

No. 16
STATE OF MICHIGAN
Journal of the Senate
102nd Legislature
REGULAR SESSION OF 2024

Senate Chamber, Lansing, Tuesday, February 20, 2024.

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

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

Master of the universe, Lord of all works, who extends peace like a river, and like a rapid stream the glory of nations, look down from Your holy dwelling and bless this land—the United States of America—whereupon we dwell. Let not violence be heard in the land, wasting and destruction within the boundaries, but You shall call its walls Salvation and its gates Praise. Grant rain in due season so that the earth shall yield her products and the tree of the field shall yield its fruit; and grant peace, goodness, and a blessing on all inhabitants of the land, that they may lie down with none to make them afraid. Among all nations shall their seed be known, and their offspring in the midst of all people. All that see them shall acknowledge them, for You shall hath blessed upon them.

Pour down the bounty of Your goodness upon the President and the Vice President of the United States, that their prosperity be like a river and their triumph like the waves of the sea. In their days may kindness and truth meet together and righteousness and peace kiss one another. Great shall be their honor; through Your help and in your strength they will greatly exult. Ordain blessings upon the Governor and Lieutenant Governor of the state and Legislature. Teach them the good way wherein they shall walk so as to judge the entire people rightly, the entire nation justly, and all will see it and delight themselves from the abundance of peace. Amen.

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

Motions and Communications

Senator Lauwers moved that Senator Runestad be excused from today's session.

The motion prevailed.

The following communications were received:

Department of State

Administrative Rules

Notices of Filing

February 6, 2024

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2023-054-LE (Secretary of State Filing #24-02-01) on this date at 9:53 a.m. for the Department of Labor and Economic Opportunity entitled, "Part 11. Recording and Reporting of Occupational Injuries and Illnesses."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

February 9, 2024

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2023-072-ED (Secretary of State Filing #24-02-02) on this date at 9:46 a.m. for the Department of Education entitled, "Teachers' Tenure Act Definition of Certificated."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,

Jocelyn Benson

Secretary of State

Lashana Threlkeld, Departmental Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The following communication was received:
Local Community Stabilization Authority

February 15, 2024

The Local Community Stabilization Authority (the “Authority”) is responsible for administering provisions of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Public Act 48 of 2002, as amended, MCL 484.3101 to 484.3120 (the “METRO Act”). Sec 3. (2) of the METRO Act requires the Authority to file an annual report of its activities for the preceding year with the governor and the members of the legislative committees dealing with energy, technology, and telecommunications issues on or before March 1 of each year. Please find attached the 2023 report.

Sincerely,
Jaymes Vettraino
LCSA Administrator

The communication was referred to the Secretary for record.

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

The motion prevailed.

Senator Singh’s statement is as follows:

It is my privilege to make a special announcement, and I want to wish a happy birthday greetings to our fearless leader, Majority Leader Brinks. It was her birthday this weekend and we have some cupcakes that are in the lobby for your enjoyment.

Recess

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

The motion prevailed, the time being 10:05 a.m.

11:21 a.m.

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

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Singh moved that rule 3.204 be suspended to permit immediate consideration of the following resolution:

Senate Resolution No. 97

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

Senator Webber offered the following resolution:

Senate Resolution No. 97.

A resolution to commemorate the 100th anniversary of the founding of Junior Chamber International (JCI) Michigan.

Whereas, Junior Chamber International (JCI) is a leadership training and public service organization that was founded in 1924; and

Whereas, JCI Michigan teaches thousands of young Michiganders leadership skills and provides professional development opportunities; and

Whereas, Jaycees in Michigan perform numerous hours of community service that support community projects across the state; and

Whereas, They have provided their members with connections that help build international networks; and

Whereas, JCI Michigan gives its members the skills and experience to become leaders in their communities and in business; and

Whereas, JCI Michigan contributes greatly to Michigan’s economy through following the Jaycee creed of “Economic justice can best be won by free men through free enterprise”; and

Whereas, JCI Michigan is a force for good through the growth and development of a civic organization for young people instilling American spirit and ideals; and

Whereas, As a force of positive change in our state, JCI Michigan fosters a community of selfless and professional leaders; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate the 100th anniversary of the founding of Junior Chamber International (JCI) Michigan; and be it further

Resolved, That we recognize the positive impact that Jaycees have provided to Michigan and its residents in the last century.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Lauwers and Theis were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Webber's statement is as follows:

I rise in support of my resolution to recognize the 100th anniversary of the Junior Chamber International of Michigan—more commonly known and recognized throughout our communities as the Jaycees. Since 1924, JCI Michigan has an esteemed history of supporting and developing young leaders and each year, Jaycees work together to provide countless hours of community service and support.

Today, hundreds of Jaycees grow together in leadership and serve their communities from the 25 local chapters that make up JCI Michigan. Personally, I am proud to have served as the 58th president of the Rochester Area Junior Chamber. I followed my wife, Julia, who served as the 56th president of the organization. Even more importantly, I am proud to have worked alongside my fellow Jaycees to serve our community through efforts like Safety Town, delivering Easter baskets to local seniors, and Christmas shopping for disadvantaged children. The impact that being part of the Jaycees has made on my own life is invaluable. And I know I am not alone.

For 100 years, countless members of JCI Michigan have lived their lives in service to others and one another under the banner of the Jaycee creed:

“That faith in God gives meaning and purpose to human life;

“That the brotherhood of man transcends the sovereignty of nations;

“That economic justice can best be won by free men through free enterprise;

“That government should be of laws rather than of men;

“That earth's great treasure lies in human personality;

“And that service to humanity is the best work of life.”

I ask my colleagues to honor the positive community impact Michigan's Jaycees have made over the past century and to join me in commemorating the 100th anniversary of the Michigan Junior Chamber.

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Moss, designated Senator McBroom as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Moss, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 4511, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 710d and 710e (MCL 257.710d and 257.710e), section 710d as amended by 2009 PA 57 and section 710e as amended by 2016 PA 460.

House Bill No. 4512, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 907 (MCL 257.907), as amended by 2023 PA 40.

House Bill No. 4677, entitled

A bill to amend 1994 PA 203, entitled “Foster care and adoption services act,” (MCL 722.951 to 722.960) by adding section 8e.

House Bill No. 4678, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1281c.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4676, entitled

A bill to amend 1994 PA 203, entitled “Foster care and adoption services act,” by amending section 8b (MCL 722.958b), as added by 2018 PA 489.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

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

House Bill No. 4824

The motion prevailed.

The following bill was read a third time:

House Bill No. 4824, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 20120a (MCL 324.20120a), as amended by 2018 PA 581.

The question being on the passage of the bill,
Senator Webber offered the following amendment:

1. Amend page 16, line 15, by striking out all of enacting section 2 and inserting:

“Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 102nd Legislature are enacted into law:

- (a) House Bill No. 4825.
- (b) House Bill No. 4826.

Enacting section 3. This amendatory act does not take effect unless Senate Joint Resolution C of the 102nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963.”.

The question being on the adoption of the amendment,
Senator Lauwers requested the yeas and nays.

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

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

Roll Call No. 16		Yeas—17	
Albert	Hauck	Lauwers	Outman
Bellino	Hoitenga	Lindsey	Theis
Bumstead	Huizenga	McBroom	Victory
Daley	Johnson	Nesbitt	Webber
Damoose			

Nays—20

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

Excused—1

Runestad

Not Voting—0

In The Chair: Moss

The question being on the passage of the bill,

The Assistant President pro tempore, Senator Geiss, assumed the Chair.

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

Roll Call No. 17

Yeas—20

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

Nays—17

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

Excused—1

Runestad

Not Voting—0

In The Chair: Geiss

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,”

The Senate agreed to the full title.

Protests

Senators Hauck, McBroom, Victory, Theis, Huizenga, Lauwers and Daley, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4824.

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

The motion prevailed.

Senator Hauck’s statement is as follows:

A lot of ink has been spilled about Michigan’s population crisis. The Governor and the majority insist it’s their top priority. There have even been speeches and bipartisan blue-ribbon commissions—well, sort of bipartisan. But actions speak louder than words and the bills before us are yet another example of the majority making this state an even less attractive place to live and work. Allowing bureaucracy to run wild with regulations is a surefire way to drive businesses, jobs, and people out of our state. I ask for a “no” vote.

Senator McBroom’s statement, in which Senators Victory, Theis and Huizenga concurred, is as follows:

Mr. President, I had the opportunity to serve in the Legislature during the Flint water crisis. I was chairing the House Oversight Committee at that time and began the procedures to look into what was going on there. Later on, a special committee was formed and I was the ranking House member on that committee. One of the things that became very clear throughout that investigation is that the citizens’ voice was ignored repeatedly by the bureaucracy and that there was not a proper avenue within the agency—the DEQ at the time—for that voice to be heard. People came to meetings, they brought dirty water, they brought sick family members and sick pets, and the bureaucracy ignored them over and over and over again. Don’t worry, that dirty water is going to go away in a little while. Don’t worry, the water is safe. Don’t worry, we’re doing testing. Over and over again the people heard that, and the agency bureaucrats ignored the voices of the people. These were their neighbors—our neighbors—and nobody stood up for them because there was no method and the bureaucracy said, These are the same people who are always complaining about something. We don’t need to listen to them. They always cry wolf at every turn. We don’t need to listen; we know what we’re doing.

Now unfortunately, the opportunity to create a citizen commission to oversee this department was not supported by colleagues of mine on either side of the aisle at the time. However, some things that came from that were avenues to have citizen voices heard, and the Flint water crisis was not the only time that these complaints have been leveled against this department. Where do citizens go when the department says, You can’t do what the law says you can do because our interpretation is that you don’t get to do that. In my district, a gentleman tries to build a small outbuilding to park his snowmobiles in. The department says, You’re knocking over too many cattails to have two snowmobiles; you get one. Another couple builds their home—a cabin in the woods—only to have the department come in and say, You’ve ruined a wetland because of a low spot on the property, even though it was hundreds of feet above the lake, but there’s a wet spot—I mean, welcome to Michigan. Next thing you know, they’re being fined. OK, they’ve got to pay a fine, they didn’t get the right permits, all of that. We ask in committee, How did you determine the size of the fine? The department says, Well, it’s their second home so they can obviously afford this fine so we wrote a bigger fine for them. Really? That’s what we want from our departments? We want our departments determining the size of the fine based on whether the old couple has a cabin in the woods or if they can only afford one little hovel somewhere? That’s the arbitrariness that we want from our bureaucrats in this state? I don’t think so.

That’s the attitude and approach we have seen from this department for decades—for decades—and whether it’s a large industry that we count on in this state, but they’re not quite big enough to get the special treatment where you get to break ground before you have permits—that’s just for a few—but most big businesses in this state or little businesses in this state have to go through the bureaucratic process and who

speaks for them? Who's going to stand up for the next small business owner with an idea in our state, when they have to get permits and they spend years trying to get through the weedy process of this department's bureaucracy? Years of not being listened to, or perhaps it'll be another community with a water issue or an air issue or a garbage issue. Nobody to listen to them but a bunch of bureaucrats who think they know better than everybody else, who've got no term limits. Away they go, doing their job, pushing paper. They get paid the same amount whether that business starts up or not. Just keep pushing the paper. Keep pushing the rules. No voice for the people—except us, because that's who they call. They call you, they call me. Help me.

Then what do we say? Well, unfortunately, we have to tell them some really intelligent legislators of the past, when they wrote this law, said, Here, department, implement all the rules. Here, department, write whatever it takes to make this work because we're not—ah, we're too busy, or we don't know enough about it. We'll just defer to the experts. And that's why we get this drivel that tells us, Well, if we don't give the department the ability to write the rules right now, the world might end before we have a chance to get it done legislatively. And yet that's exactly the point of this country and of this state, that the voice of the people is in this room. We're supposed to write the policies. We're supposed to enforce the opportunity of our citizens to go after their own happiness, to pursue their property rights. And we abrogate that again and again into the rulemaking process.

Here's our great idea: we should have clean air. Department, you do it. We don't have time for that. That's what we go through again and again, and that's why these commission panels were started. Those of us who were here for those debates remember that. We remember the story after story after story of citizens and communities and businesses trampled by this bureaucracy, no opportunity to have their issues litigated except to come and talk to their poor legislator who's trying to figure it out—and in the world of term limits, is gone before the bureaucrat is. That's why we created these panels—to slow it down so that the people have a chance to know what's going on. What do we have right now going on? We've got a department out of control, going after butcher shops in this state. In the midst of all we learned from COVID where how fragile our food supply is, tied up with these giant corporations, many of which are not American-based. The citizens of the country are like, You know, I think I'd like to be able to just buy a cow and go over to my butcher shop. The grocery stores are like, You know, it'd be really nice if I could go to Ed McBroom's farm or somebody else's farm, buy a couple cows, take them to the area butcher shop that's licensed by the USDA, get the beef done, and then put it on my shelves. Nope, not in Michigan. Can't do that in Michigan. That's a whole other issue; I won't go down that road right this second. The people recognize, We've got a little bit of fragility here in our supply chains. What did people start doing? They started going directly to us. The amount of people who are coming to me these days saying, I need to buy a cow from you and I'll take it to the butcher, I'll get it processed, is astounding, how much it's going on. Butcher shops all over this state are slammed—six-month, 12-month backlogs, your little local butcher shops.

But, oh! Comes riding in the DEQ now, holy smokes, we've got a problem with organic nitrogen in the water that's washed off the floors at the butcher shop, so they're closing them down. They're closing down your small local butcher shop over nitrogen in the water that was then taken and spread on the farm fields where they need nitrogen but we can't have the nitrogen in that water. You know what happens then? The farmer has to go buy nitrogen somewhere else, so we've done nothing except pat ourselves on the back over the bureaucracy for writing more rules and making it more difficult. Without these bodies, where are these people going to go? They come to us. What do we do? Well, sorry, we passed a law that gives them the ability to do this.

Repealing these commissions is a mistake. You want to reform them? You want to give them more teeth? You want to give them a shorter timeline to get things done? Let's do it. But to just go back to the way it was and let the bureaucracy run roughshod over the citizens of this state more is a dynamically foolish mistake. What did we have throughout the first ten years of this century under Director Chester? Nothing but continuous attacks. We were literally going after people for the dirt they shook off the sugar beets and put back in the fields because, Oh, that dirt is an industrial byproduct now. That's how smart the bureaucracy is when there's no voice for the citizens. That's what we're going back to. Back to a Flint water situation with no voice for the people on these issues. Go back to the drawing board is what we ought to be doing. We ought to be expanding the voice of the people, creating a commission over this department. Let the Governor appoint them, like we do with the Natural Resources Commission and the Ag Commission and the Transportation Commission. Real bodies where the citizens have a voice—not as much power as I think they should have, but at least it's a place where citizens can go talk to fellow citizens and hold up their dirty water and say, I've got a problem and the bureaucrats won't listen to me.

I recommend a “no” vote.

Senator Lauwers' statement, in which Senator Daley concurred, is as follows:

I think it's appropriate that while we're discussing this, that I just happened to read last night there's a boom going on in this country in biogas. Sixty-six thousand new biogas facilities were started last year. Seventy percent of those are owned by farmers. What happened in Michigan? Biogas, where we capture methane and other gases and turn it into electricity—a win-win. In Michigan, we went down one. At the end of this month, the largest biogas producer in this state will close because they cannot get the permits through this department that we are talking about liberating here. They've been working on it for months. What's been proposed to them, by laws that we passed in this chamber in 2022, doubles their cost of doing business.

It's all about a messed up bunch of overlapping regulations on groundwater discharge and other things, as the good Senator from the Upper Peninsula pointed to. So while the rest of the world is building, we are shrinking. We talk about "going green" in this state, but we have a department that's making us go what, I don't know, what do you call it, brown, is that the alternative? I don't understand, I mean, I agree completely.

If we wanted to fix this, we could fix it, but all we heard in committee was, This wastes a lot of time, it doesn't really do anything, let's just get rid of it so we can expedite—expedite. But the largest biogas producer in our state, Fremont, is going to close by the end of the month because of a lack of expedition from the very department that we're intending to liberate.

Senators Webber, Singh, Moss, McBroom, Cherry and Bayer asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Webber's statement is as follows:

Mr. President, my amendment would tie the bill before us to my constitutional amendment requiring approval by the Legislature of any new rule or regulation with a cost of more than \$1 million. The purpose of these bills, as stated by the majority, is to cut red tape. If we really want to be serious about this and streamline government and make it more efficient, we should adopt this amendment. Legislators should be willing to put our names on these regulations and be accountable to the voters, not leave those decisions up to bureaucrats. Thriving states like Florida have this and we should follow their lead. I ask for a "yes" vote on my amendment.

Senator Singh's statement is as follows:

I want to stand and just say that I support these bills. I think the over-dramatic nature of the comments minimize what we're discussing here. We are just removing an extra layer of bureaucracy that was put in by the last administration. Most of our DEQ permits and processes have always been working well. This was a way to sort of slow down the process for us not to be able to move fast. We realize when we had the opportunities to move fast and we couldn't, we always put ourselves in jeopardy. I want to just say to my colleagues that I promote a "yes" vote and I support this package of bills.

Senator Moss' statement is as follows:

I was listening intently to my friend from the Upper Peninsula as he was opposing what is before us, and I can appreciate his passion on this issue, but I think that his anger is very much misplaced. What he is indicting was a problem with the department, but the extra layer of bureaucracy that was added at the time wasn't resolving the situation, so as he complains about the bureaucracy being the problem, the solution that was offered at the time was adding another layer of bureaucracy. This is the only department in our state that has this extra layer of approval for promulgating rules, and the request from the member to keep this intact, to slow down the process, doesn't make a lot of sense to me.

I'm going to read an article from *Michigan Radio*, "Oversight panel slows rule-making process for PFAS regulations." "Former governor Rick Snyder stirred controversy when he appointed business and industry representatives"—so not necessarily citizens, not necessarily citizens from the community, but business and industry representatives—"to the Environmental Rules Review Committee (ERRC), a regulatory oversight board to oversee rulemaking within the Department of Environment, Great Lakes and Energy. Now, that board is slowing down the advancement of new drinking water standards that limit acceptable levels of chemicals from the PFAS family in Michigan's drinking water."

This slows down the process to make good decisions now that the department has been retooled from what existed during the Flint water crisis. So I certainly support removing that barrier, getting us closer to decisions that promote, protect the welfare of our air, water, and land. Removing this bureaucracy leads to better decisions being made quicker, and we heard testimony in our committee that this panel hasn't meaningfully changed the rulemaking process. There have been very few, if any, outcomes that have been amended, reversed or changed as a result of this extra barrier. The only thing that was added was time to get to decisions that are needed by families here in Michigan. So I support removing this unique, one-of-a-kind, extra layer of bureaucracy in this state department as we need to do in order to get these decisions made quicker for the benefit of the health and safety of Michigan residents. I support a "yes" vote for these bills.

Senator McBroom's statement is as follows:

I appreciate my colleague's remarks and call to the issue at hand. I just want to respond to say I understand the nature of which we're discussing. My point is that the department, throughout its activities in both these fields and in a broader scope, does not provide avenues for voice, for the people. These committees provide that, and whether we want to label them as part of the bureaucratic process or not, in principle they remain the avenue to hear another perspective besides the echo chamber that the bureaucrats within the department themselves continually hear. The speed at which these things occur, to me, is not as relevant as assuring that the facts and the repercussions, the ramifications, are properly vetted out and heard by all the stakeholders and by the decision makers within the department.

As I said, I know that I spoke to broader issues than just these bills are, but these bills serve as a focal point at the moment of a larger problem that's distributed across this department. To remove this only puts the entire department and no longer this one area anymore, which stands out as different, but puts the entire department back into a vicinity of having no voice for the people, no recompense, no opportunity to litigate why these issues are not being heard properly and are only being driven internally. I continue to recommend a "no" vote.

Senator Cherry's statement is as follows:

I just want to rise on this bill to clarify a couple of items. It was implied that in some way this body, that would be repealed under these bills, this committee was somehow established in relation to the Flint water crisis. I just want to remind my colleagues that that was not the case, that these laws that created this commission were passed during lame duck. In fact, we did not actually pass any legislation out of the recommendations from the Flint Water Task Force until this session, unfortunately. I'm glad we passed them, but far too late. When you talk about the cause of the Flint water crisis, while there were many causes, one of which was lax enforcement of things like the Lead and Copper Rule and appropriate testing as opposed to the need to loosen regulations.

In terms of making sure citizens have a voice, I'd just like to—that the general public has an ability to talk with the department, just review in the statute this commission is made up of one individual who represents the solid waste industry, one individual who represents a statewide manufacturing organization, one individual who represents a statewide organization for small business, one individual for public utilities, one individual for an environmental organization, one individual for oil and gas industry, one individual for an agricultural organization, one individual for local governments, one individual for land conservancy, two individuals for the general public, and one public health individual. So if the implication is that we're trying to have the general public be able to communicate with the department through this commission, I think it's inappropriately situated.

Senator Bayer's statement is as follows:

Just a reminder that the review panel that was created, that is under discussion today, was designed specifically to allow the Governor to appoint members of the business community who did not want environmental regulation, that wanted to be able to override or avoid those kinds of restrictions on their big businesses. It was not about the people of the state having access and making those decisions. It was about enabling corporations. So if you add the potential delays caused by the corporate side and what was happening over the same course of that administration was a massive reduction in staff within that department so they could not even do their jobs. That stopped a whole lot of stuff from going on and protected that business community, enabling them to do things that we would not, as the people of the state who care about the environment, we would not allow.

We are now fixing those things. We are enabling the department by increasing their staff, and we are enabling the department by allowing them to move forward at a reasonable pace. Their effort in having the staffing they need is working with applicants as they go through the process so that they are approved first-time by helping them get it correct by using the standards that we create as the people of Michigan to protect our environment as well as our business community.

The following bill was read a third time:

House Bill No. 4825, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending section 66 (MCL 38.1666), as added by 2018 PA 674.

The question being on the passage of the bill,

Senator Webber offered the following amendment:

1. Amend page 2, line 11, by striking out all of enacting section 2 and inserting:

"Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 102nd Legislature are enacted into law:

(a) House Bill No. 4824.

(b) House Bill No. 4826.

Enacting section 3. This amendatory act does not take effect unless Senate Joint Resolution C of the 102nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 18		Yeas—20	
Anthony	Chang	Klinefelt	Polehanki
Bayer	Cherry	McCann	Santana
Brinks	Geiss	McDonald Rivet	Shink
Camilleri	Hertel	McMorrow	Singh
Cavanagh	Irwin	Moss	Wojno
Nays—17			
Albert	Hauck	Lauwers	Outman
Bellino	Hoitenga	Lindsey	Theis
Bumstead	Huizenga	McBroom	Victory
Daley	Johnson	Nesbitt	Webber
Damoose			

Excused—1	
Runestad	

Not Voting—0

In The Chair: Geiss

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

“An act to provide for the Michigan department of state police retirement system; to create certain reserves and certain funds for this retirement system; to provide for the creation of a retirement board within the department of technology, management, and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of the department of state police, the department of technology, management, and budget, and certain state officers; and to repeal certain acts and parts of acts,”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4826, entitled

A bill to amend 1969 PA 306, entitled “Administrative procedures act of 1969,” by amending sections 33, 39a, 41, 42, 43, 44, 47, and 48 (MCL 24.233, 24.239a, 24.241, 24.242, 24.243, 24.244, 24.247, and 24.248), as amended by 2018 PA 267; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Webber offered the following amendment:

1. Amend page 9, following line 26, by inserting:

“Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 102nd Legislature are enacted into law:

(a) House Bill No. 4824.

(b) House Bill No. 4825.

Enacting section 3. This amendatory act does not take effect unless Senate Joint Resolution C of the 102nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 19

Yeas—20

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

Nays—17

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

Excused—1

Runestad

Not Voting—0

In The Chair: Geiss

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

“An act to provide for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations, and other matters; to provide for the printing, publishing, and distribution of certain publications; to provide for state agency administrative procedures and contested cases and appeals from contested cases in licensing and other matters; to create and establish certain committees and offices; to provide for declaratory judgments as to rules; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date,”

The Senate agreed to the full title.

Announcements of Printing and Enrollment

The Secretary announced that the following bills were printed and filed on Wednesday, February 14, and are available on the Michigan Legislature website:

House Bill Nos. 5447 5448 5449 5450 5451 5452

Committee Reports

The Committee on Regulatory Affairs reported

Senate Bill No. 602, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending sections 2501 and 2512 (MCL 339.2501 and 339.2512), as amended by 2016 PA 502, and by adding section 2512g.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Jeremy Moss
Chairperson

To Report Out:

Yeas: Senators Moss, Polehanki, McCann, Wojno, Santana, Hertel, Hauck, Webber, Lauwers and Bellino

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Regulatory Affairs submitted the following:

Meeting held on Thursday, February 15, 2024, at 9:00 a.m., Room 1100, Binsfeld Office Building

Present: Senators Moss (C), Polehanki, McCann, Wojno, Santana, Hertel, Hauck, Webber, Lauwers and Bellino

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

House Bill No. 4522, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 1082 (MCL 600.1082), as amended by 2012 PA 334, and by adding chapter 10D.

With the recommendation that the bill pass.

Stephanie Chang
Chairperson

To Report Out:

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

Nays: Senator Runestad

The bill was referred to the Committee of the Whole.

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

House Bill No. 4523, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 1093 (MCL 600.1093), as amended by 2018 PA 591.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Stephanie Chang
Chairperson

To Report Out:

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

Nays: Senator Runestad

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

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

House Bill No. 4524, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 1074 (MCL 600.1074), as added by 2004 PA 224.

With the recommendation that the bill pass.

Stephanie Chang
Chairperson

To Report Out:

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

Nays: Senator Runestad

The bill was referred to the Committee of the Whole.

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

House Bill No. 4525, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 1064 and 1066 (MCL 600.1064 and 600.1066), as added by 2004 PA 224.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Stephanie Chang

Chairperson

To Report Out:

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

Nays: Senator Runestad

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, February 15, 2024, at 12:00 noon, Room 1200, Binsfeld Office Building

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

Excused: Senator Johnson

The Committee on Energy and Environment reported

House Bill No. 4185, entitled

A bill to amend 1974 PA 154, entitled “Michigan occupational safety and health act,” by amending sections 4, 35, and 36 (MCL 408.1004, 408.1035, and 408.1036), section 4 as amended by 2012 PA 416 and sections 35 and 36 as amended by 1991 PA 105.

With the recommendation that the bill pass.

Sean McCann

Chairperson

To Report Out:

Yeas: Senators McCann, McDonald Rivet, Singh, Bayer, Shink, Hertel, Camilleri, Chang and Polehanki

Nays: Senators Lauwers, Damoose, Outman, Hauck and Bellino

The bill was referred to the Committee of the Whole.

The Committee on Energy and Environment reported

House Bill No. 4186, entitled

A bill to allow local governments and certain authorities to withhold payment under certain conditions to contractors on an asbestos abatement project; to provide for mandatory contract conditions on certain asbestos abatement projects; to provide for certain disclosures; and to prescribe the powers and duties of certain local officials.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Sean McCann

Chairperson

To Report Out:

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

Nays: Senator Hauck

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Energy and Environment reported

House Bill No. 4188, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding sections 5519 and 5519a.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Sean McCann

Chairperson

To Report Out:

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

Nays: Senators Lauwers, Damoose, Hauck and Bellino

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Energy and Environment reported

House Bill No. 4190, entitled

A bill to prohibit certain public entities from entering into certain contracts with certain entities that remove or abate asbestos; to require certain entities to disclose certain information when bidding on certain contracts with public entities; and to impose certain duties and responsibilities on certain public entities.

With the recommendation that the bill pass.

Sean McCann

Chairperson

To Report Out:

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

Nays: Senator Hauck

The bill was referred to the Committee of the Whole.

The Committee on Energy and Environment reported

Senate Bill No. 225, entitled

A bill to prohibit certain public entities from entering into certain contracts with certain entities that remove or abate asbestos; to require certain entities to disclose certain information when bidding on certain contracts with public entities; and to impose certain duties and responsibilities on certain public entities.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Sean McCann

Chairperson

To Report Out:

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

Nays: Senator Hauck

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Energy and Environment reported

Senate Bill No. 226, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 5519b.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Sean McCann

Chairperson

To Report Out:

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

Nays: Senator Hauck

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Energy and Environment reported

Senate Bill No. 366, entitled

A bill to amend 1969 PA 165, entitled "An act to authorize the public service commission to establish and enforce gas safety standards; and to provide penalties for violations thereof," by amending section 11 (MCL 483.161), as amended by 1992 PA 11.

With the recommendation that the bill pass.

Sean McCann

Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Environment submitted the following:
Meeting held on Thursday, February 15, 2024, at 1:30 p.m., Room 403, 4th Floor, Capitol Building
Present: Senators McCann (C), McDonald Rivet, Singh, Bayer, Shink, Hertel, Camilleri, Chang, Polehanki, Lauwers, Damoose, Outman, Hauck and Bellino

COMMITTEE ATTENDANCE REPORT

The Committee on Labor submitted the following:
Meeting held on Thursday, February 15, 2024, at 9:00 a.m., Room 1300, Binsfeld Office Building
Present: Senators Cherry (C), Camilleri, Cavanagh and Albert

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on EGLE submitted the following:
Meeting held on Thursday, February 15, 2024, at 2:30 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Irwin (C), Singh, Shink, Cherry, Bayer, Hauck and Outman
Excused: Senator Bumstead

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on Transportation submitted the following:
Meeting held on Thursday, February 15, 2024, at 3:00 p.m., Room 1200, Binsfeld Office Building
Present: Senators Klinefelt (C), Hertel, McCann and Camilleri
Excused: Senators Damoose and Bumstead

Scheduled Meetings

Appropriations – Wednesday, February 21, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5307

Subcommittees –

Agriculture and Natural Resources – Wednesday, February 28, 12:00 noon, Room 1300, Binsfeld Office Building (517) 373-2768

Corrections and Judiciary – Thursday, February 22, 1:30 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

EGLE – Thursday, February 22, 3:00 p.m., Room 403, 4th Floor, Capitol Building (517) 373-2768

General Government – Wednesday, February 21, 3:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

LEO/MEDC – Wednesday, February 21, 3:00 p.m., Room 1200, Binsfeld Office Building (517) 373-2768

MDE – Thursday, February 22, 9:00 a.m., Room 403, 4th Floor, Capitol Building (517) 373-2768

Military, Veterans, State Police and House Appropriations on Military and Veterans Affairs and State Police, Joint – Tuesday, February 27, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Universities and Community Colleges – Wednesday, February 21, 9:00 a.m., Room 1100, Binsfeld Office Building (517) 373-2768

Elections and Ethics – Wednesday, February 21, 12:00 noon, Room 1100, Binsfeld Office Building (517) 373-1721

Energy and Environment – Thursday, February 22, 1:00 p.m., Room 403, 4th Floor, Capitol Building (517) 373-5323

Veterans and Emergency Services – Wednesday, February 21, 9:30 a.m., Room 1300, Binsfeld Office Building (517) 373-5312

Senator Singh moved that the Senate adjourn.
The motion prevailed, the time being 12:09 p.m.

The Assistant President pro tempore, Senator Geiss, declared the Senate adjourned until Wednesday, February 21, 2024, at 10:00 a.m.

DANIEL OBERLIN
Secretary of the Senate

