

No. 46
STATE OF MICHIGAN
Journal of the Senate
101st Legislature
REGULAR SESSION OF 2022

Senate Chamber, Lansing, Thursday, May 12, 2022.

10:00 a.m.

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

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

Alexander—present
Ananich—excused
Barrett—present
Bayer—present
Bizon—present
Brinks—excused
Bullock—present
Bumstead—excused
Chang—excused
Daley—present
Geiss—excused
Hertel—present
Hollier—present

Horn—present
Huizenga—present
Irwin—present
Johnson—present
LaSata—excused
Lauwers—present
MacDonald—present
McBroom—excused
McCann—present
McMorrow—present
Moss—present
Nesbitt—present
Outman—present

Polehanki—present
Runestad—present
Santana—present
Schmidt—present
Shirkey—present
Stamas—present
Theis—present
VanderWall—present
Victory—present
Wojno—present
Wozniak—present
Zorn—present

Senator Marshall Bullock II of the 4th District offered the following invocation:

Eternal God, our Father, our Creator, our Redeemer and our Sustainer, we gather together in this sacred space to do the work that You have called us to do. We recognize that you, O Lord, are the almighty One, the omnipotent One, the omniscient One, and the omnipresent One. And for that we say thank You and we bless Your name. We thank You for waking us up this morning and giving us safe traveling grace and mercy to allow us to make it to this Senate Chamber. We thank You for our families, our friends, and our colleagues who work with us for the betterment of the great state of Michigan.

Now Lord, we ask for Your divine presence in this session. May the decisions we make today be pleasing in Your sight. May You bless all our undertakings today and always. Now Father, cover us with Your grace, Your mercy, and Your love. We love You, we praise You, we adore You, and we magnify Your name. Hear our prayer and accept our petition, in Your holy and righteous name we pray. Amen.

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

Senator Shirkey entered the Senate Chamber.

Motions and Communications

Senator Lauwers moved that Senators Bumstead, LaSata and McBroom be excused from today's session. The motion prevailed.

Senator McMorrow moved that Senators Hollier and Moss be temporarily excused from today's session. The motion prevailed.

Senator McMorrow moved that Senators Ananich, Brinks, Chang and Geiss be excused from today's session. The motion prevailed.

The following communications were received:

Office of Senator Curtis Hertel Jr.

May 10, 2022

I am writing to request my addition in co-sponsorship for Senate Bill 70, sponsored by Senator Geiss. Please feel free to contact me if you need any further information.

May 10, 2022

I am writing to request my addition in co-sponsorship for Senate Bill 732, sponsored by Senator McMorrow. Please feel free to contact me if you need any further information.

May 10, 2022

I am writing to request my addition in co-sponsorship for Senate Bill 733, sponsored by Senator Geiss. Please feel free to contact me if you need any further information.

May 10, 2022

I am writing to request my addition in co-sponsorship for Senate Bill 734, sponsored by Senator Santana. Please feel free to contact me if you need any further information.

May 10, 2022

I am writing to request my addition in co-sponsorship for Senate Bill 735, sponsored by Senator Brinks. Please feel free to contact me if you need any further information.

May 10, 2022

I am writing to request my addition in co-sponsorship for Senate Bill 736, sponsored by Senator Chang. Please feel free to contact me if you need any further information.

May 10, 2022

I am writing to request my addition in co-sponsorship for Senate Bill 737, sponsored by Senator Alexander. Please feel free to contact me if you need any further information.

May 10, 2022

I am writing to request my addition in co-sponsorship for Senate Bill 738, sponsored by Senator Bayer. Please feel free to contact me if you need any further information.

Sincerely,
Curtis Hertel Jr.
State Senator
District 23

The communications were referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of
General Orders

Senator Hollier entered the Senate Chamber.

Senator Lauwers 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 Nesbitt, designated Senator Hollier as Chairperson.

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

Senate Bill No. 691, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 159g (MCL 750.159g), as amended by 2019 PA 174.

House Bill No. 5165, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 818 (MCL 330.1818), as amended by 1995 PA 290.

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. 4953, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1293.

Substitute (S-2).

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

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

House Bill No. 4326, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1278a (MCL 380.1278a), as amended by 2020 PA 158.

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 proceeded to the order of
Statements

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

The motion prevailed.

Senator Moss entered the Senate Chamber.

Senator MacDonald's statement is as follows:

Colleagues, I rise for a very special announcement. I have my beautiful wife Laura and my baby girl Evelyn—it is her 2nd birthday tomorrow, so she is joining us today. If we can give her a little bit of a round of applause, thank you.

Announcements of Printing and Enrollment

The Secretary announced that the following bills, joint resolution, and resolutions were printed and filed on Wednesday, May 11, and are available on the Michigan Legislature website:

Senate Bill Nos. 1030 1031 1032 1033 1034

Senate Resolution Nos. 138 139

House Bill Nos. 6096 6097 6098 6099 6100

House Joint Resolution S

Committee Reports

The Committee on Transportation and Infrastructure reported

Senate Bill No. 39, entitled

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 21 (MCL 224.21), as amended by 1996 PA 23.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Tom Barrett
Chairperson

To Report Out:

Yeas: Senators Barrett, Victory, Outman, Lauwers, Wozniak, Bullock and Hollier

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Infrastructure reported

Senate Bill No. 43, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending section 2 (MCL 691.1402), as amended by 2012 PA 50.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Tom Barrett
Chairperson

To Report Out:

Yeas: Senators Barrett, Victory, Outman, Lauwers, Wozniak, Bullock and Hollier

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Infrastructure reported

Senate Bill No. 640, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 722 (MCL 257.722), as amended by 2018 PA 274.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Tom Barrett
Chairperson

To Report Out:

Yeas: Senators Barrett, McBroom, Victory, Outman, Lauwers, Wozniak, Bullock and Hollier

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Infrastructure reported

House Bill No. 4960, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 252d and 252e (MCL 257.252d and 257.252e), section 252d as amended by 2012 PA 498 and section 252e as amended by 2008 PA 539.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Tom Barrett
Chairperson

To Report Out:

Yeas: Senators Barrett, McBroom, Victory, Outman, Lauwers, Wozniak, Bullock and Hollier

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Infrastructure reported

House Bill No. 4973, entitled

A bill to amend 1909 PA 283, entitled “An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies,” by amending section 7 of chapter X (MCL 230.7).

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Tom Barrett
Chairperson

To Report Out:

Yeas: Senators Barrett, Victory, Outman, Lauwers, Wozniak, Bullock and Hollier

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Infrastructure reported

House Bill No. 5370, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 649a.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Tom Barrett
Chairperson

To Report Out:

Yeas: Senators Barrett, McBroom, Victory, Outman, Lauwers, Wozniak, Bullock and Hollier

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Infrastructure 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 bill pass.

The committee further recommends that the bill be given immediate effect.

Tom Barrett
Chairperson

To Report Out:

Yeas: Senators Barrett, McBroom, Victory, Outman, Lauwers, Wozniak, Bullock and Hollier

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Infrastructure submitted the following:

Meeting held on Wednesday, May 11, 2022, at 12:00 noon, Room 1100, Binsfeld Office Building

Present: Senators Barrett (C), McBroom, Victory, Outman, Lauwers, Wozniak, Bullock and Hollier

Excused: Senators LaSata and Geiss

The Committee on Appropriations reported

Senate Bill No. 1028, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay projects for the fiscal year ending September 30, 2022; to provide for expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

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

The committee further recommends that the bill be given immediate effect.

Jim Stamas
Chairperson

To Report Out:

Yeas: Senators Stamas, Bumstead, Barrett, Bizon, MacDonald, Outman, Runestad, Schmidt, Victory, Daley, Huizenga, Hertel, Bayer, Hollier, Irwin, McCann and Santana

Nays: None

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

The Committee on Appropriations reported

House Bill No. 4263, entitled

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending section 41 (MCL 38.1341), as amended by 2018 PA 512.

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

The committee further recommends that the bill be given immediate effect.

Jim Stamas
Chairperson

To Report Out:

Yeas: Senators Stamas, Bumstead, Barrett, Bizon, MacDonald, Outman, Runestad, Schmidt, Victory, Daley, Huizenga, Hertel, Bayer, Hollier, Irwin and Santana

Nays: None

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

The Committee on Appropriations reported

House Bill No. 4264, entitled

A bill to amend 1943 PA 240, entitled “State employees’ retirement act,” by amending sections 7, 20g, 38, 49, and 68b (MCL 38.7, 38.20g, 38.38, 38.49, and 38.68b), section 20g as amended by 1987 PA 241,

section 38 as amended and section 68b as added by 2011 PA 264, and section 49 as amended by 2018 PA 336.

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

The committee further recommends that the bill be given immediate effect.

Jim Stamas
Chairperson

To Report Out:

Yeas: Senators Stamas, Bumstead, Barrett, Bizon, MacDonald, Outman, Runestad, Schmidt, Victory, Daley, Huizenga, Hertel, Bayer, Hollier, Irwin, McCann and Santana

Nays: None

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

The Committee on Appropriations reported

House Bill No. 4265, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 301, 305, 509, 604, 714, and 719 (MCL 38.2301, 38.2305, 38.2509, 38.2604, 38.2664, and 38.2669), sections 305 and 714 as amended by 2002 PA 95, section 604 as amended by 2018 PA 335, and section 719 as added by 1996 PA 523, and by adding sections 509a and 714a.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Jim Stamas
Chairperson

To Report Out:

Yeas: Senators Stamas, Bumstead, Barrett, Bizon, MacDonald, Outman, Runestad, Schmidt, Victory, Daley, Huizenga, Hertel, Bayer, Hollier, Irwin, McCann and Santana

Nays: None

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

The Committee on Appropriations reported

House Bill No. 4266, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending sections 11 and 14 (MCL 38.1611 and 38.1614), as amended by 2018 PA 674.

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

The committee further recommends that the bill be given immediate effect.

Jim Stamas
Chairperson

To Report Out:

Yeas: Senators Stamas, Bumstead, Barrett, Bizon, MacDonald, Outman, Runestad, Schmidt, Victory, Daley, Huizenga, Hertel, Bayer, Hollier, Irwin, McCann and Santana

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 Appropriations submitted the following:

Meeting held on Wednesday, May 11, 2022, at 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Stamas (C), Bumstead, Barrett, Bizon, MacDonald, Outman, Runestad, Schmidt, Victory, Daley, Huizenga, Hertel, Bayer, Hollier, Irwin, McCann and Santana

Excused: Senator LaSata

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary and Public Safety submitted the following:

Meeting held on Wednesday, May 11, 2022, at 8:30 a.m., Room 1100, Binsfeld Office Building

Present: Senators Victory (C), VanderWall, Barrett, Johnson, Runestad, Wozniak and Irwin

Excused: Senator Chang

Scheduled Meetings

Judiciary and Public Safety – Tuesday, May 17, 8:30 a.m., Room 1100, Binsfeld Office Building
(517) 373-5312

Senator Lauwers moved that the Senate adjourn.
The motion prevailed, the time being 10:14 a.m.

The President pro tempore, Senator Nesbitt, declared the Senate adjourned until Tuesday, May 17, 2022,
at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate