

No. 7
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2020

Senate Chamber, Lansing, Wednesday, January 22, 2020.

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—excused
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—excused
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

Reverend Meloye Surgeon VanOudheusen of St. Paul's United Methodist Church of Monroe offered the following invocation:

Spirit of the living God, fall upon each of those present here. Give them clarity of mind to reflect upon all aspects of the legislation considered today. Enable them to work with energy as they strive to make the best choices for our beloved state of Michigan. Protect their health amid the stresses of their calling and our variable Michigan weather. Supply them with a sense of grace and humor during tense words and actions. Provide those behind the scenes who support the Senate and its work with energy and patience. Bestow upon their families back home encouragement during their absence. Bless them with kindness as they go through their day. Amen.

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

The President, Lieutenant Governor Gilchrist, assumed the Chair.

Motions and Communications

Senator MacGregor moved that Senator LaSata be excused from today's session.
The motion prevailed.

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

By unanimous consent the Senate proceeded to the order of

Messages from the House

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 House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The 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.

The Senate agreed to the full title.

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

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, Lieutenant Governor Gilchrist, designated Senator McCann 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 with a substitute therefor, the following bill:

House Bill No. 4126, entitled

A bill to amend 2018 IL 1, entitled "Michigan regulation and taxation of marihuana act," by amending section 8 (MCL 333.27958).

Substitute (S-2)

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:

House Bill No. 4127, entitled

A bill to amend 2016 PA 281, entitled "Medical marihuana facilities licensing act," by amending section 206 (MCL 333.27206), as amended by 2018 PA 648.

Substitute (S-2)

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.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

Senate Concurrent Resolution No. 18

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

By unanimous consent the Senate proceeded to the order of

Resolutions

Senators LaSata, Lucido, Daley, MacDonald, Lauwers, Bizon, Bumstead, Horn, Wojno, Barrett, Stamas, VanderWall and Schmidt offered the following resolution:

Senate Resolution No. 93.

A resolution to recognize January 26-February 1, 2020, as Catholic Schools Week.

Whereas, There are 50,026 students attending 221 Catholic elementary and high schools throughout our great state; and

Whereas, The Constitution of Michigan states that, "Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged"; and

Whereas, Catholic school parents pay tuition in addition to supporting public schools through their taxes; and

Whereas, Catholic schools comply with the same health, safety, and general welfare regulations required of public schools; and

Whereas, Taking into account Michigan's minimum public school foundation allowance of \$8,111 per pupil, Catholic schools save taxpayers in excess of \$407 million in state spending annually; and

Whereas, Catholic schools instill a broad, values-based education, emphasizing the lifelong development of moral, intellectual, and social values in young people which makes them responsible citizens of our state and nation; and

Whereas, Catholic schools educate many students who are non-Catholic, many students who are economically disadvantaged, and identify that a good education remains the best way out of poverty; and

Whereas, With their traditionally high academic standards, high graduation rates, and commitment to community service, Catholic schools and their graduates make a positive contribution to society; and

Whereas, January 26-February 1, 2020, has been designated as Catholic Schools Week, with the theme "Catholic Schools: Learn. Serve. Lead. Succeed." as denoted by the National Catholic Educational Association and the United States Conference of Catholic Bishops; and

Whereas, The common good of the state of Michigan is strengthened through the continued existence of Catholic schools; and

Whereas, Catholic schools seek to form a supporting partnership with every student's family, while also encouraging the involvement of parents in the education of their children so that Catholic schools are part of a solution to form productive lives for future generations; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize January 26-February 1, 2020, as Catholic Schools Week; and be it further

Resolved, That we support the continued dedication of Catholic schools across Michigan toward academic excellence as well as the key role that Catholic schools play in promoting and ensuring a brighter, stronger future for students; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Catholic Conference with our highest esteem.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator MacGregor moved that the rule be suspended.

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

The resolution was adopted.

Senator Santana was named co-sponsor of the resolution.

Senate Concurrent Resolution No. 18.

A concurrent resolution to oppose the inclusion of labor peace agreements in the Marijuana Regulatory Agency’s permanent rules and to oppose the inclusion of labor peace agreements or any similar construct in the administrative rules of this state.

(This resolution was reported by the Committee on Regulatory Reform on January 21. See p. 76.)

The question being on the adoption of the concurrent resolution,

Senator MacGregor requested the yeas and nays.

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

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 21

Yeas—21

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

Nays—15

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

Excused—2

Ananich	LaSata
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Not Voting—0

In The Chair: President

Introduction and Referral of Bills

Senators McBroom and Schmidt introduced

Senate Bill No. 727, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

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

Senator Victory introduced

Senate Bill No. 728, entitled

A bill to make appropriations for the department of agriculture and rural development for the fiscal year ending September 30, 2021; and to provide for the expenditure of the appropriations.

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

Senator LaSata introduced

Senate Bill No. 729, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 201 and 201a (MCL 388.1801 and 388.1801a), as amended by 2019 PA 52.

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

Senator Barrett introduced

Senate Bill No. 730, entitled

A bill to make appropriations for the department of corrections for the fiscal year ending September 30, 2021; and to provide for the expenditure of the appropriations.

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

Senator Schmidt introduced

Senate Bill No. 731, entitled

A bill to make appropriations for the department of education for the fiscal year ending September 30, 2021; and to provide for the expenditure of the appropriations.

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

Senator Bumstead introduced

Senate Bill No. 732, entitled

A bill to make appropriations for the department of environment, Great Lakes, and energy for the fiscal year ending September 30, 2021; and to provide for the expenditure of the appropriations.

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

Senator Stamas introduced

Senate Bill No. 733, entitled

A bill to make appropriations for the legislature, the executive, the department of the attorney general, the department of state, the department of treasury, the department of technology, management, and budget, the department of civil rights, and certain other state purposes for the fiscal year ending September 30, 2021; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by the state agencies; and to declare the effect of this act.

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

Senator MacGregor introduced

Senate Bill No. 734, entitled

A bill to make appropriations for the department of health and human services for the fiscal year ending September 30, 2021; and to provide for the expenditure of the appropriations.

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

Senator LaSata introduced

Senate Bill No. 735, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 236 and 236a (MCL 388.1836 and 388.1836a), section 236 as amended by 2019 PA 162 and section 236a as amended by 2019 PA 62.

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

Senator Nesbitt introduced

Senate Bill No. 736, entitled

A bill to make appropriations for the department of insurance and financial services for the fiscal year ending September 30, 2021; and to provide for the expenditure of the appropriations.

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

Senator Barrett introduced

Senate Bill No. 737, entitled

A bill to make appropriations for the judiciary for the fiscal year ending September 30, 2021; and to provide for the expenditure of the appropriations.

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

Senator Nesbitt introduced

Senate Bill No. 738, entitled

A bill to make appropriations for the department of licensing and regulatory affairs for the fiscal year ending September 30, 2021; and to provide for the expenditure of the appropriations.

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

Senator Horn introduced

Senate Bill No. 739, entitled

A bill to make appropriations for the department of labor and economic opportunity for the fiscal year ending September 30, 2021; and to provide for the expenditure of the appropriations.

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

Senator Barrett introduced

Senate Bill No. 740, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2021; and to provide for the expenditure of the appropriations.

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

Senator Bumstead introduced

Senate Bill No. 741, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2021; and to provide for the expenditure of the appropriations.

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

Senator Schmidt introduced

Senate Bill No. 742, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2019 PA 162 and section 17b as amended by 2007 PA 137.

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

Senator Barrett introduced

Senate Bill No. 743, entitled

A bill to make appropriations for the department of state police for the fiscal year ending September 30, 2021; and to provide for the expenditure of the appropriations.

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

Senator Schmidt introduced

Senate Bill No. 744, entitled

A bill to make appropriations for the state transportation department for the fiscal year ending September 30, 2021; and to provide for the expenditure of the appropriations.

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

Senator Stamas introduced

Senate Bill No. 745, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

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

Senator Stamas introduced

Senate Bill No. 746, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

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

Senator Stamas introduced

Senate Bill No. 747, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

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

Senator Stamas introduced

Senate Bill No. 748, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2021; and to provide for the expenditure of the appropriations.

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

Senator Stamas introduced

Senate Bill No. 749, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2021; and to provide for the expenditure of the appropriations.

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

Senator Stamas introduced

Senate Bill No. 750, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2021; and to provide for the expenditure of the appropriations.

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

Senator Stamas introduced

Senate Bill No. 751, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2019 PA 162 and section 17b as amended by 2007 PA 137.

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

House Bill No. 5146, entitled

A bill to amend 1981 PA 125, entitled "The secondary mortgage loan act," by amending sections 1 and 2 (MCL 493.51 and 493.52), as amended by 2009 PA 77.

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 Insurance and Banking.

House Bill No. 5147, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending sections 1a and 2 (MCL 445.1651a and 445.1652), section 1a as amended by 2012 PA 442 and section 2 as amended by 2009 PA 76.

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 Insurance and Banking.

House Bill No. 5263, entitled

A bill to amend 1991 PA 179, entitled “Michigan telecommunications act,” by amending section 316 (MCL 484.2316), as amended by 2011 PA 58.

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 Energy and Technology.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, January 21:

House Bill Nos. 5146 5147 5263

The Secretary announced that the following bills and resolution were printed and filed on Tuesday, January 21, and are available on the Michigan Legislature website:

Senate Bill Nos. 725 726

Senate Concurrent Resolution No. 19

**House Bill Nos. 5358 5359 5360 5361 5362 5363 5364 5365 5366 5367 5368 5369 5370
5371 5372 5373**

Committee Reports

The Committee on Environmental Quality reported

Senate Bill No. 714, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 32312, 32312a, and 32510 (MCL 324.32312, 324.32312a, and 324.32510), section 32312 as amended by 2019 PA 84, section 32312a as added by 1997 PA 126, and section 32510 as added by 1995 PA 59, and by adding sections 32312c and 32517.

With the recommendation that the bill pass.

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

Rick Outman
Chairperson

To Report Out:

Yeas: Senators Outman, Daley, Johnson, VanderWall and McBroom

Nays: Senators Bayer and Brinks

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Environmental Quality submitted the following:

Meeting held on Tuesday, January 21, 2020, at 1:00 p.m., Room 1200, Binsfeld Office Building

Present: Senators Outman (C), Daley, Johnson, VanderWall, McBroom, Bayer and Brinks

The Committee on Regulatory Reform reported

Senate Concurrent Resolution No. 18.

A concurrent resolution to oppose the inclusion of labor peace agreements in the Marijuana Regulatory Agency’s permanent rules and to oppose the inclusion of labor peace agreements or any similar construct in the administrative rules of this state.

(For text of resolution, see Senate Journal No. 5, p. 49.)

With the recommendation that the concurrent resolution be adopted.

Aric Nesbitt
Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers, VanderWall and Zorn

Nays: Senators Moss, Polehanki and Wojno

The concurrent resolution was placed on the order of Resolutions.

The Committee on Regulatory Reform reported

Senate Bill No. 711, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 109 (MCL 436.1109), as amended by 2018 PA 409, and by adding section 504.

With the recommendation that the bill pass.

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

Aric Nesbitt
Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers, VanderWall, Zorn, Moss, Polehanki and Wojno

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Regulatory Reform submitted the following:

Meeting held on Tuesday, January 21, 2020, at 3:00 p.m., Room 1200, Binsfeld Office Building

Present: Senators Nesbitt (C), Theis, Johnson, Lauwers, VanderWall, Zorn, Moss, Polehanki and Wojno

The Committee on Oversight reported

Senate Bill No. 686, entitled

A bill to prohibit a state department or agency from taking disciplinary action against an employee for communicating with certain individuals.

With the recommendation that the bill pass.

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

Ed McBroom
Chairperson

To Report Out:

Yeas: Senators McBroom, Lucido, Theis, MacDonald and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Oversight submitted the following:

Meeting held on Tuesday, January 21, 2020, at 2:00 p.m., Room 1300, Binsfeld Office Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Tuesday, January 21, 2020, at 2:00 p.m., Room 1100, Binsfeld Office Building

Present: Senators Lauwers (C), Horn, LaSata, Nesbitt, Barrett, Bumstead, Outman, McCann, Brinks and McMorrow

Scheduled Meetings

Appropriations -

Subcommittees -

Agriculture and Rural Development - Thursday, February 20, 3:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

Justice and Public Safety - Thursday, February 13, 1:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

Economic and Small Business Development - Thursday, January 23, 12:00 noon, Room 1200, Binsfeld Office Building (517) 373-1721

Health Policy and Human Services - Thursday, January 23, 1:00 p.m., Room 1100, Binsfeld Office Building (517) 373-5323

Senate Fiscal Agency Board of Governors - Thursday, January 23, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Senator MacGregor moved that the Senate adjourn.
The motion prevailed, the time being 10:31 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Thursday, January 23, 2020, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate