

No. 91
STATE OF MICHIGAN
Journal of the Senate
99th Legislature
REGULAR SESSION OF 2017

Senate Chamber, Lansing, Thursday, November 2, 2017.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Brian N. Calley.

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

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

Hood—present
Hopgood—present
Horn—present
Hune—present
Johnson—present
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

Senator Phillip J. Pavlov of the 25th District offered the following invocation:

My Heavenly Father, as I enter this workplace, I bring Your presence with me. I speak Your peace, Your grace, Your mercy, and Your perfect order into this office. I acknowledge Your power over all that will be spoken, thought, decided, and done within these walls.

Lord, I thank You for the gifts You have blessed me with. I commit to using them responsibly in Your honor. Give me a fresh supply of strength to do my job, and anoint my projects, ideas, and energy so that even my smallest accomplishments may bring You glory. Lord, when I'm confused, guide me; when I am weary, energize me; and when I am burned out, infuse me with the light of the Holy Spirit. May the work that I do and the way that I bring faith and joy, bring a smile to all who I come in contact with today.

And, O Lord, when I leave this place, give me the traveling mercy. Bless my family and home to be in order as I left it. I thank You for everything You've done, everything You're doing, and everything You're going to do.

In the name of Jesus I pray, with much love and thanksgiving. Amen.

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

Motions and Communications

Senator Kowall moved that Senators Casperson, Marleau and Robertson be temporarily excused from today's session. The motion prevailed.

Senator Kowall moved that Senators Brandenburg and Hildenbrand be excused from today's session. The motion prevailed.

Senator Marleau entered the Senate Chamber.

Senator Hood moved that Senator Johnson be temporarily excused from today's session. The motion prevailed.

Senator Hood moved that Senator Young be excused from today's session. The motion prevailed.

The following communication was received and read:

Office of the Auditor General

October 25, 2017

Enclosed is a copy of the following report:

- Performance audit report on the Prisoner Food Services, Department of Corrections (471-0621-17).

Sincerely,
Doug Ringler
Auditor General

The audit report was referred to the Committee on Government Operations.

The following communication was received:

Office of Senator Curtis Hertel Jr.

October 23, 2017

I am writing to request my addition in co-sponsorship of Senate Bill 445, sponsored by Senator Schuitmaker. Please feel free to contact me if you need any further information.

Sincerely,
Curtis Hertel Jr.
State Senator
District 23

The communication was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of
Resolutions

Senator Kowall moved that consideration of the following resolutions be postponed for today:

Senate Concurrent Resolution No. 10

Senate Resolution No. 30

Senate Resolution No. 105

The motion prevailed.

Senator Schuitmaker offered the following resolution:

Senate Resolution No. 109.

A resolution to memorialize the Congress of the United States to enact legislation that requires reciprocity among states that allow the carrying of concealed firearms.

Whereas, The Second Amendment of the U.S. Constitution gives the right to American citizens to bear arms. Every state in the Union has a concealed carry law allowing eligible residents to obtain a license or permit to carry a concealed handgun; and

Whereas, Not all states recognize the concealed carry laws of other states. This patchwork of laws makes it difficult for Michigan concealed pistol license (CPL) holders to know in which states they can legally conceal carry when traveling. Although most states recognize Michigan's (CPL), at least 11 states do not. A national reciprocity law will allow lawful CPL holders to travel without fear of breaking laws in other states; and

Whereas, Legislation currently pending in Congress, H.R. 38 – The Concealed Carry Reciprocity Act of 2017, would allow legal gun owners with concealed carry permits to carry concealed in any state that allows individuals to carry concealed handguns. Under this legislation, crossing state lines would not affect a lawful individual's ability to carry. States would still regulate the licensing of individuals and carry requirements within their borders; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation that authorizes individuals who may legally carry a concealed firearm in one state to legally carry that firearm in any other state; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senators Casperson, Colbeck, Hansen, Horn, Jones, Knollenberg, MacGregor and Proos were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senator Casperson introduced

Senate Bill No. 645, entitled

A bill to promote the safety and security of rail fixed guideway public transportation systems operating within this state; to designate the office of rail within the state transportation department as the state safety oversight entity for this state; to provide for the powers and duties of the state safety oversight entity; and to provide for the enforcement of this act.

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

Senators Conyers and Gregory introduced

Senate Bill No. 646, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1896) by adding section 166c.

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

Senators Zorn, Bieda, Gregory, Hansen, Casperson, Marleau, Knezek, Conyers and Nofs introduced

Senate Bill No. 647, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 527a (MCL 206.527a), as amended by 2014 PA 523.

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

Senators Bieda, Jones, Nofs, Ananich, Hune, Rocca and Gregory introduced

Senate Bill No. 648, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 624a. 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

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 President, Lieutenant Governor Calley, designated Senator MacGregor as Chairperson.

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

House Bill No. 4408, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221 and 16226 (MCL 333.16221 and 333.16226), as amended by 2016 PA 379, and by adding section 7303b.

Substitute (S-2).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 1, line 1, after "**SECTION,**" by inserting "**BEGINNING JUNE 1, 2018,**".
2. Amend page 4, line 20, after "**SECTION,**" by inserting "**BEGINNING JUNE 1, 2018,**".

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

During the Committee of the Whole, Senators Robertson and Casperson entered the Senate Chamber.

By unanimous consent the Senate returned 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:

Senate Bill No. 525

House Bill No. 4756

Senate Bill No. 543

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 525, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 511, 530, 545, 821, 8121, 8121a, 8122, 8123, and 8124 (MCL 600.511, 600.530, 600.545, 600.821, 600.8121, 600.8121a, 600.8122, 600.8123, and 600.8124), section 530 as amended by 2013 PA 33, section 821 as amended by 2016 PA 31, sections 8121, 8121a, and 8123 as amended by 2014 PA 58, section 8122 as amended by 2002 PA 681, and section 8124 as amended by 1984 PA 95.

The question being on the passage of the bill,

Senator Jones offered the following amendment:

1. Amend page 20, line 3, by striking out all of enacting section 1.

The amendment was adopted, a majority of the members serving voting therefor.

Senator Conyers offered the following amendment:

1. Amend page 11, line 12, by striking out all of subsection (3).

The amendment was adopted, a majority of the members serving voting therefor.

Senator Johnson entered the Senate Chamber.

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. 439**Yeas—33**

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

Nays—2

Horn	Knezek
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Excused—3

Brandenburg	Hildenbrand	Young
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Not Voting—0

In The Chair: President

Senator Casperson offered to amend the title to read as follows:

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 511, 530, 545, 821, 8121, 8121a, 8122, 8123, and 8124 (MCL 600.511, 600.530, 600.545, 600.821, 600.8121, 600.8121a, 600.8122, 600.8123, and 600.8124), section 530 as amended by 2013 PA 33, section 821 as amended by 2016 PA 31, sections 8121, 8121a, and 8123 as amended by 2014 PA 58, section 8122 as amended by 2002 PA 681, and section 8124 as amended by 1984 PA 95.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

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 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. 440**Yeas—35**

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

Nays—0

Excused—3

Brandenburg

Hildenbrand

Young

Not Voting—0

In The Chair: President

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 for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

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.

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. 441

Yeas—35

Ananich
Bieda
Booher
Casperson
Colbeck
Conyers
Emmons
Green
Gregory

Hansen
Hertel
Hood
Hopgood
Horn
Hune
Johnson
Jones
Knezek

Knollenberg
Kowall
MacGregor
Marleau
Meekhof
Nofs
O’Brien
Pavlov
Proos

Robertson
Rocca
Schmidt
Schuitmaker
Shirkey
Stamas
Warren
Zorn

Nays—0

Excused—3

Brandenburg

Hildenbrand

Young

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Announcements of Printing and Enrollment

The Secretary announced that the following bills were printed and filed on Wednesday, November 1, and are available at the Michigan Legislature website:

Senate Bill Nos. 642 643 644

**House Bill Nos. 5201 5202 5203 5204 5205 5206 5207 5208 5209 5210 5211 5212 5213 5214
5215**

Committee Reports

The Committee on Commerce reported

House Bill No. 4545, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 11 (MCL 421.11), as amended by 2011 PA 269.

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.

Wayne A. Schmidt
Chairperson

To Report Out:

Yeas: Senators Schmidt, Kowall, MacGregor, O'Brien and Hertel

Nays: None

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

The Committee on Commerce reported

House Bill No. 4546, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 54 (MCL 421.54), as amended by 2016 PA 522.

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.

Wayne A. Schmidt
Chairperson

To Report Out:

Yeas: Senators Schmidt, Kowall, MacGregor, O'Brien and Hertel

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 Commerce submitted the following:

Meeting held on Wednesday, November 1, 2017, at 9:00 a.m., Room 1200, Binsfeld Office Building

Present: Senators Schmidt (C), Kowall, MacGregor, O'Brien and Hertel

The Committee on Outdoor Recreation and Tourism reported

Senate Concurrent Resolution No. 27.

A concurrent resolution to encourage the Michigan Department of Natural Resources to establish a Water Trails Grant Program to support Michigan's water trails.

(For text of resolution, see Senate Journal No. 89, p. 1647.)

With the recommendation that the concurrent resolution be adopted.

Goeffrey M. Hansen
Chairperson

To Report Out:

Yeas: Senators Hansen, Zorn, Schmidt and Green

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Outdoor Recreation and Tourism reported

Senate Bill No. 596, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 72103, 72105, and 72106 (MCL 324.72103, 324.72105, and 324.72106), section 72103 as amended by 2014 PA 210 and sections 72105 and 72106 as amended by 2014 PA 212, and by adding section 72103a.

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.

Goeffrey M. Hansen
Chairperson

To Report Out:

Yeas: Senators Hansen, Zorn, Schmidt and Green

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 Outdoor Recreation and Tourism submitted the following:

Meeting held on Wednesday, November 1, 2017, at 12:30 p.m., Room 1200, Binsfeld Office Building

Present: Senators Hansen (C), Zorn, Schmidt and Green

Excused: Senator Johnson

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Joint meeting held on Thursday, November 2, 2017, at 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Casperson (C), Pavlov, Marleau and Conyers

Excused: Senator Horn

Scheduled Meetings

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

Natural Resources - Wednesday, November 8, 12:30 p.m., Room 1300, Binsfeld Office Building (373-5312)

Transportation - Thursday, November 9, 8:30 a.m., Room 1100, Binsfeld Office Building (373-5312)

Senator Kowall moved that the Senate adjourn.

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

The President, Lieutenant Governor Calley, declared the Senate adjourned until Tuesday, November 7, 2017, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate

