

No. 2
STATE OF MICHIGAN
Journal of the Senate
102nd Legislature
REGULAR SESSION OF 2024

Senate Chamber, Lansing, Thursday, January 11, 2024.

10:00 a.m.

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

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

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

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

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

Senator Sarah Anthony of the 21st District offered the following invocation:

O eternal God, out of whose absolute power and infinite intelligence the whole universe has come into being, we humbly confess that we have not loved Thee with our hearts, our souls, and our minds, and that we have not loved our neighbors as Christ loved us. We have all too often lived by our own selfish impulses rather than by the life of sacrificial love as revealed by Christ. We often give in order to receive. We love our friends and hate our enemies. We go the first mile but dare not travel the second. We forgive but dare not forget.

And so as we look within ourselves we are confronted with the appalling fact that the history of our lives is the history of an eternal revolt against You. But, O God, have mercy upon us. Forgive us for what we could have been but failed to be. Give us the intelligence to know Your will. Give us the courage to do Your will. Give us the devotion to love Thy will.

In the name and spirit of Jesus we pray. Amen.

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

Motions and Communications

Senator Theis moved that Senators Bumstead, Daley, Lauwers, McBroom, Victory and Runestad be excused from today’s session.

The motion prevailed.

Senator Singh moved that Senator McDonald Rivet be temporarily excused from today’s session.

The motion prevailed.

Senator Singh moved that Senators Wojno, Chang and Bayer be excused from today’s session.

The motion prevailed.

The following communications were received:

Department of State

Administrative Rules
Notices of Filing

December 27, 2023

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 #2023-039-LE (Secretary of State Filing #23-12-01) on this date at 10:33 a.m. for the Department of Labor and Economic Opportunity entitled, “Construction Safety and Health Standard Part 9. Excavation, Trenching, and Shoring.”

These rules take effect 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.

December 27, 2023

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 #2023-042-LE (Secretary of State Filing #23-12-02) on this date at 11:21 a.m. for the Department of Labor and Economic Opportunity entitled, “Construction Safety and Health Standard Part 26. Steel Erection.”

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.

January 2, 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 #2023-010-IF (Secretary of State Filing #24-01-01) on this date at 1:37 p.m. for the Department of Insurance and Financial Services entitled, “Pharmacy Benefit Manager Licensure and Regulation Act.”

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:
 Detroit Economic Growth Corporation

January 9, 2024

Attached please find Fiscal Year Ending 2023 Annual Reports for the Downtown Development Authority (DDA) and the Eight Mile Woodward Corridor Improvement Authority (EMWCIA).

Thank you,
 Sierra Spencer
 Board Administration Coordinator

The communication was referred to the Secretary for record.

Senator Singh moved that the enrollment be vacated on the following bill:

Senate Bill No. 227, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending sections 1, 2b, and 2c (MCL 722.111, 722.112b, and 722.112c), section 1 as amended by 2022 PA 208, section 2b as amended by 2007 PA 217, and section 2c as amended by 2017 PA 257.

The motion prevailed.

Senator Singh moved that when the Senate adjourns today, it stand adjourned until Wednesday, January 17 at 10:00 a.m.

The motion prevailed.

Senator Singh moved that the following bills, now on the order of General Orders, be referred to the Committee on Civil Rights, Judiciary, and Public Safety:

Senate Bill No. 419, entitled

A bill to amend 1988 PA 13, entitled “Juvenile diversion act,” by amending sections 2, 3, 6, and 9 (MCL 722.822, 722.823, 722.826, and 722.829), section 2 as amended by 2019 PA 101 and section 6 as amended by 1996 PA 137.

Senate Bill No. 420, entitled

A bill to amend 1988 PA 13, entitled “Juvenile diversion act,” by amending sections 5 and 6 (MCL 722.825 and 722.826), as amended by 1996 PA 137.

Senate Bill No. 422, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 2f of chapter XIII (MCL 712A.2f), as added by 2016 PA 185.

Senate Bill No. 423, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 15 and 16 of chapter XIII (MCL 712A.15 and 712A.16), section 15 as amended by 2020 PA 389 and section 16 as amended by 2019 PA 102.

Senate Bill No. 424, entitled

A bill to amend 2013 PA 93, entitled “Michigan indigent defense commission act,” by amending the title and sections 3, 5, 7, 9, 11, 13, 15, 17, 21, and 23 (MCL 780.983, 780.985, 780.987, 780.989, 780.991, 780.993, 780.995, 780.997, 780.1001, and 780.1003), section 3 as amended by 2019 PA 108, sections 5, 9, 11, 13, 15, and 17 as amended by 2018 PA 214, and section 7 as amended by 2018 PA 443.

Senate Bill No. 427, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 2d, 2f, and 4 of chapter XIII (MCL 712A.2d, 712A.2f, and 712A.4), section 2d as amended by 2020 PA 389, section 2f as added by 2016 PA 185, and section 4 as amended by 1996 PA 409.

Senate Bill No. 430, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 4803 (MCL 600.4803), as amended by 1996 PA 374.

Senate Bill No. 431, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 1 of chapter IX (MCL 769.1), as amended by 1999 PA 87.

Senate Bill No. 433, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 115m (MCL 400.115m), as amended by 2014 PA 308.

Senate Bill No. 434, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 67 and 68 of chapter X and section 19b of chapter XIII (MCL 710.67, 710.68, and 712A.19b), section 67 of chapter X as amended by 1994 PA 373, section 68 of chapter X as amended by 2012 PA 385, and section 19b of chapter XIII as amended by 2018 PA 58.

Senate Bill No. 437, entitled

A bill to amend 1994 PA 203, entitled “Foster care and adoption services act,” by amending sections 5, 8a, 8b, and 8d (MCL 722.955, 722.958a, 722.958b, and 722.958d), section 8a as added by 2014 PA 524, section 8b as added by 2018 PA 489, and section 8d as added by 2018 PA 632.

The motion prevailed.

Messages from the House

The House of Representatives requested the return of

Senate Bill No. 227, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending sections 1, 2b, and 2c (MCL 722.111, 722.112b, and 722.112c), section 1 as amended by 2022 PA 208, section 2b as amended by 2007 PA 217, and section 2c as amended by 2017 PA 257.

Senator Singh moved that the request of the House of Representatives be granted.

The motion prevailed.

Recess

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

The motion prevailed, the time being 10:06 a.m.

10:19 a.m.

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

During the recess, Senator McDonald Rivet entered the Senate Chamber.

Senator Singh moved that rule 3.902 be suspended to allow the guests of Senator Brinks admittance to the Senate floor.

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

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

The motion prevailed.

Senator Brinks' statement is as follows:

I rise with the bittersweet announcement that Dan Dunning will be departing from our central staff. Dan is a digital designer and website specialist who has been with the Senate Democrats for seven years. He designed and developed our beautiful user-friendly websites which are key tools in our constituent engagement, and by all accounts he has been a joy to work with.

When a staff member leaves for a new opportunity, I ask their co-workers to share a little bit about what it was like working with them. The responses we received about Dan were, well, more interesting than most. I wanted to share a few of those with you. One of his colleagues said, He adopted my sister's cat. Another, He needed golf clubs so I sold him my backup set, but then he realized that he never golfs so I bought them back—except for the 9-iron he lost the one time he went. Another colleague said, He really enjoyed lunch. Another, He drew little cartoons on Post-it notes and left them on people's desks—and yes, the cartoons were very fun. I also heard, He was always willing to make the time to brainstorm. He went above and beyond to get you the graphics you needed, even when his plate was full. He is exceptionally talented and he raised our spirits.

Dan, thank you for seven years of raising spirits and using your skills to serve the people of Michigan. We wish you the best of luck in your next endeavor. Please join me in giving Dan a warm send-off.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senate Concurrent Resolution No. 12.

A concurrent resolution of tribute offered as a memorial for Doug Cruce, former member of the Michigan Senate and Michigan House of Representatives.

(For text of resolution, see Senate Journal No. 1, p. 14.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Recess

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

The motion prevailed, the time being 10:23 a.m.

10:28 a.m.

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

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 Bellino 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 bill:

Senate Bill No. 516, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 27b of chapter VIII (MCL 768.27b), as amended by 2018 PA 372.

The bill 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. 4085, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 1 (MCL 722.111), as amended by 2022 PA 208, and by adding section 1b.

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.

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

House Bill No. 4086, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 1 (MCL 722.111), as amended by 2022 PA 208.

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.

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

Senate Bill No. 515, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 27c of chapter VIII (MCL 768.27c), as added by 2006 PA 79.

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.

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

Senate Bill No. 517, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 462g (MCL 750.462g), as amended by 2017 PA 53.

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

Introduction and Referral of Bills

Senators Damoose, Bumstead, McCann, Geiss, Klinefelt and McMorrow introduced

Senate Bill No. 682, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 628b.

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

Senators McCann and Shink introduced

Senate Bill No. 683, entitled

A bill to amend 1988 PA 426, entitled “An act to regulate dangerous animals; to provide for the confinement, identification, or destruction of dangerous animals; and to provide penalties for the owners or keepers of dangerous animals that attack human beings,” by amending the title and sections 1, 2, and 3 (MCL 287.321, 287.322, and 287.323), the title and section 2 as amended by 2022 PA 121, and by adding sections 2a, 2b, 2c, 2d, 2e, 3a, and 3b.

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

Senators McCann and Shink introduced

Senate Bill No. 684, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 12m of chapter XVII (MCL 777.12m), as amended by 2019 PA 134.

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

Senators McCann, Damoose, Geiss, Shink, Santana, Chang and Polehanki introduced

Senate Bill No. 685, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3406kk.

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

Senators McCann, Geiss, Shink, Santana, Chang and Runestad introduced

Senate Bill No. 686, entitled

A bill to require certain manufacturers of certain digital electronic equipment to make diagnostic, maintenance, and repair parts, tools, and documentation available to independent repair providers and owners of that equipment; to provide remedies; to prescribe civil sanctions; and to provide for the powers and duties of certain state and local governmental officers and entities.

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

Senators McCann, Geiss, Shink, Chang and Cavanagh introduced

Senate Bill No. 687, entitled

A bill to create the Michigan high-speed internet office; to prescribe the powers and duties of the Michigan high-speed internet office; to allow the provision of grants and other financial and technical assistance related to broadband and digital infrastructure; and to provide the powers and duties of certain state officers and entities.

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

Senator Chang introduced

Senate Bill No. 688, entitled

A bill to amend 1988 PA 13, entitled “Juvenile diversion act,” by amending section 9 (MCL 722.829), as amended by 2023 PA 287.

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

Senator Singh moved that the Senate adjourn.

The motion prevailed, the time being 10:37 a.m.

In pursuance of the order previously made, the President pro tempore, Senator Moss, declared the Senate adjourned until Wednesday, January 17, 2024, at 10:00 a.m.

DANIEL OBERLIN
Secretary of the Senate

