

No. 25
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2019

Senate Chamber, Lansing, Tuesday, March 12, 2019.

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.

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

Horn—present
Irwin—present
Johnson—present
LaSata—present
Lauwers—present
Lucido—present
MacDonald—present
MacGregor—present
McBroom—present
McCann—present
McMorrow—present
Moss—present
Nesbitt—present

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

Chaplain John Wichman of the VFW Hough-Pontius Post 3701 of Lakeview offered the following invocation: We thank Thee, O Lord, that this land is still governed by the people’s representatives. Let the democratic processes be seen at their best.

As these chosen men and women discharge their duties, guide them, O God, in the decisions they make today. Give them the grace and humility and shed now Thy guiding light into every mind. May what be done be so clearly right that it needs no incendiary justification. We bow in reverence to thank You for the many blessings You have bestowed upon these elected officials in their endeavor to work toward a better state government and nation. We ask that You guide these leaders of this state, so that we may be productive in their discussions and votes toward their goal of service to Thee, and to this state. We know if this body follows Your direction, they can do no wrong.

Lord, at this time, we would like to take a moment to remember those that have served and those that presently are serving in the military to protect this country, and give us the freedom to meet as a governing body for our citizens. This we ask in Your Holy Name. Amen.

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

Motions and Communications

Senator MacGregor moved that Senator Shirkey be excused from today’s session. The motion prevailed.

Senator Chang moved that Senator Bayer be excused from today’s session. The motion prevailed.

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

January 2, 2019

In accordance with the provisions 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 Department of Technology, Management and Budget and the State Office of Regulatory Reinvention filed Administrative Rule #2017-070-EQ (Secretary of State Filing #19-01-06) on this date at 4:05 p.m. for the Department of Environmental Quality entitled, “Part 18. Prevention of Significant Deterioration of Air Quality.”

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

January 2, 2019

In accordance with the provisions 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 Department of Technology, Management and Budget and the State Office of Regulatory Reinvention filed Administrative Rule #2017-071-EQ (Secretary of State Filing #19-01-07) on this date at 4:05 p.m. for the Department of Environmental Quality entitled, “Part 19. New Sources Review for Major Sources Impacting Nonattainment Areas.”

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

January 3, 2019

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 Office of Regulatory Reinvention filed Administrative Rule #2015-027-LR (Secretary of State Filing #19-01-08) on this date at 3:55 p.m. for the Department of Licensing and Regulatory Affairs entitled, “Securities.”

These rules take effect immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Jocelyn Benson
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The following communication was received:
Office of Senator Curtis Hertel, Jr.

February 26, 2019

I am writing to request my addition in co-sponsorship of Senate Bill 54, sponsored by Senator Wayne Schmidt. 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.

Senator MacGregor moved that the Committee on Government Operations be discharged from further consideration of the following resolution:

Senate Resolution No. 21, entitled

A resolution to oppose the Green New Deal as outlined in U.S. House Resolution 109 and U.S. Senate Resolution 59 and encourage our national leaders to pursue smarter evidence-based regulatory practices.

The motion prevailed, a majority of the members serving voting therefor, and the resolution was placed on the order of Resolutions.

Senator MacGregor moved that the resolution be referred to the Committee on Energy and Technology. The motion prevailed.

Messages from the Governor

The following messages from the Governor were received and read:

March 7, 2019

I respectfully submit to the Senate pursuant to Public Act 196 of 1973, MCL 15.344, please be advised of the following appointments to office:

State Board of Ethics

Reverend Leslee J. Fritz, Democrat, of 11184 S. 29 Mile Road, Albion, Michigan 49224, county of Calhoun, succeeding Mary Ann Middaugh whose term has expired, appointed for a term commencing March 7, 2019 and expiring February 7, 2023.

Ms. Catherine McClure, Democrat, of 10340 Scio Church Road, Chelsea, Michigan 48118, county of Washtenaw, succeeding Peter H. Webster whose term has expired, appointed for a term commencing March 7, 2019 and expiring February 7, 2023.

March 8, 2019

I respectfully submit to the Senate pursuant to MCL 290.657, Public Act 232 of 1965, please be advised of the following appointment and reappointments to office:

Michigan Tree Fruit Commission

Mr. Travis Bratschi of 9511 Elk Lane Road, Williamsburg, Michigan 49690, county of Grand Traverse, succeeding Mark Miezio whose term has expired, appointed to represent District 1 fruit growers for a term commencing March 8, 2019 and expiring March 1, 2022.

Mr. James Engelsma, II of 3520 O'Brien, S.W., Walker, Michigan 49534, county of Kent, reappointed to represent District 2 fruit growers for a term expiring March 1, 2022.

Mr. Michael R. VanAgtmael of 3488 East Fox Road, Hart, Michigan 49420, county of Oceana, reappointed to represent District 2 fruit growers for a term expiring March 1, 2022.

Respectfully,
Gretchen Whitmer
Governor

The appointments were referred to the Committee on Advice and Consent.

Messages from the House

Senate Bill No. 87, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8160 (MCL 600.8160), as amended by 2012 PA 21.

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 Senate agreed to the full title.

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

Introduction and Referral of Bills

Senators MacDonald, Hollier, Runestad, Lucido, Ananich and Alexander introduced

Senate Bill No. 191, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803f (MCL 257.803f), as amended by 2018 PA 681.

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

Senators Victory, Barrett and Johnson introduced

Senate Bill No. 192, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310e (MCL 257.310e), as amended by 2015 PA 11.

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

Senators Victory, Barrett and Johnson introduced

Senate Bill No. 193, entitled

A bill to amend 2006 PA 384, entitled "Driver education provider and instructor act," by amending section 39 (MCL 256.659), as amended by 2010 PA 16.

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

Senator Lucido introduced

Senate Bill No. 194, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 32.

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

Senators Chang and Lucido introduced

Senate Bill No. 195, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.285) by adding section 14a.

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

Senator Lucido introduced

Senate Bill No. 196, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 8 (MCL 15.268), as amended by 2018 PA 467.

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

Senator Lucido introduced

Senate Bill No. 197, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145d (MCL 750.145d), as amended by 2012 PA 353.

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

Senator Lucido introduced

Senate Bill No. 198, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1f of chapter IX (MCL 769.1f), as amended by 2017 PA 241.

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

Senators Lucido and Wojno introduced

Senate Bill No. 199, entitled

A bill to allow library employees or agents to carry and administer opioid antagonists in certain circumstances; to provide access to opioid antagonists by certain libraries and library employees or agents; and to limit the civil and criminal liability of certain libraries and library employees or agents for the possession, distribution, and use of opioid antagonists under certain circumstances.

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

Senators Wojno and Lucido introduced

Senate Bill No. 200, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17744b (MCL 333.17744b), as amended by 2016 PA 384.

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

Senator Nesbitt introduced

Senate Bill No. 201, entitled

A bill to amend 2003 PA 1, entitled “An act to provide for the audit and examination of this state and state funds; to provide for the audit and examination of the books and accounts of all branches, departments, offices, boards, commissions, agencies, authorities, and institutions of this state; to prescribe powers and duties of certain state officers and employees; to provide for access to certain records; to provide for the subpoena of witnesses and production of documents and records; to prescribe penalties; and to provide for the administration of this act,” by amending the title and section 1 (MCL 13.101).

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

Senator Horn introduced

Senate Bill No. 202, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1249b (MCL 380.1249b), as added by 2015 PA 173.

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

House Bill No. 4066, entitled

A bill to amend 1941 PA 207, entitled “Fire prevention code,” (MCL 29.1 to 29.33) by adding section 3d. The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4067, entitled

A bill to amend 1972 PA 230, entitled “Stille-DeRossett-Hale single state construction code act,” (MCL 125.1501 to 125.1531) by adding section 4h.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4244, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay projects for the fiscal year ending September 30, 2019; to provide for expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, March 7:

House Bill Nos. 4066 4067 4244

The Secretary announced that the following bills, joint resolution, and resolution were printed and filed on Thursday, March 7, and are available on the Michigan Legislature website:

Senate Bill Nos.	168	169	170	171	172	173	174	175	176	177	178	179	180
	181	182	183	184	185	186	187	188	189	190			
Senate Joint Resolution	E												
Senate Resolution No.	21												
House Bill Nos.	4299	4300	4301	4302	4303	4304	4305	4306	4307	4308	4309	4310	4311
	4312												

Committee Reports

The Committee on Judiciary and Public Safety reported

Senate Bill No. 29, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 136b (MCL 750.136b), as amended by 2016 PA 488.

With the recommendation that the bill pass.

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

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

Senate Bill No. 30, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2018 PA 374.

With the recommendation that the bill pass.

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

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

Senate Bill No. 81, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by repealing section 474 (MCL 750.474).

With the recommendation that the bill pass.

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

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

Senate Bill No. 112, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2918 (MCL 600.2918), as amended by 2014 PA 223.

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.

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

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 Judiciary and Public Safety submitted the following:

Meeting held on Thursday, March 7, 2019, at 8:30 a.m., Room 1100, Binsfeld Office Building

Present: Senators Lucido (C), VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

COMMITTEE ATTENDANCE REPORT

The Committee on Advice and Consent submitted the following:

Meeting held on Thursday, March 7, 2019, at 12:00 noon, Room 1300, Binsfeld Office Building

Present: Senators Lucido (C), LaSata, Nesbitt and Hertel

Excused: Senator McBroom

COMMITTEE ATTENDANCE REPORT

The Committee on Economic and Small Business Development submitted the following:

Meeting held on Thursday, March 7, 2019, at 12:00 noon, Room 1200, Binsfeld Office Building

Present: Senators Horn (C), VanderWall, MacGregor, Theis, Lauwers, Schmidt, McMorro, Geiss and Moss

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy and Human Services submitted the following:

Meeting held on Thursday, March 7, 2019 at 1:00 p.m., Room 1100, Binsfeld Office Building

Present: Senators VanderWall (C), Bizon, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel, Santana and Wojno

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Health/Human Services submitted the following:

Meeting held on Thursday, March 7, 2019, at 1:30 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators MacGregor (C), Bizon, Schmidt, LaSata, MacDonald, Barrett, Hertel, Irwin and Santana

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Natural Resources and Environmental Quality submitted the following:

Meeting held on Tuesday, March 12, 2019, at 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Bumstead (C), Outman, Victory and McCann

Excused: Senator Bayer

Scheduled Meetings

Advice and Consent - Thursday, March 14, 12:00 noon, Room 1300, Binsfeld Office Building (517) 373-5312

Appropriations - Wednesday, March 13, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5307

Subcommittees -

Agriculture and Rural Development - Thursdays, March 14 and March 21, 3:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

Community Health/Human Services - Wednesday, March 13, 12:00 noon, Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building, Thursday, March 14, 1:30 p.m., Room 1200, Binsfeld Office Building, Wednesday, March 20, 12:00 noon, Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building, and Thursday, March 21, 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-2768

General Government - Wednesdays, March 13, March 20, April 10, and April 17, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Justice and Public Safety - Thursdays, March 14 and March 21, 1:30 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

K-12 and Michigan Department of Education - Thursday, March 14, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Talent and Economic Development/MEDC - Tuesdays, March 19, April 9, and April 16, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Universities and Community Colleges - Thursday, March 14, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Families, Seniors, and Veterans - Wednesday, March 13, 3:00 p.m., Room 1200, Binsfeld Office Building (517) 373-1721

Health Policy and Human Services - Thursday, March 14, 1:00 p.m., Room 1100, Binsfeld Office Building (517) 373-5323

Insurance and Banking - Wednesday, March 13, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-5314

Judiciary and Public Safety - Thursday, March 14, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-5312

Local Government - Thursday, March 14, 12:00 noon, Room 1200, Binsfeld Office Building (517) 373-1721

Natural Resources - Wednesday, March 13, 8:30 a.m., Room 1300, Binsfeld Office Building (517) 373-5312

Transportation and Infrastructure - Wednesday, March 13, 10:30 a.m., or later immediately following Session, Room 1100, Binsfeld Office Building (517) 373-5323

Senator MacGregor moved that the Senate adjourn.

The motion prevailed, the time being 10:12 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Wednesday, March 13, 2019, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate