

No. 40
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2019

Senate Chamber, Lansing, Tuesday, April 30, 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

Senator Rosemary Bayer of the 12th District offered the following invocation:

Please join me today in being grateful for so many things: the opportunity to be of service, to be able to do good work for many people, and to live comfortably with people we care about nearby.

When my recent crisis hit, I felt, as so many do, alone. My whole world had become my problem in me. I've learned that that's pretty selfish. Gratitude is really a form of humility and kindness. Admitting that you need help and letting people in to help, including you, is important for all of us. I know how I feel when I get to help someone, and many people have said thanks to me for letting them in to help me out. Truly, this has taught me how it feels to experience gratitude in a more meaningful way, to come back to the positive when things feel utterly bleak, and opening my mind to creativity and the wonderfulness that is service to others. As we practice gratitude, we know that it brings love and joy and happiness to our lives and spreads that positivity to all those around us.

I'll close this by thanking you and the many others who have been helping me through this journey and by giving you this moment of silence for you to be thankful for something in your own lives, knowing that gratitude will help us all in this day of service.

Thank you.

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

Motions and Communications

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

The following communication was received:
Office of Senator Rosemary Bayer

April 18, 2019

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to the following bills:

- Senate Bill 245 introduced by Senator McBroom on March 21, 2019.
- Senate Bill 246 introduced by Senator Hollier on March 21, 2019.
- Senate Bill 250 introduced by Senator Alexander on April 9, 2019.

Sincerely,
Rosemary Bayer
12th Senate District
State Senator

The communication was referred to the Secretary for record.

Senator MacGregor moved that rule 3.901 be suspended to allow filming and photographs to be taken from the Senate Gallery.

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

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

The motion prevailed.

Senator Shirkey's statement is as follows:

Mr. President, I'd like to ask you and my colleagues in the chamber to join me today in a farewell address to one of our Sergeants whom we all know and love dearly. Phil Nardone—I always thought it was Nardone but it's actually Nardone—is saying goodbye today and taking his retirement to the next level.

After serving 25 years as a Lansing police officer in various capacities with high performance, he came here four years ago and has been a greeter and a smiling face and a jokester for all of us at one time or another. We've enjoyed immensely, Phil, your presence here in the Capitol and in the Senate Chamber. We apologize for the fact that you had to endure working under Ferland's direction for a few years but I'm glad that you lasted at least four years with him and we were able to enjoy your part of that service.

Phil is always the best smiler we have, whether we're coming in one entrance or another, he always asks "how can I help you today" and he's always quick to volunteer if he sees somebody in need. Phil's colleagues and I know him especially because he has a very dry and unique sense of humor. I would encourage you to press him on that for the rest of today and beyond if you want to get a sense of that from him because it's rather unique.

Phil has always had a great passion for hockey. Even at his terrifically advanced age, he continues to enjoy scooting himself around on the ice and playing hockey—I'm sure I'm going to pay for this—and even doing some refereeing on occasion which is the reason why he has such a svelte physique—that's not in the script here. Hockey is in his blood so much that sometimes he is mistaken for Detroit Red Wings Hall-of-Fame center Marcel Dionne, and it is legend that suggests he may have on occasion signed an autograph as such Hall of Famer—of course we won't say that, it's just legend.

He's retiring to enjoy his, this says advanced years—I don't even like that word—his next years with his much younger wife Mindy and their three daughters. I think Amanda is here today; Amanda, can you wave? Thank you Amanda for being here, and Zach, Alyssa's fiancé, is also here; Zach, thank you for being here. Please join me in thanking Phil and giving him a sendoff to enjoy his next advanced years. Thank you, Phil, for your service.

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 resolution:

Senate Concurrent Resolution No. 7

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

Senator Shirkey offered the following concurrent resolution:

Senate Concurrent Resolution No. 7.

A concurrent resolution of tribute offered as a memorial for William Broomfield, former member of the Michigan House of Representatives and Senate and the United States House of Representatives.

Whereas, It was with great sorrow that the members of the Michigan Legislature learned about the passing of William Broomfield. He will be remembered as a dedicated public servant by his constituents in southeast Michigan and the people of the state of Michigan; and

Whereas, Born and raised in Royal Oak, William Broomfield attended Michigan State College and served in the U.S. Army Air Corps during the Second World War before starting his career in real estate and property management; and

Whereas, William Broomfield was first elected to the House of Representatives in 1948 to represent the Fourth House District of Oakland County. During his third term, he served as Speaker Pro Tempore in the House, the youngest to serve in that position at the time. In 1954, William Broomfield was elected to the Senate where he served one term. In his district he was known as "Bill," and his reputation was that of a decent, soft-spoken, behind-the-scenes legislator who worked hard to make his constituents proud; and

Whereas, William Broomfield had strong principles that guided his time as a public servant. As a fiscal conservative, he believed in an efficient government that represented the people while spending their tax dollars wisely. He introduced bills prohibiting a public service commissioner from gaining employment with a utility immediately following their time with the commission; he served as chairman of the special committee investigation into a children's institution accused of fraud and neglect of children; and he called for and lead a special committee investigation on gasoline-price hikes in Michigan, among his myriad accomplishments while serving in the Michigan Legislature; and

Whereas, William Broomfield was elected to the U.S. House of Representatives in 1956 where he served for 36 years. He spent 18 of those years as the ranking Republican on the House Foreign Affairs Committee where he shaped foreign policy during the Cold War through the fall of the Berlin Wall. Despite advancing many important policies relating to world affairs, William Broomfield believed his most important vote was for the Civil Rights Act of 1964; and

Whereas, William Broomfield has left a legacy that will not soon be forgotten. His dedication to the people of Michigan and to the country is admirable and remains an example for those who have followed him into public service. May his family take some solace in his legacy and our fond memory of him; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we offer this expression of our highest tribute to honor the memory of William Broomfield, a member of the Michigan House of Representatives from 1949 to 1954, the Michigan Senate from 1955 to 1956, and the United States House of Representatives from 1957 to 1992; and be it further

Resolved, That copies of this resolution be transmitted to the Broomfield family as evidence of our lasting esteem for his memory.

The question being on the adoption of the concurrent resolution,

The concurrent 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 concurrent resolution.

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

A moment of silence was observed in memory of William Broomfield, former member of the House of Representatives and Senate and the United States House of Representatives.

Senator Ananich entered the Senate Chamber.

Recess

Senator MacGregor moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:17 a.m.

11:42 a.m.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator MacGregor moved that the Committee on Education and Career Readiness be discharged from further consideration of the following bill:

House Bill No. 4206, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 2018 PA 586.

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 rules be suspended and that the following bill, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

House Bill No. 4206

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

Messages from the Governor

The following messages from the Governor were received and read:

April 26, 2019

I respectfully submit to the Senate the following appointments and designation to office pursuant to Act 523 of 1980, MCL 32.1067:

Military Appeals Tribunal Chair

Ms. Deanna L. Bonner Simpson of 9565 Marina Road, South Lyon, Michigan 48178, county of Livingston, appointed for a term commencing April 26, 2019 and expiring at the pleasure of the Governor.

Military Appeals Tribunal

Ms. Deanna L. Bonner Simpson of 9565 Marina Road, South Lyon, Michigan 48178, county of Livingston, succeeding Bradley L. Smith whose term has expired, appointed to represent persons licensed to practice law in this state for a term commencing April 26, 2019 and expiring April 16, 2023.

Captain Terrence P. Bronson of 442 Borgess Avenue, Monroe, Michigan 48162, county of Monroe, succeeding Robert C. Gardella whose term has expired, appointed to represent persons licensed to practice law in this state for a term commencing April 26, 2019 and expiring April 16, 2023.

Mr. Kyle R. Dufrane of 1260 Pebble Pointe Drive, Rochester, Michigan 48037, county of Oakland, reappointed to represent persons licensed to practice law in this state for a term expiring April 16, 2023.

April 26, 2019

I respectfully submit to the Senate the following appointments to office pursuant to Act 152 of 1885, MCL 36.2a:

Michigan Veterans' Facilities Board of Managers

Ms. Deborah M. Chambers of 874 4th Street, N.W., Grand Rapids, Michigan 49504, county of Kent, succeeding Carrie Anderson whose term has expired, appointed to represent veterans for a term commencing April 26, 2019 and expiring February 28, 2022.

Mr. Robert Johnson of 2867 Voice Road, Kingsley, Michigan 49649, county of Grand Traverse, reappointed to represent the American Legion for a term expiring February 28, 2022.

Respectfully,
Gretchen Whitmer
Governor

The appointments were referred to the Committee on Advice and Consent.

The following messages from the Governor were received and read:

April 26, 2019

I am writing to inform you of my withdrawal of the following appointment submitted to your office on March 21, 2019 pursuant to Act 451 of 1994, MCL 324.76503:

Mackinac Island State Park Commission

Mr. Barry J. Goodman, a Democrat, of 28854 Herndonwood Drive, Farmington Hills, Michigan 48334, county of Oakland, succeeding Marcia Brogan whose term has expired, appointed for a term commencing April 13, 2019 and expiring April 12, 2025.

April 26, 2019

Due to an error on the March 28, 2019 letter filed with your office pursuant to Executive Order No. 2019-07, please be advised of the following correction appearing in **bold**:

Marijuana Regulatory Agency Executive Director

Mr. Andrew D. Brisbo of 1860 Foxcroft Road, East Lansing, Michigan 48823, county of Ingham, appointed for a term commencing April 30, 2019 and expiring at the pleasure of the Governor.

Respectfully,
Gretchen Whitmer
Governor

The messages were referred to the Committee on Advice and Consent.

Messages from the House

Senate Bill No. 122, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1249 (MCL 380.1249), as amended by 2018 PA 235.

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 Senate agreed to the full title.

Pursuant to rule 1.114, the bill was referred to the Secretary for enrollment printing and presentation to the Governor on Thursday, April 25, 2019.

Senate Bill No. 202, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1249b (MCL 380.1249b), as added by 2015 PA 173.

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 Senate agreed to the full title.

Pursuant to rule 1.114, the bill was referred to the Secretary for enrollment printing and presentation to the Governor on Thursday, April 25, 2019.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Johnson, LaSata, Runestad, MacDonald, Lucido, Bayer, Santana, Wojno and Bullock introduced **Senate Bill No. 288, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 320a, 602b, 602c, and 732 (MCL 257.320a, 257.602b, 257.602c, and 257.732), section 320a as amended by 2018 PA 349, section 602b as amended by 2016 PA 332, section 602c as added by 2012 PA 592, and section 732 as amended by 2017 PA 160.

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

Senators Hertel, Bizon, Lucido, Ananich, Brinks, Bullock, Geiss, Runestad, Alexander, Bayer, Wojno, McMorrow, Polehanki and Hollier introduced

Senate Bill No. 289, entitled

A bill to create the child abuse offenders registry; to prescribe the powers and duties of certain departments and agencies in connection with that registry; and to prescribe penalties and sanctions.

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

Senators Lucido, Bizon, Hertel, Ananich, Brinks, Bullock, Geiss, Runestad, Alexander, Bayer, Wojno, McMorrow, Polehanki and Hollier introduced

Senate Bill No. 290, entitled

A bill to require persons convicted of certain child abuse offenses to register with the child abuse offenders registry; to prescribe the powers and duties of certain departments and agencies in connection with that registration; to prescribe fees and penalties; and to authorize certain causes of action.

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

Senators Bizon, Lucido, Hertel, Ananich, Brinks, Bullock, Geiss, Runestad, Alexander, Bayer, Wojno, McMorrow, Polehanki and Hollier introduced

Senate Bill No. 291, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2016 PA 234.

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

House Bill No. 4133, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 1, 3, and 11 of chapter XIIA (MCL 712A.1, 712A.3, and 712A.11), section 1 as amended by 2016 PA 496, section 3 as amended by 1996 PA 409, and section 11 as amended by 2016 PA 185.

The House of Representatives has passed the bill.

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

House Bill No. 4134, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 1060a (MCL 330.2060a), as added by 2012 PA 540.

The House of Representatives has passed the bill.

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

House Bill No. 4135, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter II (MCL 762.11), as amended by 2015 PA 31.

The House of Representatives has passed the bill.

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

House Bill No. 4136, entitled

A bill to amend 1988 PA 13, entitled "Juvenile diversion act," by amending sections 2 and 8 (MCL 722.822 and 722.828), section 2 as amended by 1996 PA 415.

The House of Representatives has passed the bill.

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

House Bill No. 4137, entitled

A bill to amend 2013 PA 93, entitled "Michigan indigent defense commission act," by amending section 3 (MCL 780.983), as amended by 2018 PA 214.

The House of Representatives has passed the bill.

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

House Bill No. 4138, entitled

A bill to amend 1974 PA 150, entitled “Youth rehabilitation services act,” by amending section 2 (MCL 803.302), as amended by 1998 PA 517.

The House of Representatives has passed the bill.

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

House Bill No. 4139, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 15b of chapter IV (MCL 764.15b), as amended by 2001 PA 209.

The House of Representatives has passed the bill.

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

House Bill No. 4140, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 14, 15, 16, 18, and 18i of chapter XIIA (MCL 712A.14, 712A.15, 712A.16, 712A.18, and 712A.18i), section 14 as amended by 2012 PA 163, section 15 as amended by 1998 PA 474, section 16 as amended by 1998 PA 478, section 18 as amended by 2018 PA 58, and section 18i as added by 1996 PA 244.

The House of Representatives has passed the bill.

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

House Bill No. 4141, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 2 of chapter XIIA (MCL 712A.2), as amended by 2018 PA 58.

The House of Representatives has passed the bill.

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

House Bill No. 4142, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 27 of chapter IV (MCL 764.27), as amended by 1996 PA 418.

The House of Representatives has passed the bill.

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

House Bill No. 4143, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 139 (MCL 750.139), as amended by 1998 PA 510.

The House of Representatives has passed the bill.

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

House Bill No. 4144, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 117a (MCL 400.117a), as amended by 2018 PA 580.

The House of Representatives has passed the bill.

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

House Bill No. 4145, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 27a of chapter IV (MCL 764.27a), as amended by 1996 PA 254.

The House of Representatives has passed the bill.

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

House Bill No. 4146, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 117i.

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 Judiciary and Public Safety.

House Bill No. 4443, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 1f of chapter IV (MCL 764.1f), as amended by 1998 PA 520.

The House of Representatives has passed the bill.

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

House Bill No. 4452, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 606 (MCL 600.606), as amended by 1996 PA 260.

The House of Representatives has passed the bill.

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

By unanimous consent the Senate returned to the order of

Resolutions

Senator MacGregor moved that consideration of the following resolutions be postponed for today:

Senate Resolution No. 25**Senate Resolution No. 30****Senate Resolution No. 38**

The motion prevailed.

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

Senate Resolution No. 41

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

Senator Ananich offered the following resolution:

Senate Resolution No. 41.

A resolution to commemorate April 28, 2019, as Workers’ Memorial Day.

Whereas, Every year on April 28, in cities, towns, at worksites, and memorials in communities around the world, we gather to honor friends, family members, and colleagues who have been killed or injured on the job; and

Whereas, More than 579,000 workers’ lives have been saved since the passage of the Occupational Safety and Health Act in 1970, but many workers remain in serious danger; and

Whereas, The Federal Bureau of Labor Statistics reports that 5,190 fatal work injuries were recorded in the United States in 2016 and an estimated 50,000-60,000 died from occupational diseases; and

Whereas, In 2017, 153 workers were lost through fatal workplace accidents in Michigan and 93,900 injuries and illnesses were reported in Michigan; and

Whereas, It is appropriate to honor the memory of the courageous and dedicated members of Michigan’s labor force who have been injured, disabled, or have died as a result of workplace accidents; and

Whereas, We remember those who have died in workplace catastrophes, suffered occupation-related diseases, or have been injured due to dangerous conditions; and

Whereas, Recognition of the integrity of Michigan’s work force and its achievements on behalf of the economic growth of our state is necessary; and

Whereas, The Senate wishes to pay tribute to the workers who have died, been injured, or disabled in workplace accidents; now, therefore, be it

Resolved by the Senate, That members of this legislative body commemorate April 28, 2019, as Workers’ Memorial Day; and be it further

Resolved, That we honor the contributions of Michigan’s work force and call for increased workplace safety in our state.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Alexander, Bayer, Brinks, Bullock, Chang, Geiss, Hollier, Lucido, MacDonald, McCann, McMorrow, Moss, Polehanki, Santana, Wojno and Zorn were named co-sponsors of the resolution.

Recess

Senator MacGregor moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 11:55 a.m.

12:06 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 Daley as Chairperson.

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

Senate Bill No. 169, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1084.

The bill 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. 4206, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 2018 PA 586.

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.

Recess

Senator MacGregor moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 12:18 p.m.

12:28 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
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 at the head of the Third Reading of Bills calendar:

House Bill No. 4206

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

The following bill was read a third time:

House Bill No. 4206, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 2018 PA 586.

The question being on the passage of the bill,

Senator Polchanki offered the following amendments:

1. Amend page 7, line 20, after “(4)” by striking the balance of the subsection and inserting:

“ALL OF THE FOLLOWING APPLY TO THE PROVISION OF PUPIL INSTRUCTION:

(A) Except as otherwise provided in this subsection, the first 6 days or the equivalent number of hours for which pupil instruction is not provided because of conditions not within the control of school authorities, such as severe storms, fires, epidemics, utility power unavailability, water or sewer failure, or health conditions as defined by the city, county, or state health authorities, ~~shall be~~ **ARE** counted as hours and days of pupil instruction.

(B) FOR 2018-2019 ONLY, IN ADDITION TO THE 6 DAYS UNDER SUBDIVISION (A), THE DEPARTMENT SHALL COUNT AS HOURS AND DAYS OF PUPIL INSTRUCTION THE DAYS AND THE EQUIVALENT NUMBER OF HOURS FOR WHICH PUPIL INSTRUCTION IS NOT PROVIDED THAT ARE INCLUDED IN A PERIOD FOR WHICH THE GOVERNOR HAS ISSUED AN EXECUTIVE ORDER DECLARING A STATE OF EMERGENCY ACROSS THIS STATE IF BOTH OF THE FOLLOWING REQUIREMENTS ARE MET:

(i) SUBJECT TO SUBSECTION (14), THE DISTRICT PROVIDES ITS HOURLY EMPLOYEES THE FULL COMPENSATION THAT THEY WOULD HAVE BEEN ENTITLED TO HAD THEY WORKED FOR THE PERIOD DURING WHICH PUPIL INSTRUCTION WAS NOT PROVIDED AS DESCRIBED IN THIS SUBDIVISION.

(ii) THE DISTRICT PROVIDES WRITTEN DOCUMENTATION TO THE DEPARTMENT THAT ITS HOURLY EMPLOYEES DESCRIBED UNDER SUBPARAGRAPH (i) RECEIVED FULL COMPENSATION AS REQUIRED UNDER SUBPARAGRAPH (i).

(C) With the approval of the superintendent of public instruction, the department shall count as hours and days of pupil instruction for a fiscal year not more than 3 additional days or the equivalent number of additional hours for which pupil instruction is not provided in a district due to unusual and extenuating occurrences resulting from conditions not within the control of school authorities such as those conditions described in this subsection. ~~Subsequent such hours or days shall not be counted as hours or days of pupil instruction.~~ **UNDER SUBDIVISION (A).”**

2. Amend page 14, following line 9, by inserting:

“(14) A DISTRICT IS NOT SUBJECT TO THE REQUIREMENTS UNDER SUBSECTION (4)(B)(i) AND (ii) IF EITHER OF THE FOLLOWING ARE MET:

(A) THE DISTRICT HAS A COLLECTIVE BARGAINING AGREEMENT WITH A BARGAINING REPRESENTATIVE OF ITS HOURLY EMPLOYEES, OR HAS AN EMPLOYMENT AGREEMENT WITH AN HOURLY EMPLOYEE, THAT IS IN EFFECT AS OF THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION AND THAT EXPLICITLY ADDRESSES COMPENSATION REGARDING PERIODS DURING WHICH PUPIL INSTRUCTION IS NOT PROVIDED AS DESCRIBED UNDER SUBSECTION (4)(B).

(B) THE DISTRICT DEMONSTRATES TO THE DEPARTMENT THAT IT HAS PROVIDED ITS HOURLY EMPLOYEES WITH COMPENSATION OR A BENEFIT IN LIEU OF COMPENSATION BASED ON A WRITTEN AGREEMENT WITH THE BARGAINING REPRESENTATIVE OR EMPLOYEE, AS APPLICABLE, FOR PERIODS DURING WHICH PUPIL INSTRUCTION IS NOT PROVIDED AS DESCRIBED UNDER SUBSECTION (4)(B).

(15) FOR 2018-2019, THE DAYS INCLUDED IN THE EXECUTIVE ORDER DESCRIBED UNDER SUBSECTION (4)(B) ARE JANUARY 29, 2019 TO FEBRUARY 2, 2019.”

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. 48

Yeas—16

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

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—0

Not Voting—0

In The Chair: Nesbitt

Senator Ananich offered the following amendment:

1. Amend page 8, line 8, after “2019.” by inserting “**EACH DISTRICT SHALL DETERMINE THE MANNER OF COMPENSATION FOR ITS HOURLY WORKERS FOR HOURS OF WORK LOST BECAUSE PUPIL INSTRUCTION WAS NOT PROVIDED ON THOSE DAYS.**”.

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. 49

Yeas—17

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

Nays—21

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

Excused—0

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. 50

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: Nesbitt

Senator MacGregor moved that the bill be given immediate effect.

The motion did not prevail, 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 make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, April 25:

House Bill Nos.	4133	4134	4135	4136	4137	4138	4139	4140	4141	4142	4143	4144	4145
	4146	4443	4452										

The Secretary announced that the following bills, joint resolution, and resolution were printed and filed on Thursday, April 25, and are available on the Michigan Legislature website:

Senate Bill Nos.	285	286	287										
Senate Joint Resolution	F												
Senate Resolution No.	40												
House Bill Nos.	4501	4502	4503	4504	4505	4506	4507	4508	4509	4510	4511	4512	4513
	4514	4515	4516	4517	4518	4519							

Committee Reports

The Committee on Judiciary and Public Safety reported

House Bill No. 4129, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” by amending section 35 (MCL 791.235), as amended by 2018 PA 339.

With the recommendation that the bill pass.

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

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

House Bill No. 4130, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 33 and 34 (MCL 791.233 and 791.234), section 33 as amended by 2017 PA 14 and section 34 as amended by 2017 PA 265.
With the recommendation that the bill pass.

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

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

House Bill No. 4131, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 197d.

With the recommendation that the bill pass.

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

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

House Bill No. 4132, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 33b and 65 (MCL 791.233b and 791.265), section 33b as amended by 2010 PA 94 and section 65 as amended by 2012 PA 599.
With the recommendation that the bill pass.

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

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

House Bill No. 4440, entitled

A bill to amend 2016 PA 281, entitled "Medical marihuana facilities licensing act," by amending section 402 (MCL 333.27402), as amended by 2018 PA 582.

With the recommendation that the bill pass.

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

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson and Runestad
Nays: Senator Irwin
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary and Public Safety submitted the following:

Meeting held on Thursday, April 25, 2019, at 8:30 a.m., Room 1100, Binsfeld Office Building

Present: Senators Lucido (C), VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

The Committee on Economic and Small Business Development reported

House Bill No. 4077, entitled

A bill to amend 2005 PA 210, entitled "Commercial rehabilitation act," by amending sections 6 and 8 (MCL 207.846 and 207.848), section 8 as amended by 2011 PA 82.

With the recommendation that the bill pass.

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

Ken Horn
Chairperson

To Report Out:

Yeas: Senators Horn, VanderWall, MacGregor, Theis, Lauwers, Schmidt, McMorrow, Geiss and Moss

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic and Small Business Development reported

House Bill No. 4101, entitled

A bill to amend 2018 PA 57, entitled "Recodified tax increment financing act," by amending section 204 (MCL 125.4204).

With the recommendation that the bill pass.

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

Ken Horn
Chairperson

To Report Out:

Yeas: Senators Horn, VanderWall, MacGregor, Theis, Lauwers, Schmidt, McMorrow, Geiss and Moss

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic and Small Business Development submitted the following:

Meeting held on Thursday, April 25, 2019, at 1:00 p.m., Room 1200, Binsfeld Office Building

Present: Senators Horn (C), VanderWall, MacGregor, Theis, Lauwers, Schmidt, McMorrow, Geiss and Moss

The Committee on Health Policy and Human Services reported

Senate Resolution No. 18.

A resolution to recognize May 2019 as Stroke Awareness Month.

(For text of resolution, see Senate Journal No. 21, p. 184.)

With the recommendation that the resolution be adopted.

Curtis S. VanderWall
Chairperson

To Report Out:

Yeas: Senators VanderWall, Bizon, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel, Santana and Wojno

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Health Policy and Human Services reported

Senate Bill No. 228, entitled

A bill to create a suicide prevention commission within the legislative council and to prescribe its powers and duties; and to prescribe the powers and duties of certain state officers and entities.

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.

Curtis S. VanderWall
Chairperson

To Report Out:

Yeas: Senators VanderWall, Bizon, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel, Santana and Wojno

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy and Human Services submitted the following:

Meeting held on Thursday, April 25, 2019, at 1:00 p.m., Room 1100, Binsfeld Office Building

Present: Senators VanderWall (C), Bizon, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel, Santana and Wojno

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Justice and Public Safety submitted the following:

Meeting held on Thursday, April 25, 2019, at 1:30 p.m., Room 1300, Binsfeld Office Building

Present: Senators Barrett (C), Runestad and Hollier

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Natural Resources and Environmental Quality submitted the following:

Meeting held on Thursday, April 25, 2019 at 2:00 p.m., Room 1200, Binsfeld Office Building

Present: Senators Bumstead (C), Bayer, Outman, Victory and McCann

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture and Rural Development submitted the following:

Meeting held on Thursday, April 25, 2019, at 3:00 p.m., Room 1300, Binsfeld Office Building

Present: Senators Victory (C), Daley and McCann

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Health/Human Services submitted the following:

Meeting held on Thursday, April 25, 2019, at 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators MacGregor (C), Bizon, Schmidt, LaSata, MacDonald, Barrett, Hertel, Irwin and Santana

Scheduled Meetings

Advice and Consent - Thursday, May 2, 1:00 p.m., Room 1300, Binsfeld Office Building (517) 373-5312

Appropriations - Wednesday, May 1 and Thursday, May 2, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5307

Subcommittee –

Capital Outlay - Wednesday, May 1, 4:00 p.m., Room 519, Anderson House Office Building (517) 373-2768

Criminal Justice Policy Commission - Wednesday, May 1, 9:00 a.m., Room 1200, Binsfeld Office Building (517) 373-0212

Senator MacGregor moved that the Senate adjourn.
The motion prevailed, the time being 12:40 p.m.

The President pro tempore, Senator Nesbitt, declared the Senate adjourned until Wednesday, May 1, 2019, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate