

No. 17
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2019

Senate Chamber, Lansing, Wednesday, February 20, 2019.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Garlin D. Gilchrist II.

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

Alexander—present
Ananich—present
Barrett—present
Bayer—present
Bizon—present
Brinks—present
Bullock—present
Bumstead—present
Chang—present
Daley—present
Geiss—present
Hertel—present
Hollier—present

Horn—present
Irwin—present
Johnson—present
LaSata—present
Lauwers—present
Lucido—present
MacDonald—present
MacGregor—present
McBroom—present
McCann—present
McMorrow—present
Moss—present
Nesbitt—present

Outman—present
Polehanki—present
Runestad—present
Santana—present
Schmidt—present
Shirkey—present
Stamas—present
Theis—present
VanderWall—present
Victory—present
Wojno—present
Zorn—present

Father Enzo Addari of St. Louis Center of Chelsea offered the following invocation:

Gracious God, Yours are heaven and earth. We praise You for the gift and mystery of creation; the magnificence and the splendor of our state give You glory and honor. We laud You for creating all of us at Your image and likeness, making women and men the crown of Your creative hand.

We pray to You to bestow upon each and every one of us all the graces and blessings we need to carry out our duties of public servants and to fulfill the trust, desires, and dreams of those who elected us to the Senate of the state of Michigan. May we, sustained by Your loving and caring hand, serve everyone promulgating laws which will empower all to have a fruitful life full of dignity and respect.

For according to Your design and will, the human activity should consider the common good and allow each person—either as a single individual or as a member of the family of peoples—to cultivate and carry out their integral vocation. We pray that all the people of Michigan, through Your blessings and graces, and through our work may live and prosper in harmony, serenity, and peace.

We thank You for listening to us because in Your Son we are Your children. Amen.

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

Motions and Communications

The following communication was received and read:

Michigan Legislature

February 15, 2019

Pursuant to Public Act 56 of 2003, we nominate the following member of the Michigan Legislature to be selected by the Legislative Council for the Michigan Interstate Commission for Juveniles for the term ending March 17, 2020:

Senator Tom Barrett (R)

Sincerely,
Lee Chatfield
Speaker
Michigan House of Representatives
District #107

Mike Shirkey
Senate Majority Leader
Michigan Senate
District #16

The communication was referred to the Secretary for record.

The following communication was received and read:

Office of the Auditor General

February 15, 2019

Enclosed is a copy of the following reports:

- Report on Internal Control, Compliance, and Other Matters for the State of Michigan 401K Plan (071-0156-19).
- Report on Internal Control, Compliance, and Other Matters for the State of Michigan 457 Plan (071-0157-19).

Sincerely,
Doug Ringler
Auditor General

The audit reports were referred to the Committee on Oversight.

The following communications were received:

Office of Senator Betty Jean Alexander

February 14, 2019

I would like to add my name as a co-sponsor of Senate Bill 85, which was sponsored by Senator Curtis Hertel. Thank you for the opportunity and please let me know if you have any questions.

February 19, 2019

I would like to add my name as a co-sponsor of Senate Bill 15, which was sponsored by Senator Jim Ananich. Thank you for the opportunity and please let me know if you have any questions.

February 19, 2019

I would like to add my name as a co-sponsor of Senate Bill 16, which was sponsored by Senator Jim Ananich. Thank you for the opportunity and please let me know if you have any questions.

Sincerely,
Betty Jean Alexander
State Senator
5th District—Detroit, Dearborn Heights,
Garden City, Inkster, and Redford

The communications were referred to the Secretary for record.

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 87, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8160 (MCL 600.8160), as amended by 2012 PA 21.

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. 8

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

Senator MacGregor moved that the bill be given immediate effect. The motion prevailed, 2/3 of the members serving voting therefor. The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 14

Senate Resolution No. 16

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

Senator Santana offered the following resolution:

Senate Resolution No. 14.

A resolution to honor the life and service of Congressman John D. Dingell Jr.

Whereas, John D. Dingell Jr. dedicated his life in service to the United States of America. Before he succeeded his father, John Dingell Sr., a twelve-term member of the U.S. House of Representatives, he served as a House page, a park ranger with the U.S. National Park Service, a second lieutenant in the United States Army, and an assistant prosecutor in Wayne County; and

Whereas, John Dingell was elected to the U.S. House of Representatives to represent Southeast Michigan in 1955. He was a champion of Congress and the role it plays in our republic. He firmly believed Congress represents the “great coming together of the American people.” and was quick to assert that Congress serves as a coequal branch of government—and is not subservient to the Executive Branch. He served with eleven presidents of the United States; and

Whereas, John Dingell, over the course of his 59 years in Congress, became the Dean of the House and the longest-serving member of either chamber of the United States Congress, and his legacy is best measured by his legislative achievements and oversight activities on the Energy and Commerce Committee; and

Whereas, He was decades ahead of his time on many issues. In particular, Congressman Dingell reintroduced his father’s legislation to provide for national health insurance each session from 1957 until the passage of the Affordable Care Act in 2010, and was also instrumental to the passage of landmark legislation, including the Civil Rights Act of 1964, the Voting Rights Act of 1965, Medicare Act, Children’s Health Insurance Act, National Environmental Protection Act, Clean Water Act, Clean Air Act, Water Quality Act, Endangered Species Act, and the Detroit International Wildlife Refuge Act; and

Whereas, One of his greatest strengths as a public servant was the help he provided to constituents in need. He was not afraid to use his prosecutorial skills to send piercing letters, known as “Dingellgrams” or call a federal agency to testify before his committee, if it meant he would uncover an answer that could improve people’s lives; and

Whereas, John Dingell’s service and achievements profoundly transformed our way of life and will forever affect all those who walk the Earth. He was awarded the Presidential Medal of Freedom by President Barack Obama to honor his retirement and service to the nation in 2014; and

Whereas, John Dingell was a giant both physically and legislatively. He raised four children and was succeeded in office by his beloved wife, Congresswoman Debbie Dingell. He was known for his legendary and unique lexicon of quips, quotes, and tweets. Perhaps his most profound words of wisdom were to remind us that “compromise is an honorable word”; and

Whereas, Congressman Dingell often said he was not an important person, but that the work we did together was important and essential to improving the lives of the American people and all those who call Michigan home; and

Whereas, His humility was admirable, but his many legislative achievements could not have happened without him. His legacy will live on through his family, friends, and his loyal former staffers; now, therefore, be it

Resolved by the Senate, That the members of this legislative body honor the life and legacy of Congressman John D. Dingell Jr.; and be it further

Resolved, That on behalf of all citizens of Michigan, we offer this resolution as a condolence to Congresswoman Debbie Dingell and the rest of the Congressman’s family; and be it further

Resolved, That copies of this resolution be transmitted to the Speaker of the United States House of Representatives and the members of the Michigan congressional delegation.

The question being on the adoption of the resolution,

The resolution was adopted by a unanimous standing vote of the Senate.

Senator MacGregor moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators Santana and Stamas asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Santana’s statement is as follows:

Colleagues, I rise today in honor of John David Dingell—better known simply as the “Dean”—who proudly served the people of the great state and my district for almost 30 terms—or 60 years.

It’s hard to find words to express what so many have already expressed before me about the Dean. However, as I sat in the pews at Divine Child Catholic Church and I looked at my daughter Sofia, my role as a Senator—a public servant—became just a little clearer. I began to think about the life that the congressman led and his character as individual. He was genuine. He was humble. He was a man of valor who used his time on Earth to serve others. He was a mentor to many elected officials, including my husband, Harvey, who found himself in a tough predicament here in Lansing—should I toe the party line? Or should Harvey Santana faithfully execute the duties of his office and serve the people of his district? The Dean told

Harvey, “Listen, it’s not easy to travel the middle road. As you drive to Lansing, think about if you always drive to the left, you can’t get help. If you always drive to the right lane, you might find yourself in a ditch. But if you travel the middle lane, that’s where the decisions get made.”

As we cherish the legacy, the service, and the endless contributions of John Dingell to our country and to our collective history, we must remember the choices he made to change history for the people. We should remember that times where he made the right decision for people, even if it wasn’t the status quo in Washington. John Dingell’s footsteps are imprinted in the history books like the footprints imprinted in the sand. But unlike the tides that sweep away the footprints on the beach and memories of old, John’s memories will remain standing throughout time.

We will forever be indebted to the Dean’s service and commitment to the people of Michigan and this nation. I believe that John has joined our forefathers in heaven where they happily watch every chamber, every Capitol, and every state to see what we, the elected officials, will do to bring real change to the people who we serve. This great depends on our leadership, and John Dingell’s legacy of leadership has taught us all that, if nothing else.

I want to thank John Dingell’s family for sacrificing so much for the common good of our state and our nation, and for sharing John with us for so many wonderful years. I want to extend my condolences to Congresswoman Dingell, who will carry the torch and continue to be the voice for all Michiganders.

A moment of silence was observed in memory of John David Dingell, Jr., former member of the United States House of Representatives.

Senator Stamas’ statement is as follows:

I wanted to take a quick moment to say a few words about Congressman Dingell and take a moment to appreciate my opportunity to meet the good Congressman.

I was at a Tigers game and was politely introduced to the Congressman. He informed me that his party was going to kick my party’s butt in the coming fall, and I offered up a box of Kleenex when the fall season had come through. We went on to have a 20-minute conversation, and in that conversation I had the opportunity to learn that we actually went to basic training in the same place—Fort Benning, Georgia, Harmony Church. There were 38 years’ difference in that time period.

From that time, I had the opportunity to meet with him multiple times, and he always remembered the conversation, was always a true gentleman, and carried on the conversations. I truly appreciated it. I just wanted to rise to acknowledge a true statesman whom we’ve lost. May his memory be eternal.

Senators Barrett, Bumstead, MacDonald, Lucido, Theis, McBroom, Outman, Nesbitt, LaSata, Horn, Runestad, Zorn and VanderWall offered the following resolution:

Senate Resolution No. 15.

A resolution to urge the federal government to provide durable, permanent, and meaningful security at our nation’s borders.

Whereas, The integrity of our nation’s borders is essential to peace, order, and stability. Without borders, a country cannot exist; and

Whereas, The extensive length of our borders and the status of our nation create challenges in maintaining the integrity of our borders. The United States has approximately 6,900 miles of inland border—1,900 along the Mexican border and 5,000 along the Canadian border—and 95,000 miles of shoreline. Our strong economy, quality of life, and leadership in the world make the United States both a desired destination for immigrants seeking better opportunities and a target for people seeking to exploit or harm our way of life; and

Whereas, Border threats and security are not limited to our country’s southern borders. There were 18 joint operations along our northern border in 2017, and 24 projected for 2018, to ensure legal trade and travel, while mitigating border security threats, including illicit activity by criminal organizations. In Michigan, there are 13 sensors covering 35 miles of the St. Clair River to monitor border activity; and

Whereas, Structures along our border, in concert with other efforts, are an effective and demonstrated deterrent to illegal border crossings and the crime, drugs, and smuggling associated with those crossings. In some areas where these structures have been built, there has been a 91 percent reduction in apprehensions, a far larger drop than in areas without structures, as well as a drop in nearby criminal activity. These structures will continue to be a deterrent for years to come, and the construction of structures is a vital component of future border security; and

Whereas, Current funding levels are not adequate to take the actions needed to secure our borders; and

Whereas, The dedicated men and women tasked with protecting our borders need our full support. Every day, they work tirelessly to facilitate lawful travel, trade, and immigration while preventing terrorists and terrorist weapons, illegal aliens, smugglers, and narcotics from moving across our borders; now, therefore, be it Resolved by the Senate, That we urge the federal government to fund border security at an appropriate level to keep our country safe and provide durable, permanent, and meaningful security at our nation’s borders; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senator Daley was named co-sponsor of the resolution.

Senators MacGregor and Daley offered the following resolution:

Senate Resolution No. 16.

A resolution to request an opinion of the Supreme Court of the state of Michigan pursuant to Article III, Section 8 of the *Constitution of the State of Michigan of 1963*.

Whereas, On July 30, 2018, the Department of State submitted to the Michigan Legislature a legislative initiative petition, an initiation of legislation to enact the “Earned Sick Time Act,” for consideration under Article II, Section 9 of the *Constitution of the State of Michigan of 1963*; and

Whereas, On August 27, 2018, the Department of State submitted to the Michigan Legislature a legislative initiative petition, an initiation of legislation to enact the “Improved Workforce Opportunity Wage Act,” for consideration under Article II, Section 9 of the *Constitution of the State of Michigan of 1963*; and

Whereas, On September 5, 2018, the Senate and House of Representatives adopted the legislative initiative petition to enact into law the “Improved Workforce Opportunity Wage Act,” which was subsequently assigned Public Act 337 of 2018, and will not take effect until March 29, 2019; and

Whereas, On September 5, 2018, the Senate and House of Representatives adopted the legislative initiative petition to enact into law the “Earned Sick Time Act,” which was subsequently assigned Public Act 338 of 2018, and will not take effect until March 29, 2019; and

Whereas, On November 8, 2018, Senate Bill No. 1171 was introduced to amend the “Improved Workforce Opportunity Wage Act” created under Public Act 337 of 2018; and

Whereas, On November 8, 2018, Senate Bill No. 1175 was introduced to amend the “Earned Sick Time Act” created under Public Act 338 of 2018; and

Whereas, Senate Bill No. 1171 and Senate Bill No. 1175 of the 2018 Regular Session of the Legislature were signed into law by Governor Rick Snyder on December 13, 2018, as Public Act 368 of 2018 and Public Act 369 of 2018, respectively, and will not take effect until March 29, 2019; and

Whereas, On February 13, 2019, a request for a formal opinion was submitted to the Attorney General regarding the constitutionality of Public Act 368 of 2018 and Public Act 369 of 2018, which amended legislative initiative petitions enacted by the Legislature during the same legislative session; and

Whereas, The Senate has determined that important questions of law exist with respect to the constitutionality of Public Act 368 of 2018 and Public Act 369 of 2018; and

Whereas, Article III, Section 8 of the *Constitution of the State of Michigan of 1963* states:

Either house of the legislature or the governor may request the opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

; now, therefore, be it

Resolved by the Senate, That the Senate requests the Supreme Court of the state of Michigan issue an opinion, pursuant to Article III, Section 8 of the *Constitution of the State of Michigan of 1963*, on the following important questions of law pertaining to Public Act 368 of 2018 and Public Act 369 of 2018:

1. Does Article II, Section 9 of the *Constitution of the State of Michigan of 1963* permit the Legislature to enact an initiative petition into law and then subsequently amend that law during the same legislative session?

2. Were Public Act 368 of 2018 and Public Act 369 of 2018 enacted in accordance with Article II, Section 9 of the *Constitution of the State of Michigan of 1963*?

; and be it further

Resolved, That the Senate Majority Leader is authorized to engage counsel in furtherance of this request for an opinion from the Supreme Court of the state of Michigan and take all necessary steps incidental thereto; and be it further

Resolved, That copies of this resolution be transmitted to the Supreme Court of the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Bumstead, Horn, VanderWall and Victory were named co-sponsors of the resolution.

Announcements of Printing and Enrollment

The Secretary announced that the following bills were printed and filed on Tuesday, February 19, and are available on the Michigan Legislature website:

Senate Bill Nos. 116

House Bill Nos. 4200 4201 4202 4203 4204 4205 4206 4207 4208 4209 4210 4211 4212

4213 4214 4215 4216

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Natural Resources and Environmental Quality submitted the following:
Meeting held on Tuesday, February 19, 2019, at 8:30 a.m., Rooms 402 and 403, Capitol Building
Present: Senators Bumstead (C), Outman, Victory, McCann and Bayer

COMMITTEE ATTENDANCE REPORT

The Committee on Environmental Quality submitted the following:
Meeting held on Tuesday, February 19, 2019, at 1:00 p.m., Room 1200, Binsfeld Office Building
Present: Senators Outman (C), Daley, Johnson, VanderWall, McBroom, Bayer and Brinks

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:
Meeting held on Tuesday, February 19, 2019, at 2:00 p.m., Room 1100, Binsfeld Office Building
Present: Senators Lauwers (C), Horn, LaSata, Nesbitt, Barrett, Bumstead, Outman, McCann, Brinks and McMorro

COMMITTEE ATTENDANCE REPORT

The Committee on Oversight submitted the following:
Meeting held on Tuesday, February 19, 2019, at 2:00 p.m., Room 1300, Binsfeld Office Building
Present: Senators McBroom (C), Lucido, Theis, MacDonald and Irwin

Scheduled Meetings

Advice and Consent - Wednesday, February 20, 3:00 p.m., Room 1100, Binsfeld Office Building and Thursday, February 21, 12:00 noon, Room 1300, Binsfeld Office Building (517) 373-5312

Agriculture and Agriculture and Rural Development Appropriations Subcommittee - Thursday, February 28, 3:00 p.m., Room 1300, Binsfeld Office Building (517) 373-5314

Appropriations -

Subcommittees -

Agriculture and Rural Development and Agriculture - Thursday, February 28, 3:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

Justice and Public Safety - Thursday, February 28, 1:30 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

Licensing and Regulatory Affairs (LARA)/Department of Insurance and Financial Services (DIFS) - Thursday, February 21, 8:30 a.m., Room 1300, Binsfeld Office Building (517) 373-2768

Families, Seniors, and Veterans - Wednesday, February 20, 4:00 p.m., Rooms 402 and 403, Capitol Building (517) 373-1721

Finance - Wednesday, February 20, 12:30 p.m., Room 1200, Binsfeld Office Building (517) 373-5312

Health Policy and Human Services - Thursday, February 21, 1:00 p.m., Room 1100, Binsfeld Office Building (517) 373-5323

Insurance and Banking - Wednesday, February 20, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-5314

Senator MacGregor moved that the Senate adjourn.
The motion prevailed, the time being 10:22 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Thursday, February 21, 2019, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate