

No. 68
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2019

House Chamber, Lansing, Wednesday, July 10, 2019.

10:00 a.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

Motions and Communications

The following communications were received and read:

Office of the Auditor General

June 28, 2019

Enclosed is a copy of the following report:

- Report on internal control, compliance, and other matters on the financial audit of the *State of Michigan Comprehensive Annual Financial Report* for the fiscal year ended September 30, 2018 (071-0010-19)

July 1, 2019

Enclosed is a copy of the following report:

- Single audit report for the State of Michigan for the fiscal year ended September 30, 2018 (000-0100-19)

Sincerely,
Doug Ringler
Auditor General

The audit reports were referred to the Committee on Oversight.

The following communication was received:

Office of the Secretary of the Senate

July 1, 2019

Pursuant to Article 4, Section 33 of the Constitution of 1963, this is to inform you that the Governor failed to return Enrolled Senate Bill No. 112 within the 14-day period.

The time for approval or veto of the enrolled bill having expired at 10:17 a.m. on July 1, 2019, and no message from the Governor having been received by the Senate as to whether she had signed the bill, it has, pursuant to the Constitution, become law without her signature.

Based on the above, it should be noted on the official copy of Enrolled Senate Bill No. 112 that it became law on July 1, 2019 without the signature of the Governor.

Sincerely,
Margaret O'Brien
Secretary of the Senate

(Filed with the Secretary of State on July 1, 2019, at 11:50 a.m.)

This enrolled bill was assigned Public Act No. 41 of 2019 with immediate effect.

The following communication was received:
Judicial Tenure Commission

June 20, 2019

I am pleased to present the 2018 Annual Report of the Michigan Judicial Tenure Commission. This report informs the public and all branches of state government about the Commission's duties, operations, and actions.

The Commission remains committed to fulfilling its responsibilities to the people of the State of Michigan. It thanks its devoted and professional staff members for their continued hard work and assistance. We hope the vigilant and dedicated work of the Commission will preserve and promote the public's confidence in the integrity, independence, and fairness of the Michigan judiciary.

Very truly yours,
Monte Burmeister
Chairperson
For the Commission

The communication was referred to the Secretary for record.

The following communications were received:
State Budget Office

June 26, 2019

Transmitted under this cover is a schedule entitled "Statement of Revenue Subject to Constitutional Limitation - Legal Basis." The statement is submitted pursuant to Sections 18.1350(a) through 18.1350(e) of the Michigan Compiled Laws for the purpose of demonstrating compliance with Article 9, Sections 26 and 33 of the Michigan Constitution for the fiscal year 2018.

The computed amount of revenue subject to the constitutional limitation is \$33.0 billion, which is \$8.7 billion under the limit.

The statement has been reviewed by the Office of the Auditor General and a copy of the independent accountant's review is enclosed.

If you have questions regarding this report, please contact Mr. Michael J. Moody, Director, Office of Financial Management, at 373-1010.

June 26, 2019

This letter transmits the "Statement of the Proportion of Total State Spending From State Sources Paid to Units of Local Government - Legal Basis" for fiscal year 2018, which has been prepared in accordance with Sections 18.1115(5), 18.1303-18.1305, 18.1349, 18.1350, 18.1497, and 18.1498 of the Michigan Compiled Laws for the purpose of demonstrating compliance with Article 9, Section 30 of the Michigan Constitution.

The computed percentage of total state spending from state sources paid to local governments for fiscal year 2018 is 55.25%, which is \$2.1 billion more than the minimum required.

The statement has been reviewed by the Office of the Auditor General and a copy of their independent accountant's review letter is enclosed.

If you have questions regarding this report, please contact Mr. Michael J. Moody, Director, Office of Financial Management, at 373-1010.

Sincerely,
Chris Kolb
State Budget Director

The communications were referred to the Secretary for record.

The following communication was received:
Department of State Police

June 30, 2019

I am pleased to present to the Michigan Legislature the 26th annual Asset Forfeiture Report. Michigan's asset forfeiture laws provide for the seizure of cash and property assets of drug traffickers and other criminal organizations when that property is obtained through illegal activity. The report this year is the third and final report to be submitted specifically under the Uniform Forfeiture Reporting Act, PA 148 of 2015, which became effective February 1, 2016.

PA 148 repealed the prior asset forfeiture reporting requirements and requires submission of a summary to the Michigan Department of State Police of the reporting agency's activities regarding forfeiture of property under the following sections of law: Public Health Code, MCL 333.7521-MCL 333.7533 (Controlled Substances); the Identity Theft Protection Act, MCL 445.79d; Revised Judicature Act of 1961, MCL 600.4701-600.4709 (Omnibus); and Revised Judicature Act of 1961, MCL 600.3801-600-3840 (Public

Nuisance). Additionally, the type of information to be reported for each seizure and forfeiture of property was expanded to provide for greater transparency regarding the government seizure of private property.

Effective August 7, 2019, legislation signed this year will require a criminal conviction before some property seized under the Public Health Code can be forfeited to law enforcement. The 2020 Asset Forfeiture Report will include forfeitures under PA 148 of 2015 as well as PA 7 and PA 9 of 2019, and beginning with the 2021 report, will cover data from forfeitures under PA 7 and PA 9 of 2019.

This report covers the period from January 1, 2018, through December 31, 2018. This is the second report in which all reporting agencies submitted forfeiture data based upon the calendar year. Over \$15 million in cash and assets amassed by drug traffickers was forfeited. Asset forfeiture funds were used to support law enforcement by providing resources for equipment, personnel, vehicles, training, and supplies. Assets seized pursuant to this program also allowed some agencies to contribute monies to non-profit organizations that assist in obtaining information from citizens for solving crimes.

I submit this report for your information and review.

Sincerely,
J. M. Gasper
Director

The communication was referred to the Secretary for record.

The following communication was received:
State Court Administrative Office

July 1, 2019

MCL 769.1k(9) requires the State Court Administrative Office to submit the Court Costs Imposed and Collected Report, related to court costs imposed on criminal defendants, by July 1.

Trial courts compiled and reported the following three pieces of information for this report:

- total number of cases in which costs under MCL 769.1k(1)(b)(iii) were imposed;
- total amount of costs imposed under MCL 769.1k(1)(b)(iii); and
- total amount of costs imposed under MCL 769.1k(1)(b)(iii) that were collected.

These court costs are allowable, but not required, in cases with a felony, misdemeanor, or designated juvenile conviction.

If you have any questions, please contact John Nevin, Communications Director, at nevinj@courts.mi.gov or 517-373-0129.

Milton L. Mack, Jr.
State Court Administrator

The communication was referred to the Secretary for record.

The following communication was received:
Department of Treasury

July 1, 2019

The attached annual report on the operation of the New Jobs Training Program is provided to you in accordance with MCL 206.713.

Scott Darragh, Economist - Manager
Office of Revenue and Tax Analysis

The communication was referred to the Secretary for record.

The following communications were received:
Michigan Supreme Court

July 3, 2019

On order of the Chief Justice, the amici curiae representing each side of the constitutional question shall be allowed 15 minutes of oral argument separate from that of the Solicitor General and Deputy Solicitor General, to be divided in their discretion. The amici curiae must inform the clerk of the Court by July 11, 2019, the names of those attorneys who will be arguing for and against the constitutionality of 2018 PA 368 & 369.

July 3, 2019

On order of the Chief Justice, the motion for the temporary admission of out-of-state attorneys Seher Khawaja, Lynn Hecht Schafraan, and Jennifer M Becker to appear and practice in this case under MCR 8.126(A) is GRANTED.

Larry S. Royster
Clerk

The communications were referred to the Secretary for record.

Messages from the Governor

The following message from the Governor was received:

Date: July 8, 2019
Time: 8:40 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 128 (Public Act No. 42), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 7104 (MCL 333.7104), as amended by 2001 PA 233.

(Filed with the Secretary of State on July 8, 2019 at 2:14 p.m.)

Respectfully,
Gretchen Whitmer
Governor

The following messages from the Governor were received and read:

June 28, 2019

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 180 of 1981, MCL 400.583:

Michigan Commission on Services to the Aging

Mr. William Bupp, a Democrat, of 3991 White Pine Drive, DeWitt, Michigan 48820, county of Clinton, succeeding Amy Tripp whose term expires July 28, 2019, appointed for a term commencing July 29, 2019 and expiring July 28, 2022.

Mrs. Georgia Crawford-Cambell, a Democrat, of 18401 Sussex Street, Detroit, Michigan 48235, county of Wayne, succeeding Laura Newsome whose term expires July 28, 2019, appointed for a term commencing July 29, 2019 and expiring July 28, 2022.

Mr. Stephen J. Franko, a Democrat, of 635 Athletic Street, Vassar, Michigan 48768, county of Tuscola, succeeding John Briggs whose term expires July 28, 2019, appointed for a term commencing July 29, 2019 and expiring July 28, 2022.

Mr. Marshall Greenhut, a Democrat, of 1631 W. Giles Road, North Muskegon, Michigan 49445, county of Muskegon, succeeding Michael John Sheehan whose term expires July 28, 2019, appointed for a term commencing July 29, 2019 and expiring July 28, 2022.

Mr. Guillermo Z. López, a Democrat, of 1927 Pleasant View Avenue, Lansing, Michigan 48910, county of Ingham, succeeding Joan Ilardo whose term expires July 28, 2019, appointed for a term commencing July 29, 2019 and expiring July 28, 2022.

June 28, 2019

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 368 of 1978, MCL 333.18255 and 333.16121:

Michigan Board of Behavior Analysts

Ms. Deborah Beers of 11911 Winter Road, Sebawaing, Michigan 48759, county of Huron, succeeding Ian McElfish who has resigned, appointed to represent assistant behavior analysts for a term commencing June 28, 2019 and expiring December 31, 2020.

June 28, 2019

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 407 of 2016, MCL 339.5905 and 339.5303:

Board of Boiler Rules

Mr. Michael Card of 4668 Meadow Court, Auburn, Michigan 48611, county of Bay, succeeding James Lewis whose term expires June 30, 2019, appointed to represent the general public for a term commencing July 1, 2019 and expiring July 30, 2023.

Mr. Ned T. Hawkins of 7844 N. 26th Street, Kalamazoo, Michigan 49004, county of Kalamazoo, succeeding Robert David Hutsell whose term expires June 30, 2019, appointed to represent organized labor in this state that engages in the erection, fabrication, installation, operation, or repair of boilers, for a term commencing July 1, 2019 and expiring July 30, 2023.

Mr. Frank Wimmer of 658 Ranveen Drive, White Lake, Michigan 48386, county of Oakland, succeeding Lucas Liedel whose term expires June 30, 2019, appointed to represent mechanical contractors in this state that have experience in the installation, piping, or operation of boilers, for a term commencing July 1, 2019 and expiring July 30, 2023.

June 28, 2019

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 227 of 1967, MCL 408.807:

Elevator Safety Board

Ms. Sally Corbin of 6146 Indian Garden, Petoskey, Michigan 49770, county of Emmet, succeeding Mark Smith whose term expires July 22, 2019, appointed to represent insurance companies authorized to insure elevators in this state for a term commencing July 23, 2019 and expiring July 22, 2023.

Mr. Donald J. Purdie, Jr. of 9274 Ryella Lane, Davisburg, Michigan 48350, county of Oakland, succeeding Mark Pawlowski whose term expires July 22, 2019, appointed to represent manufacturers of elevators used in this state for a term commencing July 23, 2019 and expiring July 22, 2023.

June 28, 2019

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 368 of 1978, MCL 333.17305 and 333.16121:

Michigan Board of Nursing Home Administrators

Mrs. Marie T. Patrick of 10845 South Bagley Road, Ashley, Michigan 48806, county of Gratiot, succeeding Jana Broughton whose term expires June 30, 2019, appointed to represent nursing home administrators for a term commencing July 1, 2019 and expiring June 30, 2023.

June 28, 2019

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 407 of 2016, MCL 339.6105 and 339.5303:

State Plumbing Board

Mr. Paul R. Kurtzhals of 2725 Eider Way, Wolverine Lake, Michigan 48390, county of Oakland, succeeding Anthony D'Ascenzo whose term expires June 30, 2019, appointed to represent a licensed master plumber who secures permits and has 10 years of experience as a master plumber for a term commencing July 1, 2019 and expiring July 30, 2022.

June 28, 2019

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 29 of 1970, MCL 290.422:

Michigan Potato Industry Commission

Ms. Rebecca Johnson of 865 Grand Avenue, N.E., Apt. C, Grand Rapids, Michigan 49503, county of Kent, succeeding Benjamin Sklarczyk whose term expires July 1, 2019, appointed to represent an at-large member for a term commencing July 2, 2019 and expiring July 1, 2022.

Mr. Guthry Laurie of 2939 Tomlinson Road, Caro, Michigan 48723, county of Tuscola, succeeding Kevin Storm whose term expires July 1, 2019, appointed to represent snack potato industry growers for a term commencing July 2, 2019 and expiring July 1, 2022.

Mr. Benjamin Sklarczyk of 8714 M-32 East, Johannesburg, Michigan 49751, county of Otsego, succeeding John Makarewicz whose term expires July 1, 2019, appointed to represent the seed potato industry for a term commencing July 2, 2019 and expiring July 1, 2022.

Mr. Mathew Skogman of N6667 Cheese Factory Road, Foster City, Michigan 49834, county of Dickinson, succeeding Ted Hanson whose term expires July 1, 2019, appointed to represent the seed potato industry for a term commencing July 2, 2019 and expiring July 1, 2022.

Mr. Jonathon L. Yoder of 62317 M-66, Sturgis, Michigan 49091, county of Saint Joseph, succeeding Wayne Leep whose term expires July 1, 2019, appointed to represent snack potato industry growers for a term commencing July 2, 2019 and expiring July 1, 2022.

Mr. Philip Gusmano of 423 Lexington Road, Grosse Pointe Farms, Michigan 48236, county of Wayne, reappointed to represent shippers for a term commencing July 2, 2019 and expiring July 1, 2022.

Mr. Travis M. Horkey of 1354 Wells Road, Dundee, Michigan 48131, county of Monroe, reappointed to represent the fresh potato industry for a term commencing July 2, 2019 and expiring July 1, 2022.

Mr. Donald W. Kitchen of 2400 U.S. Highway 131 South, Elmira, Michigan 49730, county of Antrim, reappointed to represent the fresh potato industry for a term commencing July 2, 2019 and expiring July 1, 2022.

Mr. Matt Wilkes of 7623 Luca Vista Drive, N.E., Rockford, Michigan 49341, county of Kent, reappointed to represent shippers or retailers for a term commencing July 2, 2019 and expiring July 1, 2022.

June 28, 2019

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 186 of 1973, MCL 205.721 *et seq.*:

Michigan Tax Tribunal

Mr. Steven M. Bieda of 32721 Valley Drive, Warren, Michigan 48093, county of Macomb, succeeding David Marmon whose term expires June 30, 2019, appointed to represent attorneys for a term commencing July 8, 2019 and expiring June 30, 2023.

Ms. Christine A. Schauer of 4436 Old Colony Road, Kalamazoo, Michigan 49008, county of Kalamazoo, filling a vacancy, appointed to represent members-at-large for a term commencing July 8, 2019 and expiring June 30, 2023.

June 28, 2019

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 403 of 2004, MCL 338.3620:

Michigan Unarmed Combat Commission

Mr. Nicholas D. Clark of 1013 Andrus Avenue, Lansing, Michigan 48917, county of Ingham, reappointed to represent the general public for a term commencing June 28, 2019 and expiring June 5, 2023.

Respectfully,
Gretchen Whitmer
Governor

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

Announcements of Printing and Enrollment

The Secretary announced that the following bills were printed and filed on Wednesday, June 26, and are available on the Michigan Legislature website:

House Bill Nos. 4775 4776 4777 4778 4779 4780 4781 4782 4783 4784 4785 4786 4787
4788 4789 4790 4791 4792 4793 4794 4795 4796 4797 4798 4799 4800
4801 4802 4803 4804 4805

The Secretary announced that the following bills were printed and filed on Tuesday, July 2, and are available on the Michigan Legislature website:

House Bill Nos. 4806 4807 4808 4809

Scheduled Meetings

State Drug Treatment Court Advisory Committee - Tuesday, July 23, 10:00 a.m, Legislative Council Conference Room, 3rd Floor, Boji Tower (517) 373-0212

In the absence of all Senators, pursuant to Joint Rule 15, the Secretary of the Senate adjourned the Senate, the time being 10:01 a.m.

In pursuance of the order previously made, the Secretary of the Senate declared the Senate adjourned until Wednesday, July 17, 2019, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate