

No. 61
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2019

Senate Chamber, Lansing, Thursday, June 13, 2019.

10:00 a.m.

The Senate was called to order by the Assistant President Pro Tem, Senator Lana Theis.

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—excused
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

Reverend Adrian Swanigan of Mask Memorial Christian Methodist Episcopal Church of Lansing offered the following invocation:

Lord, Creator and Savior and Sustainer of the universe, we come to thank You for another day. We ask for Your gracious presence and grace be with us now. We thank You for our public servants who gather here today to represent the citizens of our great state. We thank You that they lead by example with integrity. Thank You, Lord, for leaders who do not focus on the negative, but on the positive; leaders who realize that an injustice anywhere is an injustice everywhere; leaders who focus on what unites us and not divide us. We ask that You give our leaders today guidance for this session, the serenity and peace to accept the things we cannot change, the courage to change the things we can, and the wisdom to know the difference. That all honor and glory would be Yours. Amen.

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

Motions and Communications

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

Senator McMorrow moved that Senator Santana be temporarily excused from today's session. The motion prevailed.

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

Senator Shirkey entered the Senate Chamber.

The following communications were received and read:
Office of the Senate Majority Leader

June 6, 2019

Pursuant to MCL 390.1665, I am appointing Peter Spadafore, of Lansing, to the Lansing Promise Zone Authority Board for the term of June 6, 2019 to June 5, 2023.

June 6, 2019

Pursuant to MCL 390.1665, I am reappointing Christopher Dean, of Norton Shores, to the Muskegon County Promise Zone Authority Board for the term of June 6, 2019 to June 5, 2023.

Sincerely,
Mike Shirkey
16th Senate District
Senate Majority Leader

The communications were referred to the Secretary for record.

The following communication was received:
Office of Senator Sylvia Santana

June 12, 2019

Please add my name to the list of co-sponsors for SB 362 and SB 363. If you have any questions, please reach out to my office.

Cordially,
Sylvia A. Santana
State Senator
Michigan's 3rd District

The communication was referred to the Secretary for record.

Messages from the House

Senate Bill No. 129, entitled

A bill to amend 2016 PA 436, entitled "Unmanned aircraft systems act," by amending section 5 (MCL 259.305).

The House of Representatives has substituted (H-5) the bill.

The House of Representatives has passed the bill as substituted (H-5), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

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 Assistant President pro tempore, Senator Theis, designated Senator McBroom as Chairperson.

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

House Bill No. 4118, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627 (MCL 257.627), as amended by 2016 PA 445.

The bill was placed on the order of Third Reading of Bills.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator MacGregor moved that rule 3.203 be suspended and that the following bills be referred to the Committee of the Whole and placed on the order of General Orders:

Senate Bill No. 372

Senate Bill No. 373

House Bill No. 4229

House Bill No. 4230

House Bill No. 4231

House Bill No. 4234

House Bill No. 4235

House Bill No. 4237

House Bill No. 4238

House Bill No. 4239

House Bill No. 4615

House Bill No. 4616

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

Senators Wojno, Irwin, Polehanki, Bayer, Bullock, McCann, Runestad, Geiss, Alexander, Ananich and Brinks introduced

Senate Joint Resolution H, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 26 of article IV, to require a two-thirds vote on any bill introduced during a regular legislative session held after the November election in an even-numbered year.

The joint resolution was read a first and second time by title and referred to the Committee on Government Operations.

Senators Hertel, McCann, Bullock, Wojno, Polehanki, Geiss, Alexander, Ananich, Bayer, Brinks, Moss, Runestad and Hollier introduced

Senate Bill No. 370, entitled

A bill to establish the pediatric congenital heart association fund in the department of treasury; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

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

Senators Hertel, McCann, Bullock, Wojno, Polehanki, Geiss, Alexander, Ananich, Bayer, Brinks, Moss, Runestad and Hollier introduced

Senate Bill No. 371, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2018 PA 258.

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

Senator Stamas introduced

Senate Bill No. 372, entitled

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal year ending September 30, 2020; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

The bill was read a first and second time by title.

In pursuance of the order previously made, the bill was referred to the Committee of the Whole and placed on the order of General Orders.

Senator Stamas introduced

Senate Bill No. 373, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 17b, 201, and 236 (MCL 388.1611, 388.1617b, 388.1801, and 388.1836), section 11 as amended by 2018 PA 586, section 17b as amended by 2007 PA 137, and sections 201 and 236 as amended by 2018 PA 265.

The bill was read a first and second time by title.

In pursuance of the order previously made, the bill was referred to the Committee of the Whole and placed on the order of General Orders.

Senator Stamas introduced

Senate Bill No. 374, entitled

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies and the judicial branch for the fiscal year ending September 30, 2020; to provide for certain conditions on appropriations; 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. 375, entitled

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies for the fiscal year ending September 30, 2020; to provide for certain conditions on appropriations; 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. 376, entitled

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies for the fiscal year ending September 30, 2020; to provide for certain conditions on appropriations; 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. 377, 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 2018 PA 586 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.

Senators Horn, LaSata and MacDonald introduced

Senate Bill No. 378, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding section 674.

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

House Bill No. 4229, entitled

A bill to make appropriations for the department of agriculture and rural development for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

The House of Representatives has passed the bill.

The bill was read a first and second time by title.

In pursuance of the order previously made, the bill was referred to the Committee of the Whole and placed on the order of General Orders.

House Bill No. 4230, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 201, 201a, 206, 207a, 207b, 207c, 209, 209a, 210b, 210f, 217, 225, 229a, and 230 (MCL 388.1801, 388.1801a, 388.1806, 388.1807a, 388.1807b, 388.1807c, 388.1809, 388.1809a, 388.1810b, 388.1810f, 388.1817, 388.1825, 388.1829a, and 388.1830), sections 201, 201a, 206, 207a, 207b, 207c, 209, 210b, 217, 225, 229a, and 230 as amended and sections 209a and 210f as added by 2018 PA 265; and to repeal acts and parts of acts.

The House of Representatives has passed the bill.

The bill was read a first and second time by title.

In pursuance of the order previously made, the bill was referred to the Committee of the Whole and placed on the order of General Orders.

House Bill No. 4231, entitled

A bill to make appropriations for the department of corrections for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

The House of Representatives has passed the bill.

The bill was read a first and second time by title.

In pursuance of the order previously made, the bill was referred to the Committee of the Whole and placed on the order of General Orders.

House Bill No. 4234, 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, the department of talent and economic development, and certain other state purposes for the fiscal year ending September 30, 2020; 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 House of Representatives has passed the bill.

The bill was read a first and second time by title.

In pursuance of the order previously made, the bill was referred to the Committee of the Whole and placed on the order of General Orders.

House Bill No. 4235, entitled

A bill to make appropriations for the department of health and human services for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

The House of Representatives has passed the bill.

The bill was read a first and second time by title.

In pursuance of the order previously made, the bill was referred to the Committee of the Whole and placed on the order of General Orders.

House Bill No. 4237, entitled

A bill to make appropriations for the department of insurance and financial services for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

The House of Representatives has passed the bill.

The bill was read a first and second time by title.

In pursuance of the order previously made, the bill was referred to the Committee of the Whole and placed on the order of General Orders.

House Bill No. 4238, entitled

A bill to make appropriations for the judiciary for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

The House of Representatives has passed the bill.

The bill was read a first and second time by title.

In pursuance of the order previously made, the bill was referred to the Committee of the Whole and placed on the order of General Orders.

House Bill No. 4239, entitled

A bill to make appropriations for the department of licensing and regulatory affairs for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

The House of Representatives has passed the bill.

The bill was read a first and second time by title.

In pursuance of the order previously made, the bill was referred to the Committee of the Whole and placed on the order of General Orders.

House Bill No. 4615, entitled

A bill to make appropriations for the department of state police for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

The House of Representatives has passed the bill.

The bill was read a first and second time by title.

In pursuance of the order previously made, the bill was referred to the Committee of the Whole and placed on the order of General Orders.

House Bill No. 4616, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

The House of Representatives has passed the bill.

The bill was read a first and second time by title.

In pursuance of the order previously made, the bill was referred to the Committee of the Whole and placed on the order of General Orders.

Senator Santana entered the Senate Chamber.

Statements

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

The motion prevailed.

Senator Hertel's statement is as follows:

I rise today to ask for your support for an amendment to our Michigan Constitution that will protect Michigan's children by asserting a child's best interests should be the focus of any child custody or parental rights case. Placing a child in the custody of their biological parent is not necessarily the best for them, especially when a parent is neglectful, abusive, or absent from a child's life.

Those of you who know me well know I've experienced this very directly. The greatest thing that I've ever done in my life was adopting my son Nathan. Throughout that process, I was effectively his father since he was three years old. I wasn't legally his father until he was six. We had to go through a long process to terminate one parent's rights in order to make that happen. My greatest fear throughout the entire process—every single day—was the fact that if something happened to my wife, that his biological father—even though he had no part in his son's life, even though he made no attempt to see or provide for his son, even though he had a legal and moral obligation to do so, even though I was the one who raised him, even though I was the one who provided for him, even though I was the one who tucked him in at night, even though I was the one who bathed him, clothed him, and spent every day with him—the person who did nothing had more rights than I did if something were to happen to my wife. That is clearly unacceptable.

Biologically having a child or putting your name on a birth certificate does not make you a mother or father. It does not make you a parent. Being there does. Loving your child does. Over the years, I've had the privilege of working with a constituent—Elaine Hardy—who has shared her story. She's in the Gallery right

now. Elaine has been a caregiver for her great-nephew Aden since shortly after his birth. Yet four years into his life, after minimal contact and having no relationship with him, Aden's mother visited and took him for ten days, leaving Elaine powerless to have him removed from her care, despite being his power of attorney and his primary caregiver. Despite being his home, he was taken from her. Even after CPS found his mother's house to be uninhabitable by children, Aden was still visited weekly by his mother until a therapist determined that these visits were detrimental. The situation was nearly repeated with Aden's younger brother Asher, except his mother finally relinquished her rights. In fact, I was at the adoption for Aden and Asher to Elaine's daughter. It was a very important moment in both those young boys' lives. This entire situation placed an incredible amount of stress on the children caught in the middle.

While this ordeal had been undoubtedly traumatic for Aden, it is unfortunately not uncommon. Our state should not emphasize relationships by blood, especially when there is in fact no relationship at all at the expense of a child's wellbeing. As a state, we should be focused on the welfare of our children and use that as a guiding principle in child custody and parental rights cases. While I recognize that in some cases, and probably in most cases, reunifying children with their biological parents is in their best interest, this is not the case when a parent is neglectful, abusive, or has demonstrated no serious commitment to forming a parental relationship. By using the child's best interest as a litmus test, our children will be served and will not be subject to toxic situations.

I propose this amendment so we can put the children's best interests at the heart of all decisions when it comes to child custody and I ask for your support by sponsoring this amendment today.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, June 12:

House Bill Nos. 4230 4234 4235 4237 4239

The Secretary announced that the following bills and joint resolution were printed and filed on Wednesday, June 12, and are available on the Michigan Legislature website:

Senate Bill Nos. 368 369

Senate Joint Resolution G

House Bill Nos. 4716 4717

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 298, entitled

A bill to amend 2008 PA 525, entitled "Fostering futures scholarship trust fund act," by amending section 7b (MCL 722.1027b), as added by 2014 PA 530.

With the recommendation that the bill pass.

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

Jim Stamas

Chairperson

To Report Out:

Yeas: Senators Stamas, Bumstead, Barrett, Bizon, LaSata, MacDonald, MacGregor, Nesbitt, Outman, Runestad, Schmidt, Victory, Hertel, Bayer, Hollier, Irwin, McCann and Santana

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, June 12, 2019, at 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Stamas (C), Bumstead, Barrett, Bizon, LaSata, MacDonald, MacGregor, Nesbitt, Outman, Runestad, Schmidt, Victory, Hertel, Bayer, Hollier, Irwin, McCann and Santana

COMMITTEE ATTENDANCE REPORT

The Committee on Advice and Consent submitted the following:

Meeting held on Wednesday, June 12, 2019, at 3:00 p.m., Room 1100, Binsfeld Office Building

Present: Senators Lucido (C), LaSata, Nesbitt, McBroom and Hertel

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary and Public Safety submitted the following:

Meeting held on Thursday, June 13, 2019, at 8:30 a.m., Room 1100, Binsfeld Office Building

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

Excused: Senators Runestad and Chang

Scheduled Meetings

Energy and Technology - Tuesday, June 18, 2:00 p.m., Room 1100, Binsfeld Office Building
(517) 373-5312

Environmental Quality - Tuesday, June 18, 1:00 p.m., Room 1200, Binsfeld Office Building
(517) 373-5323

Regulatory Reform - Tuesdays, June 18, and June 25, 3:00 p.m., Room 1200, Binsfeld Office Building
(517) 373-5314

Senator MacGregor moved that the Senate adjourn.

The motion prevailed, the time being 10:33 a.m.

The Assistant President pro tempore, Senator Theis, declared the Senate adjourned until Tuesday, June 18, 2019, at 10:00 a.m.

MARGARET O'BRIEN

Secretary of the Senate