

No. 90
STATE OF MICHIGAN
Journal of the Senate
99th Legislature
REGULAR SESSION OF 2017

Senate Chamber, Lansing, Wednesday, November 1, 2017.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Margaret E. O'Brien.

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

Ananich—present
Bieda—present
Booher—present
Brandenburg—present
Casperson—present
Colbeck—present
Conyers—present
Emmons—present
Green—present
Gregory—present
Hansen—present
Hertel—present
Hildenbrand—excused

Hood—present
Hopgood—excused
Horn—present
Hune—present
Johnson—excused
Jones—present
Knezek—present
Knollenberg—present
Kowall—present
MacGregor—present
Marleau—present
Meekhof—present
Nofs—present

O'Brien—present
Pavlov—present
Proos—present
Robertson—present
Rocca—present
Schmidt—present
Schuitmaker—present
Shirkey—present
Stamas—present
Warren—present
Young—excused
Zorn—present

Reverend Douglas Fauble of South Olive Christian Reformed Church of Holland offered the following invocation:

God of Michigan, the United States, and the world, we join others in thanking You for another day You have given to us. May we truly receive it as a gift and rejoice in it. We pray that You would take the work of our hands and establish it so that we are a blessing to others as You have intended us to be.

We thank You for the Senate as it beings its work today. We thank You for the various districts that are represented here, and as deliberations take place, truly may Your care for Your people—all Your people—be evidenced. We thank You for the leadership that is provided through Senate Majority Leader Arlan Meekhof, and others as well, Lord. We pray that as we respect one another and cooperate together, that the unity that You want us to experience will be evident.

We also pray for others in the United States, especially in New York after the terrorist attack. We pray that You will comfort those who mourn the death of loved ones, strengthen those who need to recover, and we pray, heavenly Father, for peace in our land and throughout the world as well.

May we, as Senators, realize that You have called us to be Senators and to provide the leadership that is needed in this state and in this country. At the end of the day, at the end of the session, Lord, when we look back on the work of our hands, may You establish it so that again, not only today, but in the future they will look back and they will say, “We were blessed through the Senate and the Senators of the state of Michigan.” Give us Your Holy Spirit as we continue to do the work that You have called us to do.

We pray all this in the name of Jesus our Savior. And all God’s people said, Amen.

The Assistant President pro tempore, Senator O’Brien, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senators Knollenberg, Ananich and Gregory entered the Senate Chamber.

Senator Kowall moved that Senator Brandenburg be temporarily excused from today’s session.
The motion prevailed.

Senator Kowall moved that Senator Hildenbrand be excused from today’s session.
The motion prevailed.

Senator Hood moved that Senators Hopgood, Johnson and Young be excused from today’s session.
The motion prevailed.

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

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

The motion prevailed, and the Assistant President pro tempore, Senator O’Brien, designated Senator Schmidt as Chairperson.

After some time spent therein, the Committee arose; and the Assistant President pro tempore, Senator O’Brien, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4756, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 732 (MCL 257.732), as amended by 2015 PA 11.

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:
Senate Bill No. 543, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 19a.

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.

Senator Brandenburg entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Jones, Nofs, O'Brien, Marleau, Bieda, Booher, Casperson, Knollenberg, Horn, Proos, Hansen, Zorn and Gregory introduced

Senate Bill No. 642, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2015 PA 161.

The bill was read a first and second time by title and referred to the Committee on Veterans, Military Affairs and Homeland Security.

Senator Jones introduced

Senate Bill No. 643, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 698 (MCL 257.698), as amended by 2017 PA 37.

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

Senator Jones introduced

Senate Bill No. 644, entitled

A bill to provide for and clarify the liability of and simplify claims and actions against insurance agents and agencies. The bill was read a first and second time by title and referred to the Committee on Insurance.

By unanimous consent the Senate returned to the order of

Messages from the House

Senator Stamas moved that consideration of the following bill be postponed for today:

Senate Bill No. 35

The motion prevailed.

Senate Bill No. 253, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies and capital outlay purposes for the fiscal years ending September 30, 2017 and September 30, 2018; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The House of Representatives has concurred in the Senate amendments to the House substitute (H-1).

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

Senate Bill No. 372, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by repealing section 1030 (MCL 436.2030).

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

Senate Bill No. 435, entitled

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending sections 1060, 1062, and 1084 (MCL 600.1060, 600.1062, and 600.1084), section 1060 as amended by 2006 PA 620, section 1062 as amended by 2010 PA 177, and section 1084 as amended by 2013 PA 227.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the

courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending sections 1060, 1062, 1070, 1084, 1095, and 1206 (MCL 600.1060, 600.1062, 600.1070, 600.1084, 600.1095, and 600.1206), section 1060 as amended by 2006 PA 620, section 1062 as amended by 2010 PA 177, section 1070 as added by 2004 PA 224, section 1084 as amended by 2013 PA 227, section 1095 as added by 2013 PA 276, and section 1206 as added by 2012 PA 335, and by adding section 1088.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Kowall moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 435

Yeas—34

Ananich	Gregory	Kowall	Robertson
Bieda	Hansen	MacGregor	Rocca
Booher	Hertel	Marleau	Schmidt
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Horn	Nofs	Shirkey
Colbeck	Hune	O’Brien	Stamas
Conyers	Jones	Pavlov	Warren
Emmons	Knezek	Proos	Zorn
Green	Knollenberg		

Nays—0

Excused—4

Hildenbrand	Hopgood	Johnson	Young
-------------	---------	---------	-------

Not Voting—0

In The Chair: O’Brien

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the title as amended.

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

Senate Bill No. 436, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 304 (MCL 257.304), as amended by 2016 PA 32.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

Senate Bill No. 437, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 1091 (MCL 600.1091), as added by 2013 PA 274.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

Senate Bill No. 438, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 1201 (MCL 600.1201), as added by 2012 PA 335, and by amending the heading of chapter 12.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

Senator Kowall moved that the following bills be placed at the head of the Third Reading of Bills calendar:

House Bill No. 4166

Senate Bill No. 442

Senate Bill No. 630

The motion prevailed.

The following bill was read a third time:

House Bill No. 4166, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by repealing sections 1742 and 1743 (MCL 380.1742 and 380.1743).

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. 436

Yeas—25

Booher	Horn	Marleau	Robertson
Brandenburg	Hune	Meekhof	Schmidt
Casperson	Jones	Nofs	Schuitmaker
Colbeck	Knollenberg	O’Brien	Shirkey
Emmons	Kowall	Pavlov	Stamas
Green	MacGregor	Proos	Zorn
Hansen			

Nays—9

Ananich	Gregory	Hood	Rocca
Bieda	Hertel	Knezek	Warren
Conyers			

Excused—4

Hildenbrand

Hopgood

Johnson

Young

Not Voting—0

In The Chair: O’Brien

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to make appropriations for certain purposes; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 442, entitled

A bill to amend 1972 PA 284, entitled “Business corporation act,” by amending sections 131, 143, 151, 202, 217, 246, 282, 283, 286, 287, 288, 301, 302, 405, 407, 525, 611, 703a, 707, 746, 762, 764, 765, 778, 784, 922, 923, 1042, 1056, and 1060 (MCL 450.1131, 450.1143, 450.1151, 450.1202, 450.1217, 450.1246, 450.1282, 450.1283, 450.1286, 450.1287, 450.1288, 450.1301, 450.1302, 450.1405, 450.1407, 450.1525, 450.1611, 450.1703a, 450.1707, 450.1746, 450.1762, 450.1764, 450.1765, 450.1778, 450.1784, 450.1922, 450.1923, 450.2042, 450.2056, and 450.2060), sections 131 and 217 as amended and section 746 as added by 2008 PA 402, section 143 as amended by 2006 PA 47, sections 151, 407, and 525 as amended by 2001 PA 57, sections 202, 405, 611, 703a, 762, and 784 as amended and sections 282, 283, 286, 287, and 288 as added by 2012 PA 569, sections 246, 765, and 923 as amended by 1989 PA 121, sections 301, 302, 707, and 1042 as amended by 1997 PA 118, sections 764 and 922 as amended by 1993 PA 91, section 778 as amended by 2013 PA 123, section 1056 as added by 1982 PA 407, and section 1060 as amended by 2015 PA 66.

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. 437

Yeas—34

Ananich
Bieda
Booher
Brandenburg
Casperson
Colbeck
Conyers
Emmons
Green

Gregory
Hansen
Hertel
Hood
Horn
Hune
Jones
Knezek
Knollenberg

Kowall
MacGregor
Marleau
Meekhof
Nofs
O’Brien
Pavlov
Proos

Robertson
Rocca
Schmidt
Schuitmaker
Shirkey
Stamas
Warren
Zorn

Nays—0

Excused—4

Hildenbrand Hopgood Johnson Young

Not Voting—0

In The Chair: O’Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 630, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 321a (MCL 257.321a), as amended by 2012 PA 13.

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. 438

Yeas—34

Ananich	Gregory	Kowall	Robertson
Bieda	Hansen	MacGregor	Rocca
Booher	Hertel	Marleau	Schmidt
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Horn	Nofs	Shirkey
Colbeck	Hune	O’Brien	Stamas
Conyers	Jones	Pavlov	Warren
Emmons	Knezek	Proos	Zorn
Green	Knollenberg		

Nays—0

Excused—4

Hildenbrand Hopgood Johnson Young

Not Voting—0

In The Chair: O’Brien

The Senate agreed to the title of the bill.

Announcements of Printing and Enrollment

The Secretary announced that the following bills and joint resolution were printed and filed on Tuesday, October 31, and are available at the Michigan Legislature website:

Senate Bill Nos. 638 639 640 641
House Bill Nos. 5190 5191 5192 5193 5194 5195 5196 5197 5198 5199 5200
House Joint Resolution Z

Committee Reports

The Committee on Local Government reported

Senate Bill No. 605, entitled

A bill to amend 1968 PA 317, entitled “An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts,” by amending section 3a (MCL 15.323a), as amended by 2011 PA 106.

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.

Dale W. Zorn
Chairperson

To Report Out:

Yeas: Senators Zorn, Proos and Rocca

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 Local Government submitted the following:

Meeting held on Tuesday, October 31, 2017, at 12:30 p.m., Room 1200, Binsfeld Office Building

Present: Senators Zorn (C), Proos and Rocca

Excused: Senators Brandenburg and Young

The Committee on Health Policy reported

Senate Bill No. 634, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 18223 (MCL 333.18223), as amended by 2014 PA 385.

With the recommendation that the bill pass.

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

Mike Shirkey
Chairperson

To Report Out:

Yeas: Senators Shirkey, Hune, O’Brien, Marleau, Jones, Stamas, Robertson, Hertel, Knezek and Hopgood

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

House Bill No. 4403, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 109 (MCL 400.109), as amended by 2016 PA 551.

With the recommendation that the bill pass.

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

Mike Shirkey
Chairperson

To Report Out:

Yeas: Senators Shirkey, Hune, O’Brien, Marleau, Jones, Stamas, Robertson, Hertel, Knezek and Hopgood

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Tuesday, October 31, 2017, at 12:30 p.m., Room 1100, Binsfeld Office Building

Present: Senators Shirkey (C), Hune, O’Brien, Marleau, Jones, Stamas, Robertson, Hertel, Knezek and Hopgood

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Tuesday, October 31, 2017, at 12:00 noon, Room 1300, Binsfeld Office Building

Present: Senators Pavlov (C), Knollenberg, Booher, Hune and Hopgood

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Tuesday, October 31, 2017, at 2:30 p.m., Room 1200, Binsfeld Office Building

Present: Senators Booher (C), O'Brien, Nofs, MacGregor, Rocca, Hertel and Conyers

Excused: Senator Zorn

Scheduled Meetings

Economic Development and International Investment - Thursday, November 2, 1:30 p.m., Room 1200, Binsfeld Office Building (373-5323)

Energy and Technology - Thursday, November 2, 12:30 p.m., Room 1100, Binsfeld Office Building (373-1721)

Finance - Tuesday, November 7, 2:30 p.m., Room 1100, Binsfeld Office Building (373-5312)

Transportation and House Transportation and Infrastructure - Thursday, November 2, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5312)

Veterans, Military Affairs and Homeland Security - Thursday, November 2, 2:00 p.m., Room 1300, Binsfeld Office Building (373-5314)

Senator Kowall moved that the Senate adjourn.

The motion prevailed, the time being 10:33 a.m.

The Assistant President pro tempore, Senator O'Brien, declared the Senate adjourned until Thursday, November 2, 2017, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate

