

No. 106
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2019

Senate Chamber, Lansing, Wednesday, November 6, 2019.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Aric Nesbitt.

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—excused

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

Father Enzo Addari of St. Therese of Lisieux Parish of Shelby Township offered the following invocation:
 O God, creator of heaven and earth, You have plans for us, plans to prosper and not to harm, plans to give hope and a future. We give You glory and praise for the splendor of the world; but in a special way we laud You for giving us life and for calling us to be partakers of You in discovering the mysteries of creation and building a society where all of us could fulfil the call You have given to each person; where all of us could fulfil our dreams and our desires; where our families and our children could grow towards a bright future.

We ask You for Your blessings upon each of us as elected Senators and as servants of the people of Michigan. May the services we provide to the people of Michigan will allow every person to grow and to fulfill its dreams, desires, wishes, that may all would reach their fullness of life and their happiness. May any law we approve, may any bill we propose, will be for the growth of all.

Carrying them out may be a source of praise for You for the glory and the power are Yours forever and ever. Grant this through the gift of Your Son, Jesus. Amen.

The President pro tempore, Senator Nesbitt, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senator Chang moved that Senator Hertel be temporarily excused from today's session.
 The motion prevailed.

Senator Chang moved that Senator Hollier be excused from today's session.
 The motion prevailed.

Messages from the Governor

The following message from the Governor was received and read:

November 5, 2019

I am writing to inform you of my withdrawal of the following appointment submitted to your office on October 4, 2019 pursuant to Public Act 350 of 1980, MCL 550.1652:

Health Endowment Fund Board

Ms. Alexis N. Wiley of 200 Keelson Drive, Detroit, Michigan 48215, county of Wayne, reappointed to represent an individual recommended by the House Minority Leader, for a term commencing October 4, 2019 and expiring October 1, 2023.

Respectfully,
 Gretchen Whitmer
 Governor

The message was referred to the Committee on Advice and Consent.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

Senator Lauwers moved that the Senate proceed to consideration of the following bill:

House Bill No. 4959

The motion prevailed.

The following bill was read a third time:

House Bill No. 4959, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 601 (MCL 436.1601).

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. 296**Yeas—36**

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

Nays—0**Excused—2**

Hertel	Hollier
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Not Voting—0

In The Chair: Nesbitt

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 create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

Senator Hertel entered the Senate Chamber.

Senator Lauwers moved to reconsider the vote by which the bill was passed.

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

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. 297**Yeas—37**

Alexander	Geiss	MacGregor	Santana
Ananich	Hertel	McBroom	Schmidt

Barrett	Horn	McCann	Shirkey
Bayer	Irwin	McMorrow	Stamas
Bizon	Johnson	Moss	Theis
Brinks	LaSata	Nesbitt	VanderWall
Bullock	Lauwers	Outman	Victory
Bumstead	Lucido	Polehanki	Wojno
Chang	MacDonald	Runestad	Zorn
Daley			

Nays—0

Excused—1

Hollier

Not Voting—0

In The Chair: Nesbitt

The following bill was read a third time:

House Bill No. 4960, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 107 (MCL 436.1107), as amended by 2001 PA 223.

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. 298

Yeas—37

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

Nays—0

Excused—1

Hollier

Not Voting—0

In The Chair: Nesbitt

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 create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4961, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” (MCL 436.1101 to 436.2303) by adding section 608.

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. 299

Yeas—37

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

Nays—0

Excused—1

Hollier

Not Voting—0

In The Chair: Nesbitt

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 create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

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

Senator Lauwers 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 pro tempore, Senator Nesbitt, designated Senator Runestad as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Nesbitt, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 4044, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 1205 and 1239 (MCL 500.1205 and 500.1239), section 1205 as amended by 2008 PA 422 and section 1239 as amended by 2008 PA 423.

House Bill No. 4226, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 3240 (MCL 600.3240), as amended by 2014 PA 431.

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 a substitute therefor, the following bill:

Senate Bill No. 415, entitled

A bill to amend 1984 PA 379, entitled “An act to define and regulate certain credit card transactions, agreements, charges, and disclosures; to prescribe the powers and duties of the financial institutions bureau and certain state agencies; to provide for the promulgation of rules; and to provide for fines and penalties,” by amending the title and section 1 (MCL 493.101).

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.

The Committee of the Whole reported back to the Senate, favorably and with amendments, the following bill:

House Bill No. 4120, entitled

A bill to amend 1909 PA 283, entitled “An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or

appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies,” by amending section 10 of chapter IV (MCL 224.10), as amended by 2004 PA 516.

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

1. Amend page 3, line 10, after “(5)” by striking out “A” and inserting “**Except as otherwise provided in this subsection, a**”.

2. Amend page 3, line 13, after “exceed” by striking out “30” and inserting “15”.

3. Amend page 3, line 14, after “less.” by inserting “**A county road commission for a county with a population of less than 100,000 may enter into a contract or agreement for the purchase of real or personal property for public purposes, to be paid for in installments over a period not to exceed 30 years or the useful life of the property acquired, whichever is less.**”.

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

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, November 5:

House Bill Nos. 4687 4689 4851 4912 4958 4980 4981 4982 4983 4984 4985 5120

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, November 5 for her approval of the following bill:

Enrolled Senate Bill No. 530 at 11:55 a.m.

The Secretary announced that the following bills were printed and filed on Tuesday, November 5, and are available on the Michigan Legislature website:

Senate Bill Nos. 631 632 633 634

House Bill Nos. 5191 5192 5193 5194

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Education and Career Readiness submitted the following:

Meeting held on Tuesday, November 5, 2019, at 12:00 noon, Room 1300, Binsfeld Office Building

Present: Senators Theis (C), Horn, Bumstead, Runestad, Daley, Polehanki and Geiss

COMMITTEE ATTENDANCE REPORT

The Committee on Oversight submitted the following:

Meeting held on Tuesday, November 5, 2019, at 2:00 p.m., Room 1300, Binsfeld Office Building

Present: Senators McBroom (C), Lucido, Theis, MacDonald and Irwin

Scheduled Meetings

Appropriations - Thursday, November 7, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5307

Subcommittees -

Talent and Economic Development/MEDC - Tuesday, November 12, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Universities and Community Colleges and House Higher Education and Community Colleges Appropriations Subcommittee - Thursday, November 7, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768 (CANCELED)

Economic and Small Business Development - Thursday, November 7, 12:00 noon, Room 1200, Binsfeld Office Building (517) 373-1721

Judiciary and Public Safety - Thursday, November 7, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-5312

Oversight - Tuesday, November 12, 2:00 p.m., Room 1300, Binsfeld Office Building (517) 373-5312

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

The President pro tempore, Senator Nesbitt, declared the Senate adjourned until Thursday, November 7, 2019, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate