

No. 109
STATE OF MICHIGAN
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REGULAR SESSION OF 2019

Senate Chamber, Lansing, Wednesday, November 13, 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—excused
Schmidt—present
Shirkey—present
Stamas—present
Theis—present
VanderWall—present
Victory—present
Wojno—present
Zorn—present

Senator Ed McBroom of the 38th District offered the following invocation:

Dear Father, I come before You this morning as just another person that You have blessed so richly and someone You have given grace to. Father, I praise You for being gracious and merciful and I beg that You would continue to show mercy to Your people—Your people here in Michigan, Your people here in the Michigan Senate.

Father, help us to be aware of our sinfulness. Help us to be aware of our shortcomings. Help us to be aware of the evil that is so easily pervading our speech, our writing, our society around us. Help us to be aware of how we are a part of that—how we can so easily fall into the traps—traps that slander other people, hurt other people, traps that keep our society from functioning well, tear families apart, and tear a nation apart.

Father, forgive us. Forgive us as a nation for our many sins, for failing to protect the widows, the orphans, the poor, for failing to stand for righteousness, for failing to even seek to know what You have laid out is righteousness. Father I confess these things to You. I pray that You will help us to be mindful that all the blessings that this nation has that we enjoy as a nation and we enjoy as individuals are due to You. You are the giver of all good things, and You have given us Your Son. You have provided a way to know You, to hear from You, and to be close to You, and to spend eternity with You.

Father I pray this morning that You will bless our deliberations, that You will help us have grace with each other, patience with each other, and that we will work together to promote righteousness and good laws for Your people. Help us to guard our tongues. Help us to guard our actions. Make us thoughtful and seeking to do what is right.

I pray especially You will watch over our families and loved ones at home, that You will keep them safe and that You will give each of us wonderful time with them in the weeks to come, that You will help us to be safe ourselves and to work hard for our people back in our districts.

Thank You for this opportunity to serve You and help each of us to remember that we work for You in all that we do to bring glory to You.

I pray these things in Jesus' name. 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 Senators Ananich and Geiss be temporarily excused from today's session. The motion prevailed.

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

Senator Ananich entered the Senate Chamber.

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

Senate Bill No. 595, entitled

A bill to authorize the state administrative board to accept and convey real property in Grand Traverse County; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator MacGregor moved that the bill be referred to the Committee on Appropriations. The motion prevailed.

Recess

Senator MacGregor moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:08 a.m.

11:43 a.m.

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

During the recess, Senator Geiss entered the Senate Chamber.

Senator MacGregor moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

House Bill No. 4687

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

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

Senator MacGregor moved that the Senate proceed to consideration of the following bills:

House Bill No. 4451

House Bill No. 4710

House Bill No. 4306

Senate Bill No. 369

House Bill No. 5084

Senate Bill No. 306

Senate Bill No. 349

Senate Bill No. 586

Senate Bill No. 587

Senate Bill No. 588

The motion prevailed.

The following bill was read a third time:

House Bill No. 4451, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406u.

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. 305

Yeas—36

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

Nays—0

Excused—2

Hollier

Santana

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 revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4710, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending the heading of part 165 and sections 16215, 16322, 16501, 16511, 16521, 16525, and 16529 (MCL 333.16215, 333.16322, 333.16501, 333.16511, 333.16521, 333.16525, and 333.16529), section 16215 as amended by 2005 PA 211, sections 16322, 16501, 16525, and 16529 as added by 2006 PA 30, section 16511 as amended by 2006 PA 397, and section 16521 as amended by 2010 PA 79, and by adding sections 16513, 16515, and 16517.

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. 306

Yeas—30

Alexander	Geiss	MacDonald	Shirkey
Ananich	Hertel	MacGregor	Stamas
Bayer	Horn	McCann	Theis
Bizon	Irwin	McMorrow	VanderWall

Brinks
Bullock
Chang
Daley

Johnson
LaSata
Lauwers
Lucido

Moss
Outman
Schmidt

Victory
Wojno
Zorn

Nays—6

Barrett
Bumstead

McBroom
Nesbitt

Polehanki

Runestad

Excused—2

Hollier

Santana

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 protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4306, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 3212 (MCL 600.3212), as amended by 2011 PA 301.

The question being on the passage of the bill,

Senator Hertel offered the following amendments:

1. Amend page 1, line 1, after “3212.” by inserting “(1)”.
2. Amend page 3, following line 6, by inserting:

“(2) The party foreclosing the mortgage shall not publish a notice of foreclosure under this chapter in a newspaper in which the party foreclosing the mortgage has an ownership interest.”.

The question being on the adoption of the amendments,

Senator Hertel withdrew the amendments.

Senator Hertel offered the following amendments:

1. Amend page 1, line 1, after “3212.” by inserting “(1)”.
2. Amend page 3, following line 6, by inserting:

“(2) The party foreclosing the mortgage shall not publish a notice of foreclosure under this chapter in a newspaper in which the party foreclosing, or its agent, has a majority ownership interest.”

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Chang requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 307

Yeas—14

Alexander	Bullock	Irwin	Moss
Ananich	Chang	McCann	Polehanki
Bayer	Geiss	McMorrow	Wojno
Brinks	Hertel		

Nays—22

Barrett	LaSata	Nesbitt	Stamas
Bizon	Lauwers	Outman	Theis
Bumstead	Lucido	Runestad	VanderWall
Daley	MacDonald	Schmidt	Victory
Horn	MacGregor	Shirkey	Zorn
Johnson	McBroom		

Excused—2

Hollier	Santana
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Not Voting—0

In The Chair: Nesbitt

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. 308

Yeas—22

Barrett	LaSata	Nesbitt	Stamas
Bizon	Lauwers	Outman	Theis
Bumstead	Lucido	Runestad	VanderWall
Daley	MacDonald	Schmidt	Victory
Horn	MacGregor	Shirkey	Zorn
Johnson	McBroom		

Nays—14

Alexander	Bullock	Irwin	Moss
Ananich	Chang	McCann	Polehanki
Bayer	Geiss	McMorrow	Wojno
Brinks	Hertel		

Excused—2

Hollier	Santana
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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 not concurred in, 2/3 of the members serving not voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 369, entitled

A bill to amend 1917 PA 273, entitled “An act to regulate and license pawnbrokers that conduct business in this state; to provide for the disposition of allegedly misappropriated property in the possession of pawnbrokers; to provide remedies and prescribe penalties; and to provide for the powers and duties of certain local governmental units and state agencies,” by amending section 9 (MCL 446.209), as amended by 2018 PA 345.

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. 309

Yeas—24

Barrett	LaSata	Moss	Stamas
Bizon	Lauwers	Nesbitt	Theis
Bumstead	Lucido	Outman	VanderWall
Daley	MacDonald	Runestad	Victory
Horn	MacGregor	Schmidt	Wojno
Johnson	McBroom	Shirkey	Zorn

Nays—12

Alexander	Brinks	Geiss	McCann
Ananich	Bullock	Hertel	McMorrow
Bayer	Chang	Irwin	Polehanki

Excused—2

Hollier Santana

Not Voting—0

In The Chair: Nesbitt

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5084, entitled

A bill to amend 2009 PA 75, entitled “Mortgage loan originator licensing act,” by amending sections 3 and 5 (MCL 493.133 and 493.135), section 3 as amended by 2012 PA 150 and section 5 as amended by 2014 PA 421, and by adding sections 5a, 5b, and 5c.

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. 310

Yeas—36

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

Nays—0

Excused—2

Hollier Santana

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 provide for the licensing of mortgage loan originators; to regulate the business practices of mortgage loan originators; to establish certain obligations of employees and principals of mortgage loan originators; to prescribe the powers and duties of certain state agencies and officials; and to provide remedies and prescribe penalties.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 306, entitled

A bill to amend 1961 PA 120, entitled “An act to authorize the development or redevelopment of principal shopping districts and business improvement districts; to permit the creation of certain boards; to provide for the operation of principal shopping districts and business improvement districts; to provide for the creation, operation, and dissolution of business improvement zones; and to authorize the collection of revenue and the bonding of certain local governmental units for the development or redevelopment projects,” by amending sections 1, 5, 10, 10b, 10c, 10e, 10f, 10g, 10h, 10j, 10k, and 10l (MCL 125.981, 125.985, 125.990, 125.990b, 125.990c, 125.990e, 125.990f, 125.990g, 125.990h, 125.990j, 125.990k, and 125.990l), sections 1 and 5 as amended by 2003 PA 209, sections 10, 10c, 10f, 10g, and 10k as amended by 2018 PA 262, sections 10b, 10e, 10h, and 10l as amended by 2013 PA 126, and section 10j as added by 2001 PA 260.

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. 311

Yeas—31

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

Nays—5

Barrett	Irwin	Johnson	Runestad
Bumstead			

Excused—2

Hollier	Santana
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Not Voting—0

In The Chair: Nesbitt

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 349, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 233 (MCL 436.1233).

The question being on the passage of the bill,

Senator Polehanki offered the following amendment:

1. Amend page 5, following line 20, by inserting:

“Enacting section 1. The legislature shall annually appropriate sufficient funds from the state general fund to the state school aid fund created in section 11 of article IX of the state constitution of 1963 to fully compensate for any loss of revenue to the state school aid fund resulting from the enactment of this amendatory act.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Chang requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 312

Yeas—14

Alexander	Bullock	Irwin	Moss
Ananich	Chang	McCann	Polehanki
Bayer	Geiss	McMorrow	Wojno
Brinks	Hertel		

Nays—22

Barrett	LaSata	Nesbitt	Stamas
Bizon	Lauwers	Outman	Theis
Bumstead	Lucido	Runestad	VanderWall
Daley	MacDonald	Schmidt	Victory
Horn	MacGregor	Shirkey	Zorn
Johnson	McBroom		

Excused—2

Hollier	Santana		
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Not Voting—0

In The Chair: Nesbitt

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. 313

Yeas—27

Ananich	Hertel	McCann	Stamas
Barrett	Horn	Moss	Theis
Bizon	LaSata	Nesbitt	VanderWall
Brinks	Lauwers	Outman	Victory
Bullock	Lucido	Runestad	Wojno
Bumstead	MacDonald	Schmidt	Zorn
Daley	MacGregor	Shirkey	

Nays—9

Alexander	Geiss	Johnson	McMorrow
Bayer	Irwin	McBroom	Polehanki
Chang			

Excused—2

Hollier

Santana

Not Voting—0

In The Chair: Nesbitt

The Senate agreed to the title of the bill.

Protests

Pursuant to rule 3.506, Senators Geiss, Alexander and Polehanki submitted their reasons, in writing, for voting “no” on the passage of Senate Bill No. 349.

Senator Geiss’ statement, in which Senators Alexander and Polehanki concurred, is as follows:

Today, I voted “no” on Senate Bill No. 349, which would give incentives for distillers utilizing Michigan products in their final product. While I believe in the spirit and intent of the bill, and support our craft distillers (as well as other small business owners in the craft and Michigan-based adult-beverage business), because the bill will negatively impact the School Aid Fund, I felt it necessary to vote “no.” I am hopeful that as this bill works its way through the Legislature, that holding the School Aid Fund harmless will be included in this bill. I would be able to support this bill, were School Aid Fund held harmless and our students’ education not put in further peril through repeated disinvestment in it from a combination of insufficient funding levels and multiple years of tax incentives given in this state that have failed to hold the School Aid Fund harmless.

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

The motion prevailed.

Senator Polehanki’s statement is as follows:

Today I rise to offer an amendment that would hold the School Aid Fund harmless from the incentive created in Senate Bill No. 349. I support Michigan’s small businesses and Michigan agriculture but I’d like to do so while keeping the School Aid Fund held harmless. This amendment would annually appropriate funds from the General Fund to the School Aid Fund to compensate for any lost revenue. We cannot continue to chip away at the School Aid Fund in amounts great or small and expect our schools to thrive. Therefore, I urge my colleagues to vote “yes” to support this amendment.

The following bill was read a third time:

Senate Bill No. 586, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” (MCL 436.1101 to 436.2303) by adding section 1028.

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. 314

Yeas—35

Alexander
Ananich
Barrett
Bayer

Daley
Geiss
Hertel
Horn

MacDonald
MacGregor
McCann
McMorrow

Schmidt
Shirkey
Stamas
Theis

Bizon	Irwin	Moss	VanderWall
Brinks	Johnson	Nesbitt	Victory
Bullock	LaSata	Outman	Wojno
Bumstead	Lauwers	Polehanki	Zorn
Chang	Lucido	Runestad	

Nays—1

McBroom

Excused—2

Hollier

Santana

Not Voting—0

In The Chair: Nesbitt

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 587, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 609e.

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. 315**Yeas—36**

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

Nays—0**Excused—2**

Hollier

Santana

Not Voting—0

In The Chair: Nesbitt

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 588, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” (MCL 436.1101 to 436.2303) by adding section 609d.

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. 316

Yeas—36

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

Nays—0

Excused—2

Hollier Santana

Not Voting—0

In The Chair: Nesbitt

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded 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 pro tempore, Senator Nesbitt, designated Senator Bayer 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 with a substitute therefor, the following bill:

Senate Bill No. 543, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 701 (MCL 436.1701), as amended by 2010 PA 266.

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 a substitute therefor, the following bill:

Senate Bill No. 341, entitled

A bill to require a law enforcement agency to obtain a search warrant to access certain electronic information or data; to prescribe the manner in which certain electronic information or data may be accessed or used; to require notification to the owner or user of the electronic information, data, or electronic device that the electronic information, data, or electronic device has been accessed; and to provide remedies.

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 a substitute therefor, the following bill:

Senate Bill No. 342, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 21b to chapter XVI.

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.

Senator MacGregor moved that the rules be suspended and that the following resolution, now on Committee Reports, be placed on the Resolutions calendar for consideration today:

Senate Resolution No. 89

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

By unanimous consent the Senate proceeded to the order of
Resolutions

Senate Resolution No. 89.

A resolution to support the Michigan National Guard in its efforts to have Detroit selected as the host city for the National Guard Association of the United States 2024 national conference.

The question being on the adoption of the resolution,

The resolution was adopted.

Introduction and Referral of Bills

Senator Lucido introduced

Senate Bill No. 649, entitled

A bill to amend 1972 PA 382, entitled "Traxler-McCauley-Law-Bowman bingo act," by amending section 10a (MCL 432.110a), as amended by 2006 PA 427.

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

Senators Theis and Moss introduced

Senate Bill No. 650, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 23a (MCL 388.1623a), as amended by 2018 PA 586.

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

Senators Moss and Theis introduced

Senate Bill No. 651, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1231 (MCL 380.1231), as amended by 2018 PA 235, and by adding section 1230i.

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

Senators Theis, McBroom, MacDonald and Santana introduced

Senate Bill No. 652, entitled

A bill to amend 2004 PA 452, entitled “Identity theft protection act,” by amending section 11 (MCL 445.71), as amended by 2010 PA 315.

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

Senators McBroom, Theis, MacDonald and Santana introduced

Senate Bill No. 653, entitled

A bill to amend 2004 PA 452, entitled “Identity theft protection act,” by amending section 3 (MCL 445.63), as amended by 2010 PA 318.

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

Senators MacDonald, Theis, McBroom and Santana introduced

Senate Bill No. 654, entitled

A bill to amend 2004 PA 452, entitled “Identity theft protection act,” by amending section 5 (MCL 445.65), as amended by 2006 PA 246.

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

Senators Santana, McBroom and MacDonald introduced

Senate Bill No. 655, entitled

A bill to amend 2004 PA 452, entitled “Identity theft protection act,” by amending sections 19 and 19b (MCL 445.79 and 445.79b), section 19 as added by 2010 PA 315 and section 19b as added by 2010 PA 314.

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

Senators Irwin and Johnson introduced

Senate Bill No. 656, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 14, 248a, and 248d (MCL 257.14, 257.248a, and 257.248d), sections 14 and 248a as amended and section 248d as added by 2012 PA 498.

The bill was read a first and second time by title and referred to the Committee on Economic and Small Business Development.

Senator Theis introduced

Senate Bill No. 657, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1531i (MCL 380.1531i), as amended by 2018 PA 106.

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

Senator Outman introduced

Senate Bill No. 658, entitled

A bill to authorize the department of technology, management, and budget to convey state-owned property in Mecosta County; to prescribe conditions for the conveyance; to provide for powers and duties of state departments, agencies, and officers in regard to the property; and to provide for disposition of revenue derived from the conveyance.

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

Statements

Pursuant to rule 3.507, Senators Runestad and Wojno submitted statements in writing for inclusion in today's Journal.

Senator Runestad's statement is as follows:

Today, November 13th, Senator Wojno and I come before you in solemn remembrance of the victims of communist brutality, with estimates upwards of 100 million lives lost to totalitarian communist regimes.

Last week our nation marked a national observance for the millions of victims who have died as a result of international communism. This National Day for the Victims of Communism honors the memory of the victims and those who were persecuted, while reaffirming a world vision of peace, prosperity, and freedom.

In solidarity with these victims we must also remember the anniversary of the Ukrainian Holodomor of 1932-33. Holodomor means "death by starvation." The fourth Saturday in November has been recognized internationally as a day to commemorate the Holodomor, when seven to 10 million Ukrainians were intentionally starved to death by Stalin's regime. This year, 2019, marks the 86th anniversary of this tragedy.

Some of the survivors of the Holodomor and their descendants reside in Michigan and in our districts, and they are honored by the work of the Ukrainian American Holodomor Genocide Committee of Michigan.

Senator Wojno's statement is as follows:

The Ukrainian American Holodomor Genocide Committee of Michigan has worked passionately to spread Holodomor awareness through the creation of lesson plans with the Michigan Department of Education. These lesson plans contribute to our understanding that the Soviet authorities denied, concealed, and destroyed information about the Holodomor and that accurate information about this tragic event has only recently been made available. The committee's work has raised awareness of the historical facts of the Holodomor and continues these efforts to prevent such atrocities against mankind in the future.

Senator Runestad and I are joined here today with guests in the Gallery—Doris and Andrey Duzyj of Warren—in remembrance of the Holodomor to reflect on the legacy of this event and bring awareness of the Holodomor's place in the history of communist oppression, brutality, and genocide.

A moment of silence was observed in remembrance of the victims of the Holodomor and in memory of the international victims of communist brutality.

Recess

Senator MacGregor moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 12:35 p.m.

12:41 p.m.

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

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 pro tempore, Senator Nesbitt, designated Senator Bayer 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 with amendments, the following bill:

House Bill No. 4687, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40102, 40111a, and 43527a (MCL 324.40102, 324.40111a, and 324.43527a), section 40102 as amended by 2015 PA 24, section 40111a as amended by 2015 PA 265, and section 43527a as added by 2013 PA 108.

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

1. Amend page 4, line 19, after “(1)” by striking out “An” and inserting “**Until 2 years after the effective date of the 2019 amendatory act that amended this section, an**”.
2. Amend page 4, line 20, after “state” by inserting “**if that individual does not deposit more than 5 gallons of feed at each site. An individual shall not engage in deer or elk feeding in any county or deer management unit of this state where the department of agriculture and rural development and the department have entered into a memorandum of understanding with the United States Department of Agriculture requiring the limitation or banning of baiting or feeding**”.
3. Amend page 5, line 13, after “subsection” by inserting “**and subsection (3)**”.
4. Amend page 5, line 13, after “subsection.” by inserting “**until 2 years after the effective date of the 2019 amendatory act that amended this section,**”.
5. Amend page 5, line 15, after “elk” by striking out the balance of the line through “site.” on line 16 and inserting “**if that individual does all of the following:**
 - (a) **Uses no more than 5 gallons of bait spread over at least 400 square feet at each baiting site.**
 - (b) **Uses bait that is no larger than a sugar beet.**
 - (c) **Uses no more than 1 baiting site per hunting site.**
6. Amend page 5, line 16, after “site.” by striking out the balance of the section and inserting “**An individual shall not engage in deer or elk feeding in any county or deer management unit of this state where the department of agriculture and rural development and the department have entered into a memorandum of understanding with the United States Department of Agriculture requiring the limitation or banning of baiting or feeding.**”.

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.

Senator MacGregor moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

House Bill No. 4687

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 4687

The motion prevailed.

The following bill was read a third time:

House Bill No. 4687, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 40102, 40111a, and 43527a (MCL 324.40102, 324.40111a, and 324.43527a), section 40102 as amended by 2015 PA 24, section 40111a as amended by 2015 PA 265, and section 43527a as added by 2013 PA 108.

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. 317

Yeas—21

Barrett	Lauwers	Nesbitt	Stamas
Bizon	Lucido	Outman	Theis
Daley	MacDonald	Runestad	VanderWall

Horn
Johnson
LaSata

MacGregor
McBroom

Schmidt
Shirkey

Wojno
Zorn

Nays—14

Alexander
Ananich
Bayer
Brinks

Bullock
Bumstead
Chang
Geiss

Hertel
Irwin
McCann

McMorrow
Moss
Polehanki

Excused—2

Hollier

Santana

Not Voting—1

Victory

In The Chair: Nesbitt

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

Pursuant to rule 1.306, Senator Victory submitted the following:

Office of Senator Roger Victory

November 13, 2019

Pursuant to Senate Rule 1.306, I will be abstaining from voting on House Bill 4687. In the past my farm has grown and sold crops to be used as deer bait for the purposes of hunting. If the current baiting ban were to be repealed, as proposed by House Bill 4687, my farm would benefit financially. As such I will be abstaining from voting on House Bill 4687.

I ask that my comments be printed in the Journal as a disclosure under Senate Rule 1.306.

Thank you.

Sincerely,
Roger Victory
State Senator
30th District

Senator MacGregor moved that when the Senate adjourns today, it stand adjourned until Wednesday, November 20, 2019, at 10:00 a.m.; and when it adjourns on Wednesday, November 20, 2019, it stand adjourned until Tuesday, December 3, 2019, at 10:00 a.m.

The motion prevailed.

Announcements of Printing and Enrollment

The Secretary announced that the following bills and resolutions were printed and filed on Tuesday, November 12, and are available on the Michigan Legislature website:

Senate Bill Nos. 645 646 647 648
Senate Concurrent Resolution No. 15
Senate Resolution No. 89

Committee Reports

The Committee on Government Operations reported

House Bill No. 4687, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40102, 40111a, and 43527a (MCL 324.40102, 324.40111a, and 324.43527a), section 40102 as amended by 2015 PA 24, section 40111a as amended by 2015 PA 265, and section 43527a as added by 2013 PA 108.

With the recommendation that the following amendments be adopted and that the bill then pass:

1. Amend page 4, line 20, after "state" by inserting "if that individual does not deposit more than 5 gallons of feed at each site. An individual shall not engage in deer or elk feeding in any county or deer management unit of this state where bovine tuberculosis has been detected in deer, elk, or cattle".
2. Amend page 5, line 17, after "any" by striking out "area" and inserting "county or deer management unit".
3. Amend page 5, line 18, after "deer" by inserting a comma and "elk, or cattle".

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

Mike Shirkey
 Chairperson

To Report Out:

Yeas: Senators Shirkey, Lauwers and Nesbitt

Nays: Senators Ananich and Chang

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

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Tuesday, November 12, 2019, at 9:00 a.m., Room 403, Capitol Building

Present: Senators Shirkey (C), Lauwers, Nesbitt, Ananich and Chang

The Committee on Families, Seniors, and Veterans reported

Senate Resolution No. 89.

A resolution to support the Michigan National Guard in its efforts to have Detroit selected as the host city for the National Guard Association of the United States 2024 national conference.

(For text of resolution, see Senate Journal No. 108, p.1639)

With the recommendation that the resolution be adopted.

John Bizon, M.D.
 Chairperson

To Report Out:

Yeas: Senators Bizon, Barrett, Runestad, Johnson, Zorn, Bullock and Alexander

Nays: None

The resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Seniors, and Veterans submitted the following:

Meeting held on Tuesday, November 12, 2019, at 12:00 noon, Room 1100, Binsfeld Office Building

Present: Senators Bizon (C), Barrett, Runestad, Johnson, Zorn, Bullock and Alexander

COMMITTEE ATTENDANCE REPORT

The Committee on Education and Career Readiness submitted the following:

Meeting held on Tuesday, November 12, 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 12, 2019, at 2:00 p.m., Room 1300, Binsfeld Office Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Talent and Economic Development/MEDC submitted the following:

Meeting held on Tuesday, November 12, 2019, at 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Horn (C), and Schmidt

Senator MacGregor moved that the Senate adjourn.

The motion prevailed, the time being 12:51 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Nesbitt, declared the Senate adjourned until Wednesday, November 20, 2019, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate