

No. 41
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2019

Senate Chamber, Lansing, Wednesday, May 1, 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—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—present
Shirkey—present
Stamas—present
Theis—present
VanderWall—present
Victory—present
Wojno—present
Zorn—present

Pastor Alan Sharp of Mount Hope Church and Prison Ministries of Portland offered the following invocation:

Heavenly Father, Lord Jesus, and Holy Spirit, 2,600 years ago You had a prophet in the Old Testament by the name of Ezekiel. He had a vision that at the end of his lifetime and into the time of Jesus 483 years later and in our times—this day right now—he said you will see the Jews run out of Jerusalem, be exiled from their country for 2,000 years, and when you see them come back, that will start the last days. That happened in 1948.

Jesus said in His writings—Matthew, Mark, and Luke—that when you're in the last days and the progressive order, you will see earthquakes, tsunamis, you will see families bickering and fighting, you will hear of wars and rumors of wars, famines, unknown diseases cropping up, and you will have family members turning on each other and turning them in, family members killing each other, and in the churches people being killed. We're seeing these things in the world right now.

The Lord told me to tell you folks that God the Father made you in your mother's womb and He had a plan for this day for you. He wants to use you to help people find His Son, Jesus Christ, and His salvation. I've used this for 47 years, I've had thousands and thousands of people pray this prayer. When we break one of the Ten Commandments—if we lust over people, if we covet somebody's property, we don't go to church, we say “mom and dad, I'm not doing that”—that's a sin and one sin will send us to hell. Jesus became sin on the cross in order to take our punishment and it's left up to us to invite Him into our life.

Right now, this is my invocation for you folks. If you've never done this before, I'm asking you to pray to God yourself. You can whisper it, you can say it out loud, but I'll give you the words that God wants to hear from you. God in heaven, I need Your help. I have sinned. Jesus, I believe You died on the cross for my sins. Father, I believe You raised Jesus from the grave. Jesus, right now, I open my heart and invite You into my life. Take control of my life; make Yourself known to me. Keep me from evil, forgive me my sins, and become my Lord and Savior. When you do that, you become sons and daughters of the almighty God.

What He's told me to tell you folks is that Michigan—I've prayed that prayer at every fair in the state of Michigan, 100 fairs, I've been in all the prisons, I do that in prisons, I make ministers out of the inmates, I've been on the streets for 47 years and had gangs find Jesus. I've had Muslims find Christ. I've had witches find Christ. He's telling me to tell you folks that God the Father wants you to just give Him, ask Him to help you with the simple things you do in life and the very complex and hard things you do. He will help you; He will do the miraculous. He'll move mountains for you. If you prayed that prayer, the Holy Spirit will teach you the Bible.

I will leave you with this. God the Father loves everybody in this room and everybody in this state. He wants to saturate, soak, and marinate you in His love. When you're out in a public place, the prophet Isaiah says in chapter six, that people will see Jesus glowing out of your face. 2 Corinthians 2:14-16 says they'll smell the Gospel fragrance on you and they'll feel the Father's love.

Thank you, Father, for using me—a mere man—to pray for these awesome, awesome people. Bless them and use them to bring this state up to a level that is a light that the whole United States sees and everybody in the United States asks what it is that You have because they want it.

Thank you, Lord. God bless. 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 Runestad be temporarily excused from today's session. The motion prevailed.

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

April 30, 2019

Pursuant to Executive Order 2019-10, I appoint the following individuals to the **Michigan Joint Task Force on Jail and Pretrial Incarceration**.

Senator Jim Runestad (Senate Member)
Rob VerHeulen (Community Leader)

Sincerely,
Mike Shirkey
16th Senate District
Senate Majority Leader

The communication was referred to the Secretary for record.

Messages from the Governor

The following messages from the Governor were received:

Date: April 30, 2019
Time: 10:51 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 202 (Public Act No. 5), being

An act to amend 1976 PA 451, entitled “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,” by amending section 1249b (MCL 380.1249b), as added by 2015 PA 173.

(Filed with the Secretary of State on April 30, 2019 at 11:38 a.m.)

Date: April 30, 2019
Time: 10:53 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 122 (Public Act No. 6), being

An act to amend 1976 PA 451, entitled “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,” by amending section 1249 (MCL 380.1249), as amended by 2018 PA 235.

(Filed with the Secretary of State on April 30, 2019 at 11:40 a.m.)

Respectfully,
Gretchen Whitmer
Governor

The following message from the Governor was received and read:

April 30, 2019

I respectfully submit to the Senate the following appointments to office pursuant to Act 511 of 1988, MCL 791.403:

Michigan Community Corrections Board

Ms. Jennifer C. Janetsky of 9319 Beecher Road, Flushing, Michigan 48433, county of Genesee, succeeding William P. Nichols who has resigned, appointed to represent county prosecutors for a term commencing April 30, 2019 and expiring March 31, 2021.

Ms. Anna R. Kohn of 6533 E. Jefferson Avenue, Apt. 313, Detroit, Michigan 48207, county of Wayne, succeeding Daniel Lathrop whose term has expired, appointed to represent the general public for a term commencing April 30, 2019 and expiring March 31, 2023.

Mr. Jake W. Smith of 88 S. LaVista Boulevard, Battle Creek, Michigan 49015, county of Calhoun, succeeding Hugh Crawford whose term has expired, appointed to represent county commissioners for a term commencing April 30, 2019 and expiring March 31, 2023.

Mr. L. Paul Bailey of 7707 Lake Road, Berrien Center, Michigan 49102, county of Berrien, reappointed to represent county sheriffs for a term expiring March 31, 2023.

Respectfully,
Gretchen Whitmer
Governor

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

Senator Runestad entered the Senate Chamber.

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 169, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 1084.

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. 51

Yeas—38

Alexander	Geiss	MacGregor	Santana
Ananich	Hertel	McBroom	Schmidt
Barrett	Hollier	McCann	Shirkey
Bayer	Horn	McMorrow	Stamas
Bizon	Irwin	Moss	Theis
Brinks	Johnson	Nesbitt	VanderWall
Bullock	LaSata	Outman	Victory
Bumstead	Lauwers	Polehanki	Wojno
Chang	Lucido	Runestad	Zorn
Daley	MacDonald		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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 Bill No. 169. This bill names a portion of M-15 in Bay County after Sergeant First Class Michael Cathcart of Bay City. He served two tours in Iraq before volunteering to serve in the U.S. Special Forces in 2007. He also joined the 3rd Battalion, 3rd Special Forces Group in 2009. He was killed on November 14, 2014 on a combat mission in Afghanistan.

After his passing, the Army awarded Sergeant Cathcart the Silver Star—one of the highest personal decorations. His other awards include four Bronze Star medals, two Purple Hearts and four Commendation medals.

I introduced this legislation to remind area residents of Sergeant Cathcart's dedication to his country and to show Michael's family our gratitude for his service. Sergeant Cathcart was a decorated war hero and his service and bravery certainly deserve recognition. I would urge my colleagues to support this bill.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 25

Senate Resolution No. 30

Senate Resolution No. 38

Senate Resolution No. 18

The motion prevailed.

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

Senate Resolution No. 42

Senate Resolution No. 43

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

Senator Wojno offered the following resolution:

Senate Resolution No. 42.

A resolution recognizing May 5-11, 2019, as InfantSEE® Week.

Whereas, The most critical stages of vision development occur in the first year of a child's life when the eye undergoes rapid and profound changes; and

Whereas, It is recommended infants should receive a comprehensive baseline eye exam between the ages of six to twelve months because undetected eye and vision problems can lead to permanent vision impairment or loss of life; and

Whereas, One-in-ten children are at-risk from undiagnosed eye and vision problems. By the time children enter school, nearly 25 percent will need or wear corrective lenses; and

Whereas, One-in-thirty children will be affected by amblyopia—a leading cause of vision loss in people younger than forty-five years; and

Whereas, Undetected vision problems can contribute to a decrease in a child's quality of life and may lead to developmental and behavioral difficulties which impede classroom learning, as well as increase the costs to society; and

Whereas, Early detection of vision problems is the best way to treat and prevent permanent vision impairment; and

Whereas, Member Optometrists of the American Optometric Association and The Vision Care Institute® of Johnson & Johnson, Inc. have partnered to create InfantSEE®, a public health program to provide a one-time, no cost, eye assessment for infants six to twelve months; and

Whereas, InfantSEE® is a program that is comprised of nearly 4,000 optometrists volunteering their services across the country. InfantSEE® has provided over 140,000 infants with comprehensive eye assessments since the start of the program in 2005; now therefore, be it

Resolved by the Senate, That the members of this legislative body recognize the week of May 5-11, 2019, as InfantSEE® Week; and be it further

Resolved, We commend the members of the Michigan Optometric Association and the profession of optometry on the eleventh anniversary of the InfantSEE® program for voluntarily dedicating their expertise and services to the infants of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Optometric Association with our highest esteem.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Alexander, Ananich, Barrett, Bayer, Brinks, Bullock, Chang, Daley, Hertel, Johnson, Lucido, McCann, McMorrow, Moss, Polehanki, Santana, VanderWall and Zorn were named co-sponsors of the resolution.

Senator VanderWall offered the following resolution:

Senate Resolution No. 43.

A resolution to recognize May 2019 as Mental Health Awareness Month.

Whereas, The month of May has been designated as Mental Health Awareness Month by Mental Health for America and its affiliates since 1949; and

Whereas, Tens of thousands of Michigan citizens are afflicted with a diagnosable mental, behavioral, or emotional disorder at any given moment. Services under the mental health code include assistance for conditions such as anxiety disorders, schizophrenia, eating disorders and depression, and for addictive behaviors; and

Whereas, The people of Michigan who are living with a mental health illness or addiction continue to require support and professional assistance in order to improve their quality of living and return to an independent, healthy, and fulfilling life; and

Whereas, In any given year, 336,000 adults in Michigan will have a serious mental illness and 56 percent of these adults will receive no treatment for their illness; and

Whereas, Mental illness can affect anyone, regardless of age. In our state, 84,000 adolescents will experience a major depressive episode a year; and

Whereas, There are 526,000 adults who experience heavy alcohol abuse in any given month and 205,000 individuals, from the ages of 12 or older, who will experience an illicit drug dependence a year. Further, 91 percent of adults with heavy alcohol abuse and 81 percent of individuals with an illicit drug dependence will forgo treatment for their addiction; and

Whereas, By ignoring the illnesses of our fellow citizens, it will only further stigmatize those who suffer from a mental, behavioral, or emotional disorder. If we leave those members behind, it will only harm our community; and

Whereas, Michigan and the United States need to continue to reduce the stigmatization of mental illness and lend our support to those who are living with mental health disorders and addictions so they can seek professional assistance; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize May 2019 as Mental Health Awareness Month.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Alexander, Ananich, Barrett, Bayer, Brinks, Bullock, Chang, Daley, Hertel, Irwin, Johnson, Lucido, McCann, McMorro, Moss, Polehanki, Santana, Wojno and Zorn were named co-sponsors of the resolution.

Senate Concurrent Resolution No. 7.

A concurrent resolution of tribute offered as a memorial for William Broomfield, former member of the Michigan House of Representatives and Senate and the United States House of Representatives.

(For text of resolution, see Senate Journal No. 40, p. 385.)

The House of Representatives has adopted the concurrent resolution. The Speaker and the entire membership of the House of Representatives were named co-sponsors.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of

General Orders

Senator MacGregor 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 Gilchrist, designated Senator Geiss as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Gilchrist, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 4129, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 35 (MCL 791.235), as amended by 2018 PA 339.

House Bill No. 4130, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 33 and 34 (MCL 791.233 and 791.234), section 33 as amended by 2017 PA 14 and section 34 as amended by 2017 PA 265.

House Bill No. 4132, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 33b and 65 (MCL 791.233b and 791.265), section 33b as amended by 2010 PA 94 and section 65 as amended by 2012 PA 599.

The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with amendment, the following bill:
House Bill No. 4131, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 197d. The following is the amendment recommended by the Committee of the Whole:

1. Amend page 2, following line 11, by inserting:

“(2) **This section does not apply to skilled nursing facility staff performing duties required of skilled nursing facilities under state and federal laws, rules, and regulations, including, but not limited to, section 20201(2) of the public health code, 1978 PA 368, MCL 333.20201, 42 CFR 483.10, and 42 CFR 483.12, that guarantee the rights of skilled nursing facility residents.**” and renumbering the remaining subsections.

The Senate agreed to the amendment recommended by the Committee of the Whole, and the bill as amended 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

Senator Theis introduced

Senate Bill No. 292, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 1621 and 1627 (MCL 600.1621 and 600.1627), as amended by 1995 PA 161, and by adding section 1630.

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

Senators Moss, Hollier, Bayer, Brinks, Chang, Geiss, Irwin, McMorrow, Polehanki, LaSata, Barrett, Theis, Victory, Lucido, Santana and McBroom introduced

Senate Bill No. 293, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending section 411 (MCL 339.411), as amended by 2014 PA 265.

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

House Bill No. 4152, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 2891 (MCL 333.2891), as amended by 2013 PA 136.

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 Families, Seniors and Veterans.

House Bill No. 4153, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 2803 (MCL 333.2803), as amended by 2012 PA 499.

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 Families, Seniors and Veterans.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, April 30:

House Bill Nos. 4152 4153

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, April 30, for her approval the following bills:

Enrolled Senate Bill No. 2 at 10:32 a.m.

Enrolled Senate Bill No. 122 at 10:34 a.m.

Enrolled Senate Bill No. 202 at 10:36 a.m.

The Secretary announced that the following bills and resolutions were printed and filed on Tuesday, April 30, and are available on the Michigan Legislature website:

Senate Bill Nos. 288 289 290 291

Senate Concurrent Resolution No. 7

Senate Resolution No. 41

House Bill Nos. 4520 4521 4522 4523 4524 4525 4526 4527 4528 4529 4530 4531 4532
4533 4534 4535 4536

Scheduled Meetings

Advice and Consent - Thursday, May 2, 1:00 p.m., Room 1300, Binsfeld Office Building (517) 373-5312

Appropriations - Thursday, May 2, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5307 (CANCELED)

Senator MacGregor moved that the Senate adjourn.

The motion prevailed, the time being 10:27 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Thursday, May 2, 2019, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate