

No. 30
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2019

Senate Chamber, Lansing, Thursday, March 21, 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 Assistant Secretary of the Senate, who announced that a quorum was present.

Alexander—present
Ananich—present
Barrett—present
Bayer—present
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—excused
Shirkey—present
Stamas—present
Theis—present
VanderWall—present
Victory—present
Wojno—present
Zorn—present

Senator Dan Lauwers of the 25th District offered the following invocation:

Father, we thank You on this first day of the spring season for the promise of new life to come—for fields and gardens to plant, for the first bloom we see this spring, and for the first scent of fresh-cut grass we smell. May these signs of new life remind us of how precious life is, how fleeting and fragile is our time on earth, and how important it is to use the time we’ve been given wisely.

Father, hear my prayer I pray each day for the members of this body, for the members of the body across the rotunda, and the Governor, her team, and all those who work here to support our efforts: May our eyes see each other as You see, may our ears be open to hear Your voice, may our mouths speak as You would speak, and may our arms be used to do Your work, and our feet be guided to go Your way.

Thank You, Lord, for our friends and our families. Keep them safe and well and keep us ever mindful of the sacrifice they make so we can serve the people of this great state.

In Your name we pray. Amen.

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

Motions and Communications

Senator Ananich entered the Senate Chamber.

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

Senator Lauwers moved that Senator Schmidt be excused from today’s session. The motion prevailed.

The following communication was received and read:
Office of the Senate Majority Leader

March 20, 2019

Pursuant to MCL 380.1280g, I appoint the following individual to serve on the **Peer Review Panel**.
Jonathan Williams

Sincerely,
Mike Shirkey
16th Senate District
Senate Majority Leader

The communication was referred to the Secretary for record.

The following communication was received:
Office of Senator Jeremy Moss

March 12, 2019

Please add my name as a co-sponsor to SB 106 sponsored by Senator Rick Outman.
Jeremy Moss

The communication was referred to the Secretary for record.

Senator Geiss entered the Senate Chamber.

Third Reading of Bills

Senator Lauwers moved that the following bill be placed at the head of the Third Reading of Bills calendar:
Senate Bill No. 203

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 203, entitled

A bill to amend 2016 PA 281, entitled “Medical marihuana facilities licensing act,” by amending section 102 (MCL 333.27102), as amended by 2018 PA 648.

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. 12**Yeas—28**

Alexander	Chang	Lucido	Polehanki
Ananich	Daley	MacDonald	Santana
Barrett	Geiss	MacGregor	Shirkey
Bayer	Hertel	McCann	Stamas
Brinks	Hollier	McMorrow	Theis
Bullock	Irwin	Moss	VanderWall
Bumstead	Lauwers	Nesbitt	Wojno

Nays—9

Bizon	LaSata	Outman	Victory
Horn	McBroom	Runestad	Zorn
Johnson			

Excused—1

Schmidt

Not Voting—0

In The Chair: President

Senator Lauwers moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

Protests

Senators Johnson and Runestad, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 203.

Senator Johnson's statement, in which Senator Runestad concurred, is as follows:

I rise to give my "no" vote explanation for Senate Bill No. 203.

As I stated when offering my amendment yesterday to return to the five percent ownership level originally recommended by LARA for background checks, I feel that the 10 percent threshold makes it too easy for a small number of individuals—who would otherwise be ineligible for licensure due to criminal backgrounds—to own a substantial portion of a marijuana business and to profit from it. While setting a five percent level of ownership would not have eliminated this issue entirely, it would have made it more difficult for a few otherwise ineligible individuals from owning a large percentage of a medical marijuana business.

Also, I feel that the five percent level would not have represented an undue burden for LARA as it would have required only a very limited number of additional background checks, and current law already provides for applicants to cover the costs of processing their applications.

For these reasons, I did vote "no" on this bill to exempt those with 10 percent ownership of a medical marijuana business from being vetted by LARA; or from being legally obligated to comply with the requirements for licensure set forth in the medical marijuana facilities licensing act.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Lauwers moved that rule 3.204 be suspended to permit immediate consideration of the following resolutions:

Senate Resolution No. 29

House Concurrent Resolution No. 5

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

Senator Daley offered the following resolution:

Senate Resolution No. 29.

A resolution to recognize April 2019 as Donate Life Month.

Whereas, More than 3,100 Michigan residents are currently waiting for a lifesaving organ transplant and many thousands more would benefit from tissue and corneal transplants; and

Whereas, The state of Michigan has 5.2 million people on the Organ Donor Registry, but over 33 percent of adults have not yet registered to save and heal others; and

Whereas, The need for organ, tissue, and eye donations grows daily; and

Whereas, Nationwide, an average of 22 people die each day because a donated organ did not become available; and

Whereas, The people in Michigan most severely affected by chronic kidney disease include over 2,300 who are waiting for a kidney transplant and a disproportionate number of them are ethnic minorities; and

Whereas, Chronic kidney disease is a major public health burden, particularly in multicultural communities; and

Whereas, It is more cost effective to transplant a donated kidney than to treat the symptoms of kidney failure for an extended period of time; and

Whereas, Organ, tissue, and eye donation can provide families that are tragically confronted by the death of a loved one the comfort of knowing the gift of donated organs and tissues provides another person with a renewed hope for a healthy life; and

Whereas, A single organ, tissue, and eye donor can save and improve the lives of up to 75 people; and

Whereas, The act of giving the gift of life through organ, tissue, and eye donation to someone facing imminent death, living with blindness, or who has a disability is the ultimate act of generosity and kindness; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize April 2019 as Donate Life Month; and be it further

Resolved, That we encourage all residents to join the Michigan Organ Donor Registry, share their decision to do so with their families, friends, and colleagues, and encourage others to do the same.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Alexander, Ananich, Bizon, Brinks, Bullock, Bumstead, Chang, Geiss, Hollier, Irwin, LaSata, Lucido, MacDonald, MacGregor, McMorrow, Moss, Outman, Polehanki, Runestad, Santana, Shirkey, Stamas, This, VanderWall, Victory, Wojno, Zorn, Johnson and Lauwers were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Daley's statement is as follows:

I rise today to speak to Senate Resolution No. 29, a resolution to designate April 2019 as National Donate Life Month. This is a time to raise awareness about the importance of organ donation.

Each day, an average of 80 people receive organ transplants, but every day, there are also 20 people who lose their lives waiting for an organ transplant. Did you know that donating organs can save up to eight lives? Organ, tissue, and eye donation can provide families that are tragically confronted by the death of a loved one the comfort of knowing the gift of donated organs and tissues provides another person with renewed hope for a healthy life.

As many of you may know, I am familiar with this situation because eight years ago, my son was killed in a tragic accident on our farm. Thomas was not a registered donor—nearly 24 years old—but he would have wanted to help others. My son Thomas donated his heart and his legacy lives on in the lives of others.

So, please join me. I urge all my fellow Senators to become an organ donor and to give the gift of life today.

House Concurrent Resolution No. 5.

A concurrent resolution prescribing the legislative schedule.

Resolved by the House of Representatives (the Senate concurring), That when the House of Representatives adjourns on Thursday, March 21, 2019, it stands adjourned until Tuesday, April 9, 2019, at 1:30 p.m.; and be it further

Resolved, That when the Senate adjourns on Thursday, March 21, 2019, it stands adjourned until Tuesday, April 9, 2019, at 10:00 a.m.

The House of Representatives has adopted the concurrent resolution.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Senators Brinks, Bullock, Bumstead, Hollier, Lucido, MacGregor, Polehanki and Victory were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senator Barrett introduced

Senate Bill No. 236, entitled

A bill to amend 1972 PA 382, entitled "Traxler-McCauley-Law-Bowman bingo act," by amending sections 2, 3, 3a, 4, 4a, 8, 9, 10, 11b, 12, 13, 14, 15, 16, and 19 (MCL 432.102, 432.103, 432.103a, 432.104, 432.104a, 432.108, 432.109, 432.110, 432.111b, 432.112, 432.113, 432.114, 432.115, 432.116, and 432.119), sections 2 and 9 as amended by 2008 PA 401, sections 3, 4a, and 12 as amended by 2012 PA 189, sections 3a, 8, 10, and 11b as amended by 2006 PA 427, sections 4, 13, 14, 15, and 16 as amended by 1999 PA 108, and section 19 as amended by 1995 PA 263, and by designating sections 1 to 20 as article 1; and to repeal acts and parts of acts.

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

Senator Barrett introduced

Senate Bill No. 237, entitled

A bill to amend 1972 PA 382, entitled "Traxler-McCauley-Law-Bowman bingo act," (MCL 432.101 to 432.120) by adding article 2.

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

Senators Alexander, Bullock, Wojno, Hollier, Hertel, Chang, Geiss, Irwin, Ananich, Brinks and McCann introduced

Senate Bill No. 238, entitled

A bill to recognize the month of April of each year as Sarcoidosis Awareness Month.

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

Senators Chang, Moss and Wojno introduced

Senate Bill No. 239, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 1803 (MCL 339.1803).

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

Senators Alexander, Chang, Geiss, Wojno, Irwin, Hertel, Ananich and Moss introduced

Senate Bill No. 240, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding sections 14m, 14n, 14o, 14p, and 14q.

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

Senators Chang, Geiss, Alexander, Wojno, Irwin, Hertel, Ananich, Moss and Bullock introduced

Senate Bill No. 241, entitled

A bill to prescribe the powers and duties of certain providers of water and sewerage service in this state; to prescribe the powers and duties of certain state officers and entities; to prohibit certain acts and practices of providers of water and sewerage service; and to provide for remedies and penalties for certain violations of this act.

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

Senators Irwin, Chang, Geiss, Alexander, Wojno, Hertel, Ananich, Moss and Bullock introduced

Senate Bill No. 242, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending the title and sections 282 and 383a (MCL 750.282 and 750.383a), the title as amended by 2010 PA 107, section 282 as amended by 1987 PA 32, and section 383a as amended by 2008 PA 413.

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

Senators Wojno, Chang, Geiss, Alexander, Irwin, Hertel, Ananich, Moss and Bullock introduced

Senate Bill No. 243, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 160 and 166 of chapter XVII (MCL 777.160 and 777.166), section 160 as amended by 2012 PA 169 and section 166 as amended by 2008 PA 414.

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

Senator McBroom introduced

Senate Bill No. 244, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2081) by adding section 15b.

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

Senators McBroom, Hollier, Horn, Wojno and Daley introduced

Senate Bill No. 245, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2421b, 2421c, 2421d, and 2421e (MCL 600.2421b, 600.2421c, 600.2421d, and 600.2421e), as added by 1984 PA 197.

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

Senators Hollier, McBroom, Horn, Wojno and Daley introduced

Senate Bill No. 246, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 71, 72, 80, 87, 115, 122, and 123 (MCL 24.271, 24.272, 24.280, 24.287, 24.315, 24.322, and 24.323), section 71 as amended by 1984 PA 28, section 80 as amended and section 123 as added by 1984 PA 196, section 115 as amended by 1996 PA 489, and section 122 as amended by 2011 PA 247.

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

Senators Bayer, Hertel, Wojno, Chang, Bullock, Santana, Irwin and Geiss introduced

Senate Bill No. 247, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 3135.

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

Senators Johnson, Daley, Hollier and Geiss introduced

Senate Bill No. 248, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7333, 16221, 16226, and 17754 (MCL 333.7333, 333.16221, 333.16226, and 333.17754), section 7333 as amended by 2018 PA 34, sections 16221 and 16226 as amended by 2017 PA 249, and section 17754 as amended by 2014 PA 525.

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

Senator Ananich introduced

Senate Bill No. 249, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 301 (MCL 750.301), as amended by 2002 PA 672.

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

House Bill No. 4077, entitled

A bill to amend 2005 PA 210, entitled "Commercial rehabilitation act," by amending sections 6 and 8 (MCL 207.846 and 207.848), section 8 as amended by 2011 PA 82.

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 Economic and Small Business Development.

House Bill No. 4296, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 1993 (MCL 600.1993), as added by 2015 PA 233.

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 Judiciary and Public Safety.

House Bill No. 4366, 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 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 Health Policy and Human Services.

House Bill No. 4367, 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 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 Health Policy and Human Services.

Statements

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

The motion prevailed.

Senator Johnson’s statement is as follows:

I rise today in honor of World Water Day, which is tomorrow—Friday, March 22. It is a day that raises awareness of the billions of people around the world who struggle with access to safe drinking water.

We are blessed here in America with great prosperity. But even here in the land of opportunity, we still have work to do to ensure that all of our residents are able to drink water that is free from contaminants that can harm their health and wellbeing.

In recent years, the Legislature has taken action on important issues such as lead and PFAS contamination, but as we continue our discussions on water quality and safety, I want to remind my colleagues of an important fact: That municipal water systems are not the only source of drinking water for our state’s residents. In fact, Michigan has more private wells used for drinking water than any other state in the nation. One quarter of Michigan families rely on private wells for their drinking water. Unlike residents who rely on municipal water systems for their drinking water, well owners must serve as their own quality control agents. They must perform their own water testing, and they must know which of over five dozen different contaminants they should be testing for. Well owners must decide how they can treat their water for contaminants that might be present, and they must also finance their own water systems’ installation, maintenance, and improvements.

I got my start as a public servant as a young citizen activist to protect the drinking water and air in my community. One of the largest foreign corporations in the world wanted to put an enormous toxic and hazardous waste dump, in a mined-out gravel pit where one of our state’s premier aquifers intersects with the surface. As Margaret Mead famously said, “Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it’s the only thing that ever has.”

I am proud to say that the land that was once slated as a large, toxic and hazardous waste dump, is now being developed into a state recreation area. The aquifer this land contains continues to supply drinking water to my constituents in northern Oakland County and southern Genesee County. However, there are a number of threats to human health that lurk in the well water flowing into the homes of my constituents, and those of many other Michigan residents. They are both natural and manmade, and include contaminants such as arsenic, nitrates, and volatile organic compounds and many others.

Today, I am introducing legislation that would further strengthen the information that the Department of Environmental Quality provides to well owners in our state so that these residents can take the steps necessary to ensure the safety of their families’ drinking water. I encourage my colleagues to join this legislation as cosponsors.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, March 20:

House Bill Nos. 4077 4296 4366 4367

The Secretary announced that the following bills and resolution were printed and filed on Wednesday, March 20, and are available on the Michigan Legislature website:

Senate Bill Nos. 233 234 235

Senate Resolution No. 28

House Bill Nos. 4406 4407 4408 4409

Committee Reports

The Committee on Transportation and Infrastructure reported

Senate Bill No. 129, entitled

A bill to amend 2016 PA 436, entitled "Unmanned aircraft systems act," by amending section 5 (MCL 259.305).

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.

Tom Barrett

Chairperson

To Report Out:

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

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 Transportation and Infrastructure submitted the following:

Meeting held on Wednesday, March 20, 2019, at 10:30 a.m., Room 1100, Binsfeld Office Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources submitted the following:

Meeting held on Wednesday, March 20, 2019, at 8:30 a.m., Room 1300, Binsfeld Office Building

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

Excused: Senator Schmidt

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, March 20, 2019, at 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Stamas (C), Bumstead, Barrett, Bizon, LaSata, MacDonald, MacGregor, Nesbitt, Outman, Victory, Hertel, Hollier, Irwin, McCann and Santana

Excused: Senators Runestad, Schmidt and Bayer

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Wednesday, March 20, 2019, at 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Stamas (C), Victory, Bumstead and Irwin

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Health/Human Services submitted the following:
Meeting held on Wednesday, March 20, 2019, at 12:00 noon, Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building
Present: Senators MacGregor (C), Bizon, Santana, LaSata, MacDonald, Barrett, Hertel and Irwin
Excused: Senator Schmidt

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Health/Human Services submitted the following:
Meeting held on Thursday, March 21, 2019, at 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower
Present: Senators MacGregor (C), Bizon, LaSata, MacDonald, Barrett, Hertel, Irwin and Santana
Excused: Senator Schmidt

Scheduled Meetings**Appropriations -****Subcommittees -**

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

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

Senator Lauwers moved that the Senate adjourn.
The motion prevailed, the time being 10:32 a.m.

Pursuant to House Concurrent Resolution No. 5, the President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Tuesday, April 9, 2019, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

