transferred to the Department of Labor and Economic Opportunity by Executive Reorganization Order 2019-3, MCL 125.1998.

f) “Michigan State Housing Development Authority” or “Authority” means the public body corporate and politic created under Section 21 of the State Housing Development Authority Act of 1966, 1966 PA 346, as amended, MCL 125.1401 to MCL 125.1499, as amended under Executive Reorganization Order 2019-3, MCL 125.1998.

3. Implementation

a) The executive director of the Authority and the president of the Michigan Strategic Fund shall provide executive direction and supervision for the implementation of transfers under Sections 1-3 of this order.

b) The executive director of the Authority and the president of the Michigan Strategic Fund shall immediately initiate coordination to facilitate the transfers and develop memoranda of record identifying any pending settlements, issues, or compliance with applicable federal and state laws and regulations, or other obligations to be resolved related to the authority to be transferred.

c) State departments, agencies, and state officers shall cooperate with and assist the executive director of the Authority and president of the Michigan Strategic Fund with implementation of the functions or responsibilities under this order.

d) The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in this state’s financial management system necessary to implement this order.

e) A rule, regulation, order, contract, or agreement relating to a function or responsibility transferred under this order lawfully adopted before the effective date of this order will continue to be effective until revised, amended, repealed, or rescinded.

f) This order is not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before the successor of any officer or entity affected by this order.

g) 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.

h) Consistent with section 2 of article 5 of the Michigan Constitution of 1963, this order is effective April 8, 2023, at 12:00 a.m.

4. Renaming the Michigan Children’s Services Agency

a) The Michigan Children’s Services Agency, created by Executive Order 2015-4, MCL 400.227, is renamed the Children’s Services Administration.

b) After the effective date of this order, a reference to the Michigan Children’s Services Agency will be deemed to be a reference to the Children’s Services Administration.

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

Date: February 6, 2023

Time: 10:30 a.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

The following messages from the Governor were received and read:

February 2, 2023

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 48 of 1963 (2nd Ex. Sess.), MCL 390.551:

Central Michigan University Board of Trustees

Dr. Denise W. Mallett of 1370 Wellesley Drive, Detroit, Michigan 48203, county of Wayne, succeeding Richard Studley whose term has expired, is appointed for a term commencing February 2, 2023 and expiring December 31, 2030.

Mr. Todd J. Regis of 25148 Weeping Willow Drive, Flat Rock, Michigan 48134, county of Wayne, succeeding Robert Wardrop II whose term has expired, is appointed for a term commencing February 2, 2023 and expiring December 31, 2030.

February 2, 2023

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 48 of 1963 (2nd Ex. Sess.), MCL 390.551:

Eastern Michigan University Board of Regents

Mr. Marques R. Thomey of 802 Coolidge Street, Plymouth, Michigan 48170, county of Wayne, succeeding Dennis Beagen whose term has expired, is appointed for a term commencing February 2, 2023 and expiring December 31, 2030.

February 2, 2023

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 114 of 1949, MCL 390.802:

Ferris State University Board of Trustees

Mr. Michael B. Fisher of 313 N. Cedar Street, Unit 224, Lansing, Michigan 48912, county of Ingham, succeeding Rupesh Srivastava whose term has expired, is appointed for a term commencing February 2, 2023 and expiring December 31, 2030.

Mr. Michael D. Ryan of 327 S. Stewart Avenue, Big Rapids, Michigan 49307, county of Mecosta, filling a vacant seat, is appointed for a term commencing February 2, 2023 and expiring December 31, 2026.

Mrs. Vivian TerMaat of 729 W. Woodmeade Court, S.E., Ada, Michigan 49301, county of Kent, succeeding Ana Ramirez-Saenz whose term has expired, is appointed for a term commencing February 2, 2023 and expiring December 31, 2030.

February 2, 2023

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 120 of 1960, MCL 390.842:

Grand Valley State University Board of Trustees

Mr. Ronald Hall of 210 Devon Road, Bloomfield Township, Michigan 48302, county of Oakland, succeeding Victor Cardenas whose term has expired, is appointed for a term commencing February 2, 2023 and expiring December 31, 2030.

Ms. Shelley E. Padnos of 2909 Lakeshore Drive, Fennville, Michigan 49408, county of Allegan, succeeding Megan Sall whose term has expired, is appointed for a term commencing February 2, 2023 and expiring December 31, 2030.

February 2, 2023

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 359 of 2018, MCL 254.324b:

Mackinac Straits Corridor Authority

Mr. Andrew S. Doctoroff of 26413 Huntington Road, Huntington Woods, Michigan 48070, county of Oakland, succeeding Michael Nystrom whose term has expired, is appointed to represent Independents, for a term commencing February 2, 2023 and expiring December 12, 2026.

Mr. Paul F. Novak of 19450 Gloucester Drive, Detroit, Michigan 48203, county of Wayne, is reappointed to represent Democrats, for a term commencing February 2, 2023 and expiring December 12, 2026.

Ms. Kimberly L. Webb of 51986 Pebble Creek Drive, Chesterfield, Michigan 48047, county of Macomb, succeeding Anthony England whose term has expired, is appointed to represent Democrats, for a term commencing February 2, 2023 and expiring December 12, 2026.

February 2, 2023

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 451 of 1994, MCL 324.501:

Natural Resources Commission

Mr. David M. Nyberg of 430 West Park Street, Marquette, Michigan 49855, county of Marquette, is reappointed to represent Independents, for a term commencing February 2, 2023 and expiring December 31, 2026.

Mr. John W. Walters of 600 Silver Pine Circle, Unit 8, Gaylord, Michigan 49735, county of Otsego, succeeding Keith Creagh whose term has expired, is appointed to represent Republicans, for a term commencing February 2, 2023 and expiring December 31, 2026.

February 2, 2023

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 48 of 1963 (2nd Ex. Sess.), MCL 390.551:

Western Michigan University Board of Trustees

Ms. Kelly Burris of 1530 Wellesley Drive, Detroit, Michigan 48203, county of Wayne, filling a vacant seat, is appointed for a term commencing February 2, 2023 and expiring December 31, 2024.

Mr. Jon B. Hoadley of 2720 Parkview Avenue, Kalamazoo, Michigan 49008, county of Kalamazoo, succeeding William Johnston whose term has expired, is appointed for a term commencing February 2, 2023 and expiring December 31, 2030.

Ms. Lisa M. Williams of 30011 Pleasant Trail, Southfield, Michigan 48076, county of Oakland, succeeding Jeff Rinvelt whose term has expired, is appointed for a term commencing February 2, 2023 and expiring December 31, 2030.

February 3, 2023

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 48 of 1963 (2nd Ex. Sess.), MCL 390.551:

Northern Michigan University Board of Trustees

Ms. Brigitte R. LaPointe-Dunham of 119 Michigan Avenue, Baraga, Michigan 49908, county of Baraga, succeeding Tami Seavoy whose term has expired, is appointed for a term commencing February 3, 2023 and expiring December 31, 2030.

Mr. Steven W. Lindberg of 1911 West Fair Avenue, Marquette, Michigan 49855, county of Marquette, succeeding Jason Morgan who has resigned, is appointed for a term commencing February 3, 2023 and expiring December 31, 2028.

Mr. Greg M. Toutant of 538 Lake Street, Negaunee, Michigan 49866, county of Marquette, succeeding Robert Mahaney whose term has expired, is appointed for a term commencing February 3, 2023 and expiring December 31, 2030.

Respectfully,
Gretchen Whitmer
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Runestad, Bellino, Johnson, Daley, Lauwers and McBroom introduced

Senate Bill No. 53, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7 (MCL 722.627), as amended by 2022 PA 68.

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

Senators Bellino, Cherry, Victory and McMorrow introduced

Senate Bill No. 54, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1170b (MCL 380.1170b), as added by 2017 PA 255.

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

Senators Chang, Shink, Wojno, Bayer, Geiss, McMorrow and Moss introduced

Senate Bill No. 55, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending sections 7u and 53b (MCL 211.7u and 211.53b), section 7u as amended by 2020 PA 253 and section 53b as amended by 2022 PA 141.

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

Senators Chang, Wojno, McMorrow, Cavanagh, Irwin, Klinefelt, Cherry, Santana, McCann, Bayer, Geiss, Shink, Polehanki, Brinks and Moss introduced

Senate Bill No. 56, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 335 (MCL 750.335), as amended by 2002 PA 672.

The bill was read a first and second time by title and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

Senators Chang, Bellino, Cherry, Wojno, Polehanki, Klinefelt, Santana and Bayer introduced

Senate Bill No. 57, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 7453 (MCL 333.7453), as added by 1988 PA 139.

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

Senators Bellino, Chang, Cherry, Wojno, Polehanki, Klinefelt, Santana and Bayer introduced

Senate Bill No. 58, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 7455 (MCL 333.7455), as added by 1988 PA 139.

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

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, Lieutenant Governor Gilchrist, designated Senator Camilleri as Chairperson.

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

Senate Bill No. 12, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1280f (MCL 380.1280f), as added by 2016 PA 306.

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.

Announcements of Printing and Enrollment

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

House Bill Nos. 4066 4067 4068 4069 4070 4071

The Secretary announced that the following bill was printed and filed on Friday, February 3, and is available on the Michigan Legislature website:

Senate Bill No. 52

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Labor submitted the following:

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

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

COMMITTEE ATTENDANCE REPORT

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

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

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

COMMITTEE ATTENDANCE REPORT

The Committee on Economic and Community Development submitted the following:

Meeting held on Thursday, February 2, 2023, at 12:00 noon, Room 1200, Binsfeld Office Building

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

Excused: Senators Moss and Victory

Scheduled Meetings

Appropriations and House Appropriations, Joint – Wednesday, February 8, 11:00 a.m., State Room, Lower Level, Heritage Hall, Capitol Building (517) 373-5307

Civil Rights, Judiciary, and Public Safety – Thursday, February 9, 12:00 noon, Room 1100, Binsfeld Office Building (517) 373-5312

Energy and Environment – Thursday, February 9, 1:30 p.m., Room 403, 4th Floor, Capitol Building (517) 373-5323

Oversight – Wednesday, February 15, 8:30 a.m., Room 1200, Binsfeld Office Building (517) 373-5314

Regulatory Affairs – Thursday, February 9, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-1721

Senator Singh moved that the Senate adjourn.

The motion prevailed, the time being 10:27 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Wednesday, February 8, 2023, at 10:00 a.m.

DANIEL OBERLIN
Secretary of the Senate