

No. 38  
STATE OF MICHIGAN  
**Journal of the Senate**  
101st Legislature  
REGULAR SESSION OF 2021

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Senate Chamber, Lansing, Tuesday, May 4, 2021.

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

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 Sean McCann of the 20th District offered the following invocation:

Let us know peace. For as long as the moon shall rise, for as long as the rivers shall flow, for as long as the sun shall shine, for as long as the grass shall grow. Let us know peace.

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

Senator Schmidt entered the Senate Chamber.

### Motions and Communications

Senator Santana entered the Senate Chamber.

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

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

Senator Lauwers moved that Senators LaSata and Zorn be temporarily excused from today's session. The motion prevailed.

Senator Lauwers moved that Senators McBroom and Nesbitt be excused from today's session. The motion prevailed.

Senator Geiss entered the Senate Chamber.

Senator Lauwers moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

**Senate Bill No. 400**

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

### Messages from the Governor

The following message from the Governor was received and read:

April 30, 2021

I respectfully submit to the Senate the following appointment to office pursuant to Executive Order No. 2002-06, MCL 256.571:

**Governor's Traffic Safety Advisory Commission**

Mr. William A. Miller, III of 31621 Lamar Drive, Farmington, Michigan 48336, county of Oakland, succeeding Hank Kelley whose term expires May 27, 2021, appointed to represent local units of government, for a term commencing May 28, 2021 and expiring May 27, 2024.

Respectfully,  
Gretchen Whitmer  
Governor

The appointment was referred to the Committee on Advice and Consent.

Senator LaSata entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

### Messages from the House

Senator Ananich entered the Senate Chamber.

**Senate Bill No. 118, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 163 (MCL 388.1763), as amended by 2020 PA 165.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), 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 Lauwers moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Gilchrist, designated Senator Barrett as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Gilchrist, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

#### **Senate Bill No. 116, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 1108 (MCL 339.1108), as amended by 2014 PA 136.

#### **Senate Bill No. 354, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2444 (MCL 333.2444).

#### **Senate Bill No. 400, entitled**

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties," by amending section 1d (MCL 780.621d), as added by 2020 PA 190.

The bills were placed on the order of Third Reading of Bills.

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

#### **Senate Bill No. 128, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 14 (MCL 257.14), as amended by 2012 PA 498.

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.

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

#### **Senate Bill No. 353, entitled**

A bill to amend 2000 PA 92, entitled "Food law," by amending sections 3119, 4111, and 4115 (MCL 289.3119, 289.4111, and 289.4115), section 3119 as amended by 2018 PA 92 and section 4111 as amended by 2016 PA 188.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate proceeded to the order of

### **Resolutions**

#### **Senate Concurrent Resolution No. 15.**

A concurrent resolution of tribute offered as a memorial for Tom Casperson, former member of the House of Representatives and the Senate.

(For text of resolution, see Senate Journal No. 37, p. 568.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senator Theis introduced

**Senate Bill No. 407, entitled**

A bill to amend 1897 PA 230, entitled "An act to provide for the formation of corporations for the purpose of owning, maintaining and improving lands and other property kept for the purposes of summer resorts or for ornament, recreation or amusement, and to repeal all laws or parts of laws in conflict herewith; and to impose certain duties on the department of commerce," by amending the title and section 10 (MCL 455.10), the title as amended by 1982 PA 117.

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

Senators Victory and Runestad introduced

**Senate Bill No. 408, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 309a.

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

Senators Johnson, Runestad, Santana, Bullock, LaSata, MacDonald and Wojno introduced

**Senate Bill No. 409, 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 Theis, LaSata, Barrett, Victory, Daley and Zorn introduced

**Senate Bill No. 410, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 105c (MCL 388.1705c), as amended by 2020 PA 165.

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

Senator Zorn entered the Senate Chamber.

Senators LaSata, Theis, Barrett, Victory, Daley and Zorn introduced

**Senate Bill No. 411, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1724a (MCL 380.1724a), as amended by 2004 PA 415.

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

Senators Hertel, Bullock, Wojno, Santana, Chang, Geiss, Bizon, MacDonald, Irwin, LaSata, Ananich and Schmidt introduced

**Senate Bill No. 412, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109h (MCL 400.109h), as added by 2004 PA 248.

The bill was read a first and second time by title and referred to the Committee on Health Policy and Human Services.



### Committee Reports

The Committee on Judiciary and Public Safety reported

**Senate Bill No. 400, entitled**

A bill to amend 1965 PA 213, entitled “An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties,” by amending section 1d (MCL 780.621d), as added by 2020 PA 190.

With the recommendation that the bill pass.

Roger Victory  
Chairperson

To Report Out:

Yeas: Senators Victory, VanderWall, Barrett, Runestad, Chang and Irwin

Nays: Senator Johnson

The bill was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

**House Bill No. 4219, entitled**

A bill to amend 1965 PA 213, entitled “An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties,” by amending section 1 (MCL 780.621) as amended by 2020 PA 191.

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

Roger Victory  
Chairperson

To Report Out:

Yeas: Senators Victory, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

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

The Committee on Judiciary and Public Safety reported

**House Bill No. 4220, entitled**

A bill to amend 1965 PA 213, entitled “An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties,” by amending section 1c (MCL 780.621c), as added by 2020 PA 187.

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

Roger Victory  
Chairperson

To Report Out:

Yeas: Senators Victory, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

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

The Committee on Judiciary and Public Safety reported

**House Bill No. 4308, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 625, 625a, 625g, and 625m (MCL 257.625, 257.625a, 257.625g, and 257.625m), section 625 as amended by 2020 PA 383 and sections 625a, 625g, and 625m as amended by 2017 PA 153.

With the recommendation that the bill pass.

Roger Victory  
Chairperson

To Report Out:

Yeas: Senators Victory, 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. 4309, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 33 and 48 of chapter XVII (MCL 777.33 and 777.48), as amended by 2017 PA 152.

With the recommendation that the bill pass.

Roger Victory  
Chairperson

To Report Out:

Yeas: Senators Victory, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

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 29, 2021, at 8:30 a.m., Room 403, 4th Floor, Capitol Building

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

The Committee on Local Government reported

**Senate Bill No. 242, entitled**

A bill to amend 1966 PA 261, entitled “An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 10 and 12 (MCL 46.410 and 46.412), section 12 as amended by 2013 PA 84.

With the recommendation that the bill pass.

Dale W. Zorn  
Chairperson

To Report Out:

Yeas: Senators Zorn, Johnson, Daley, Alexander and Moss

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local Government reported

**Senate Bill No. 245, entitled**

A bill to amend 1966 PA 293, entitled “An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies,” by amending section 14 (MCL 45.514), as amended by 2017 PA 210.

With the recommendation that the bill pass.

Dale W. Zorn  
Chairperson

To Report Out:

Yeas: Senators Zorn, Johnson, Daley, Alexander and Moss

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Local Government submitted the following:

Meeting held on Thursday, April 29, 2021, at 2:00 p.m., Room 403, 4th Floor, Capitol Building

Present: Senators Zorn (C), Johnson, Daley, Alexander and Moss

## COMMITTEE ATTENDANCE REPORT

The Committee on Advice and Consent submitted the following:

Meeting held on Thursday, April 29, 2021, at 12:00 noon, Room 1100, Binsfeld Office Building

Present: Senators Nesbitt (C), Bumstead, McBroom and Hertel

## COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Thursday, April 29, 2021, at 1:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Lauwers (C), Horn, Barrett, Bizon, Schmidt, McCann, McMorrow and Bullock

Excused: Senators LaSata, Nesbitt, Bumstead and Brinks

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, April 29, 2021, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

Excused: Senators Hertel and Santana

## COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture submitted the following:

Meeting held on Thursday, April 29, 2021, at 3:30 p.m., Room 1100, Binsfeld Office Building

Present: Senators Daley (C), Victory, Lauwers and Brinks

Excused: Senator Polehanki

**Scheduled Meetings**

**Appropriations** – Wednesday, May 5, and Thursday, May 6, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-5307

**Elections** – Wednesday, May 5, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5323

Senator Lauwers moved that the Senate adjourn.

The motion prevailed, the time being 10:18 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Wednesday, May 5, 2021, at 10:00 a.m.

MARGARET O'BRIEN  
Secretary of the Senate