

No. 96
STATE OF MICHIGAN
Journal of the Senate
99th Legislature
REGULAR SESSION OF 2017

Senate Chamber, Lansing, Wednesday, November 29, 2017.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Brian N. Calley.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Ananich—present
Bieda—present
Booher—present
Brandenburg—present
Casperson—present
Colbeck—present
Conyers—present
Emmons—present
Green—present
Gregory—present
Hansen—present
Hertel—present
Hildenbrand—present

Hood—present
Hopgood—present
Horn—present
Hune—present
Johnson—present
Jones—present
Knezek—present
Knollenberg—present
Kowall—present
MacGregor—present
Marleau—present
Meekhof—present
Nofs—present

O'Brien—present
Pavlov—present
Proos—present
Robertson—present
Rocca—present
Schmidt—present
Schuitmaker—present
Shirkey—present
Stamas—present
Warren—present
Young—present
Zorn—present

Pastor Steve Smail of Lighthouse Baptist Church of Plainwell offered the following invocation:

Heavenly Father, as we bow before You this morning, we thank You once again for this beautiful day. We thank You, Lord, for the privilege to stand in this place where many have stood in years past to thank You for Your blessings and ask You for wisdom for the day ahead. We thank You for this great state where You have given us the privilege to live, to work, and to raise our families. We thank You for our nation, for freedom, for protection, and for provisions and blessings that we have in abundance. Thank You for the great history of our Founding Fathers who sought to establish one nation under the almighty hand of God.

We pray today for our President Trump and those who serve in Washington, D.C. I ask for wisdom for them as they work to lead our country into the future. I pray today for Governor Snyder and for Lieutenant Governor Calley, that You will give them wisdom for the decisions that they will make today, and I pray that You will bless them and their families. Thank You for those who serve in the House of Representatives. I pray, as they meet in just a few hours, that You will give them wisdom for the decisions they make today. I thank You today for those who stand before me today, here in this place, for these Senators who meet here to care for the business of our state. I thank You for their service to the people of Michigan. I pray that You give them wisdom to make those decisions that they will face today, and the courage to stand for what is right. Lord, please protect and bless them and their families this day.

Before we close today, we ask for protection for those who protect us, both in the military and law enforcement. Thank You for those who daily put their lives on the line for us. Please keep them safe this day. We thank You, again, for all that You have done and all that You will do this day.

We pray this all in the name of Jesus, our Savior. Amen.

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

Motions and Communications

Senators Green and Ananich entered the Senate Chamber.

Senator Hood moved that Senators Johnson and Young be temporarily excused from today's session. The motion prevailed.

Messages from the Governor

The following messages from the Governor were received and read:

November 13, 2017

I respectfully submit to the Senate the following appointments to office:

Public Health Advisory Council

Cynthia Aaron of 10420 Ridgeline Drive, Milan, Michigan 48160, county of Washtenaw, representing toxicologists, is appointed for a term expiring November 1, 2020.

Eric Martin Adelman of 31262 Verona Drive, Farmington Hills, Michigan 48331, county of Oakland, representing the general public, is appointed for a term expiring November 1, 2018.

James John Averill of 2415 Elm Road, Webberville, Michigan 48892, county of Ingham, representing veterinarians, is appointed for a term expiring November 1, 2018.

Denise Chrysler of 416 Everett Drive, Lansing, Michigan 48915, county of Ingham, representing a school of public health from an institution of higher education in this state, is appointed for a term expiring November 1, 2021.

Kathleen Forzley of 1901 Pelican Court, Troy, Michigan 48084, county of Oakland, representing the general public, is appointed for a term expiring November 1, 2021.

Brian Hartl of 7701 Whitburn Drive, S.E., Ada, Michigan 49301, county of Kent, representing epidemiologists, is appointed for a term expiring November 1, 2021.

Joneigh Khaldun of 47459 Madison Road, Canton, Michigan 48188, county of Wayne, representing local public health officials, is appointed for a term expiring November 1, 2018.

Chris Kolb of 803 Edgewood Place, Ann Arbor, Michigan 48103, county of Washtenaw, representing experts in environmental health, is appointed for a term expiring November 1, 2021.

Douglas William La Fave of 2707 Albert Drive, Grand Rapids, Michigan 49506, county of Kent, representing local directors of public health, is appointed for a term expiring November 1, 2018.

Dianne Malburg of 2177 Twilight Pass, Holt, Michigan 48842, county of Ingham, representing pharmacists, is appointed for a term expiring November 1, 2021.

Bill Harold Manns of 7828 Timber Canyon Drive, S.E., Ada, Michigan 49301, county of Kent, representing a member with hospital administration experience, is appointed for a term expiring November 1, 2020.

Annette Mercatante of 7628 Yager Drive, Goodells, Michigan 48027, county of Saint Clair, representing physicians, is appointed for a term expiring November 1, 2018.

James Alan Rutherford of 14891 Loon Lake Drive, Bellevue, Michigan 49021, county of Barry, representing local public health officials, is appointed for a term expiring November 1, 2020.

Kristen Schweighoefer of 4237 Lake Forest Drive, E., Ann Arbor, Michigan 48108, county of Washtenaw, representing food safety experts, is appointed for a term expiring November 1, 2021.

Michelle Styra of 8855 M-65 N., Posen, Michigan 49776, county of Alpena, representing the general public, is appointed for a term expiring November 1, 2021.

Jesse Thomas of 8409 Lindsey Lane, Canton, Michigan 48187, county of Wayne, representing a non-profit health or environmental organization, is appointed for a term expiring November 1, 2018.

Dennis Wayne Whitford of 1447 W. Pickard Road, Mount Pleasant, Michigan 48858, county of Isabella, representing the general public, is appointed for a term expiring November 1, 2020.

Jamie Zaniewski of 408 Curzon Street, Unit 304, Howell, Michigan 48843, county of Livingston, representing the general public, is appointed for a term expiring November 1, 2018.

November 27, 2017

I respectfully submit to the Senate the following appointment to office:

Michigan Board of Speech Language Pathology

Katelynn Wright of 238 Jacaranda Drive, Battle Creek, Michigan 49015, county of Calhoun, representing professionals, succeeding Eric Dwyer, is appointed for a term expiring December 31, 2019.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

Senator Kowall moved that rule 3.902 be suspended to allow the guests of Senator Hansen admittance to the Senate floor, including the center aisle.

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

Senator Kowall moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor.

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

Recess

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

The motion prevailed, the time being 10:06 a.m.

10:22 a.m.

The Senate was called to order by the President, Lieutenant Governor Calley.

During the recess, Senator Hansen introduced the Hart Girls Cross Country Team, 2017 MHSAA Division III State Champions, and coach Terry Tatro; and presented them with a Special Tribute.

Coach Tatro responded briefly.

During the recess, Senators Johnson and Young entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Kowall 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 Calley, designated Senator Hildenbrand as Chairperson.

After some time spent therein, the Committee arose; and the Assistant President pro tempore, Senator O'Brien, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 4355, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 451b.

House Bill No. 4716, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19b of chapter XIII (MCL 712A.19b), as amended by 2012 PA 386.

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. 419, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 2, 18, 19, and 19b of chapter XIII (MCL 712A.2, 712A.18, 712A.19, and 712A.19b), section 2 as amended by 2014 PA 519, section 18 as amended by 2016 PA 191, section 19 as amended by 2008 PA 202, and section 19b as amended by 2012 PA 386.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 42, line 21, after "**ALTHOUGH**" by inserting a comma and "**IN THE COURT'S DISCRETION,**".

The Senate agreed to the substitute as amended 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 amendment, the following bill:

Senate Bill No. 420, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 2 and 18 (MCL 722.622 and 722.638), section 2 as amended by 2016 PA 491 and section 18 as amended by 2010 PA 12.

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 3, line 12, after "**THOUGH**" by striking out the balance of the subparagraph and inserting a comma and "**IN THE COURT'S DISCRETION, FINANCIALLY ABLE TO DO SO OR, IN THE COURT'S DISCRETION, THE FAILURE TO SEEK FINANCIAL OR OTHER REASONABLE MEANS TO DO SO.**".

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.

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

Senate Bill No. 421, entitled

A bill to amend 1982 PA 250, entitled "Child abuse and neglect prevention act," by amending section 2 (MCL 722.602).

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 2, line 6, after "**THOUGH**" by striking out the balance of the subdivision and inserting a comma and "**IN THE COURT'S DISCRETION, FINANCIALLY ABLE TO DO SO OR, IN THE COURT'S DISCRETION, THE FAILURE TO SEEK FINANCIAL OR OTHER REASONABLE MEANS TO DO SO.**".

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.

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

Senate Bill No. 575, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 312c and 801 (MCL 257.312c and 257.801), amended by 2017 PA 115.

Substitute (S-3).

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. 616, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7 (MCL 722.627), as amended by 2016 PA 494.

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.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Senator Kowall moved that the following bills be placed at the head of the Third Reading of Bills calendar:

House Bill No. 4208

House Bill No. 4065

Senate Bill No. 478

The motion prevailed.

The following bill was read a third time:

House Bill No. 4208, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 175 and 177 (MCL 168.175 and 168.177).

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. 463

Yeas—35

Ananich	Gregory	Knezek	Proos
Bieda	Hansen	Knollenberg	Robertson
Booher	Hertel	Kowall	Rocca
Brandenburg	Hildenbrand	MacGregor	Schmidt
Casperson	Hopgood	Marleau	Schuitmaker
Colbeck	Horn	Meekhof	Shirkey
Conyers	Hune	Nofs	Stamas
Emmons	Johnson	O’Brien	Zorn
Green	Jones	Pavlov	

Nays—3

Hood	Warren	Young
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Excused—0

Not Voting—0

In The Chair: O’Brien

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 reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4065, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 5a (MCL 791.205a), as added by 1996 PA 140.

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. 464

Yeas—38

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey
Colbeck	Horn	Nofs	Stamas
Conyers	Hune	O'Brien	Warren
Emmons	Johnson	Pavlov	Young
Green	Jones	Proos	Zorn
Gregory	Knezek		

Nays—0

Excused—0

Not Voting—0

In The Chair: O'Brien

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 codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to provide for a lifetime electronic monitoring program; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,".

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 478, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 321a (MCL 257.321a), as amended by 2012 PA 13.

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. 465**Yeas—26**

Bieda	Hansen	Kowall	Proos
Booher	Hildenbrand	MacGregor	Robertson
Brandenburg	Hopgood	Marleau	Schmidt
Casperson	Horn	Meekhof	Schuitmaker
Colbeck	Hune	Nofs	Stamas
Emmons	Jones	Pavlov	Zorn
Green	Knollenberg		

Nays—12

Ananich	Hertel	Knezek	Shirkey
Conyers	Hood	O'Brien	Warren
Gregory	Johnson	Rocca	Young

Excused—0**Not Voting—0**

In The Chair: O'Brien

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators O'Brien and Knezek introduced

Senate Bill No. 670, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320a (MCL 257.320a), as amended by 2016 PA 448.

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

Senator Jones introduced

Senate Bill No. 671, entitled

A bill to amend 1945 PA 200, entitled "An act to define a marketable record title to an interest in land; to require the filing of notices of claim of interest in such land in certain cases within a definite period of time and to require the recording thereof; to make invalid and of no force or effect all claims with respect to the land affected thereby where no such notices of claim of interest are filed within the required period; to provide for certain penalties for filing slanderous notices of claim of interest, and to provide certain exceptions to the applicability and operation thereof," by amending sections 1, 2, 3, and 5 (MCL 565.101, 565.102, 565.103, and 565.105), sections 1, 2, and 3 as amended by 1997 PA 154; and to repeal acts and parts of acts.

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

Senator Pavlov introduced

Senate Bill No. 672, entitled

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 5 (MCL 480.15), as amended by 2017 PA 116.

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

Senator Hune introduced

Senate Bill No. 673, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 2006, 3407b, and 3476 (MCL 500.2006, 500.3407b, and 500.3476), as amended by 2016 PA 276.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

The Secretary announced that the Majority Leader has made the appointment of the following Appropriations subcommittee: **Health and Human Services** - Senators MacGregor (C), Marleau (VC), Proos, Shirkey, Nofs, Gregory (MVC) and Hertel.

The subcommittee appointments were approved, a majority of the members serving voting therefor.

Announcements of Printing and Enrollment

The Secretary announced that the following bills were printed and filed on Tuesday, November 28, and are available at the Michigan Legislature website:

Senate Bill Nos.	661	662	663	664	665	666	667	668	669					
House Bill Nos.	5256	5257	5258	5259	5260	5261	5262	5263	5264	5265	5266	5267	5268	5269
	5270	5271	5272	5273	5274	5275	5276	5277	5278	5279	5280	5281	5282	

Committee Reports

The Committee on Education reported
Senate Concurrent Resolution No. 25.

A concurrent resolution to memorialize the Congress of the United States to expand federal tax exemptions and contribution limits for state-sponsored education savings accounts and to allow federal education funding to be deposited into student-specific education savings accounts.

(For text of resolution, see Senate Journal No. 79, p. 1496.)

With the recommendation that the concurrent resolution be adopted.

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Knollenberg, Booher and Hune

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Education reported
House Bill No. 4665, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1311g (MCL 380.1311g), as amended by 2014 PA 256.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Knollenberg, Booher, Hune and Hopgood

Nays: None

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

The Committee on Education reported
House Bill No. 4735, entitled

A bill to amend 1996 PA 160, entitled “Postsecondary enrollment options act,” by amending section 3 (MCL 388.513), as amended by 2012 PA 131.

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

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Knollenberg, Booher, Hune and Hopgood

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Tuesday, November 28, 2017, at 12:00 noon, Room 1300, Binsfeld Office Building

Present: Senators Pavlov (C), Knollenberg, Booher, Hune and Hopgood

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Tuesday, November 28, 2017, at 12:30 p.m., Room 1100, Binsfeld Office Building

Present: Senators Shirkey (C), Hune, Marleau, Jones, Stamas, Robertson, Hertel, Knezek and Hopgood

Excused: Senator O'Brien

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Tuesday, November 28, 2017, at 2:30 p.m., Room 1200, Binsfeld Office Building

Present: Senators Booher (C), O'Brien, MacGregor, Rocca, Hertel and Conyers

Excused: Senators Nofs and Zorn

Scheduled Meetings

Administrative Rules - Wednesday, December 6, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-5773)

Criminal Justice Policy Commission - Wednesday, December 6, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Economic Development and International Investment - Thursday, November 30, 1:30 p.m., Room 1200, Binsfeld Office Building (373-5323)

Education -

Subcommittee -

Michigan Merit Curriculum - Wednesday, December 6, 3:00 p.m., Room 1100, Binsfeld Office Building (373-5312)

Michigan Veterans Trust Fund Board of Trustees - Tuesday, December 12, 10:30 a.m., Lansing State Office, 222 N. Washington Avenue, 5th Floor (284-5299)

Oversight - Thursday, November 30, 8:30 a.m., Room 1200, Binsfeld Office Building (373-1721)

Transportation - Thursday, November 30, 8:30 a.m., Room 1100, Binsfeld Office Building (373-5312)

Senator Kowall moved that the Senate adjourn.
The motion prevailed, the time being 10:41 a.m.

The Assistant President pro tempore, Senator O'Brien, declared the Senate adjourned until Thursday, November 30, 2017, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate