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Senate Chamber, Lansing, Thursday, October 28, 2021.

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 communication was received:
Office of Senator Curtis Hertel Jr.

October 26, 2021

I am writing to request my addition in co-sponsorship of Senate Bill 678, sponsored by Senator Chang; Senate Bill 679, sponsored by Senator Schmidt; Senate Bill 637, sponsored by Senator Chang; Senate Bill 638, sponsored by Senator Outman; and Senate Bill 690, sponsored by Senator Irwin.

Please feel free to contact me if you need any further information.

Sincerely,
Curtis Hertel Jr.
State Senator
District 23

The communication was referred to the Secretary for record.

The following communication was received:
Michigan Law Revision Commission

October 28, 2021

The Michigan Law Revision Commission presents its fifty-first annual report pursuant to section 403 of Act No. 268 of the Public Acts of 1986, MCL § 4.1403.

The Commission, created by section 401 of Act No. 268 of the Public Acts of 1986, MCL § 4.1401, consists of two members of the Senate, with one from the majority and one from the minority party, appointed by the Majority Leader of the Senate; two members of the House of Representatives, with one from the majority and one from the minority party, appointed by the Speaker of the House; the Director of the Legislative Service Bureau or his or her designee, who serves as an ex officio member; and four members appointed by the Legislative Council. The terms of the members appointed by the Legislative Council are staggered. The Legislative Council designates the Chair of the Commission. The Vice Chair is elected by the Commission.

Membership

The legislative members of the Commission during 2020 were Senator Peter J. Lucido of Shelby Township; Senator Stephanie Chang of Detroit; Representative Ryan Berman of Commerce Township; and Representative Brian K. Elder of Bay City. Legislative Council Administrator Jennifer Dettloff has been the ex officio member of the Commission since November 9, 2016. The appointed members of the Commission were Richard D. McLellan, Anthony Derezinski, Brian A. LaVictoire, and George E. Ward. Mr. McLellan served as Chairperson and Mr. Derezinski served as Vice Chairperson. Jane O. Wilensky served as Executive Secretary. Brief biographies of the Commission members and staff are located at the end of this report.

The Commission's Work in 2020

The Commission is charged by statute with the following duties:

1. To examine the common law and statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and to recommend needed reform.
2. To receive and consider proposed changes in law recommended by the American Law Institute, the National Conference of Commissioners on Uniform State Laws, any bar association, and other learned bodies.
3. To receive and consider suggestions from justices, judges, legislators and other public officials, lawyers, and the public generally as to defects and anachronisms in the law.
4. To recommend such changes in the law as it deems necessary in order to modify or eliminate antiquated and inequitable rules of law, and to bring the civil and criminal law of this state into harmony with modern conditions.
5. To encourage the faculty and students of the law schools of this state to participate in the work of the Commission.
6. To cooperate with the law revision commissions of other states and Canadian provinces.
7. To issue an annual report.

The problems to which the Commission directs its studies are largely identified through an examination by the Commission members and the Executive Secretary of the statutes and case law of Michigan, the reports of learned bodies and commissions from other jurisdictions, and legal literature. Other subjects are brought to the attention of the Commission by various organizations and individuals, including members of the Legislature.

The Commission's efforts have been devoted primarily to three areas. First, Commission members provided information to legislative committees related to various proposals previously recommended by the Commission. Second, the Commission examined suggested legislation proposed by various groups involved in law revision activity. These proposals included legislation advanced by the Council of State Governments, the National Conference of Commissioners on Uniform State Laws, and the law revision commissions of various jurisdictions within and outside the United States. Finally, the Commission considered various problems relating to special aspects of current Michigan law suggested by its own review of Michigan decisions and the recommendations of others.

As in previous years, the Commission studied various proposals that did not lead to legislative recommendations. In the case of certain uniform or model acts, the Commission sometimes found that the subjects treated had been considered by the Michigan Legislature in recent legislation and, therefore, did not recommend further action. In other instances, uniform or model acts were not pursued because similar legislation was currently pending before the Legislature upon the initiation of legislators having a special interest in the particular subject.

The Commission continues to operate with its sole staff member, the part-time Executive Secretary. The current Executive Secretary of the Commission is Jane O. Wilensky, who was responsible for the publication of this report. By using faculty members at several Michigan law schools as consultants and law students as researchers, the Commission has been able to operate on a budget substantially lower than that of similar commissions in other jurisdictions. At the end of this report, the Commission provides a list of more than 120 Michigan statutes passed since 1967 upon the recommendation of the Commission.

The Office of the Legislative Council Administrator handles the administrative functions and fiscal operations of the Commission under procedures established by the Legislative Council.

The Commission continues to welcome suggestions for improvement of its program and proposals.

Respectfully Submitted,
Peter B. Ruddell
Chair

The communication was referred to the Secretary for record.

Pursuant to rule 3.104 the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Hollier introduced
Senate Bill No. 707, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3476 (MCL 500.3476), as amended by 2020 PA 97.

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

Senators Wojno, Outman, Santana, Chang, McMorrow, Brinks, Victory, Bullock, Runestad, VanderWall and Schmidt introduced

Senate Bill No. 708, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 5, 7, 10, 17, and 20 of chapter XII (MCL 712.5, 712.7, 712.10, 712.17, and 712.20), section 5 as added by 2000 PA 232, sections 7 and 10 as amended by 2006 PA 488, section 17 as amended by 2010 PA 348, and section 20 as amended by 2003 PA 245, and by adding section 3a.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors, and Veterans.

Senators VanderWall, Wojno, Outman, Santana, Chang, McMorrow, Victory, Bullock, Brinks, Runestad and Schmidt introduced

Senate Bill No. 709, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 2843 (MCL 333.2843), as amended by 2013 PA 79.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors, and Veterans.

Senators VanderWall, Wojno, Outman, Santana, Chang, McMorrow, Brinks, Bullock, Victory, Runestad and Schmidt introduced

Senate Bill No. 710, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 1, 2, and 3 of chapter XII (MCL 712.1, 712.2, and 712.3), sections 1 and 3 as amended by 2006 PA 488 and section 2 as added by 2000 PA 232.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors, and Veterans.

Senators Wojno, Outman, Santana, Chang, McMorrow, Bullock, Brinks, Victory, Runestad, VanderWall and Schmidt introduced

Senate Bill No. 711, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 135 (MCL 750.135), as amended by 2002 PA 689.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors, and Veterans.

Senator MacDonald introduced

Senate Bill No. 712, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 8182 (MCL 500.8182), as added by 1990 PA 1, and by adding sections 8199b and 8199c.

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

Senator LaSata introduced

Senate Bill No. 713, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending section 45 (MCL 169.245), as amended by 1996 PA 590.

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

Senator Shirkey introduced

Senate Bill No. 714, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal years ending September 30, 2021 and September 30, 2022; 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.

House Bill No. 4281, entitled

A bill to amend 1951 PA 33, entitled “An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and certain cities; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal acts and parts of acts,” by amending section 10 (MCL 41.810), as amended by 2020 PA 64.

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 Local Government.

House Bill No. 4693, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending section 2512b (MCL 339.2512b), as added by 1981 PA 83.

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 Regulatory Reform.

House Bill No. 4997, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 638a.

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 Transportation and Infrastructure.

House Bill No. 4998, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 638 (MCL 257.638).

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 Transportation and Infrastructure.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, October 27:

House Bill Nos. 4281 4693 4997 4998

The Secretary announced that the following bills and resolutions were printed and filed on Wednesday, October 27, and are available on the Michigan Legislature website:

Senate Bill No. 706

Senate Resolution Nos. 89 90

House Bill Nos. 5482 5483 5484 5485 5486 5487

Committee Reports

The Committee on Insurance and Banking reported

Senate Bill No. 447, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3471.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Lana Theis
Chairperson

To Report Out:

Yeas: Senators Theis, Lauwers, LaSata, Nesbitt, Barrett, Horn, Geiss, Bullock and McMorrow

Nays: None

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

The Committee on Insurance and Banking reported

Senate Bill No. 624, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 4072 (MCL 500.4072), as amended by 2003 PA 200.

With the recommendation that the bill pass.

Lana Theis

Chairperson

To Report Out:

Yeas: Senators Theis, Lauwers, LaSata, Nesbitt, Barrett, Horn, Geiss, Bullock and McMorrow

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Insurance and Banking reported

House Bill No. 4171, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 405 (MCL 418.405), as amended by 2014 PA 515.

With the recommendation that the bill pass.

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

Lana Theis

Chairperson

To Report Out:

Yeas: Senators Theis, Lauwers, LaSata, Nesbitt, Barrett, Horn, Geiss, Bullock and McMorrow

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Insurance and Banking reported

House Bill No. 4172, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 405 (MCL 418.405), as amended by 2014 PA 515.

With the recommendation that the bill pass.

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

Lana Theis

Chairperson

To Report Out:

Yeas: Senators Theis, Lauwers, LaSata, Nesbitt, Barrett, Horn, Geiss, Bullock and McMorrow

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Insurance and Banking reported

House Bill No. 4694, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 9520, 9521, and 9525 (MCL 440.9520, 440.9521, and 440.9525), section 9520 as amended by 2008 PA 383, section 9521 as amended by 2012 PA 88, and section 9525 as amended by 2016 PA 229.

With the recommendation that the bill pass.

Lana Theis

Chairperson

To Report Out:

Yeas: Senators Theis, Lauwers, LaSata, Nesbitt, Barrett, Horn, Geiss, Bullock and McMorrow

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Insurance and Banking submitted the following:

Meeting held on Wednesday, October 27, 2021, at 9:00 a.m., Room 1100, Binsfeld Office Building

Present: Senators Theis (C), Lauwers, LaSata, Nesbitt, Barrett, Horn, Geiss, Bullock and McMorro

The Committee on Finance reported

Senate Bill No. 698, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 14a (MCL 211.14a), as added by 2020 PA 352.

With the recommendation that the bill pass.

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

Jim Runestad

Chairperson

To Report Out:

Yeas: Senators Runestad, Nesbitt, Bumstead, VanderWall, Chang and Alexander

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 4289, entitled

A bill to create the Michigan first-time home buyer savings program; to provide for first-time home buyer savings accounts; to prescribe the powers and duties of certain state agencies, boards, and departments; to allow certain tax deductions; and to provide for penalties and remedies.

With the recommendation that the bill pass.

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

Jim Runestad

Chairperson

To Report Out:

Yeas: Senators Runestad, Nesbitt, Bumstead, VanderWall, Chang and Alexander

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 4290, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2020 PA 65.

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.

Jim Runestad

Chairperson

To Report Out:

Yeas: Senators Runestad, Nesbitt, Bumstead, VanderWall, Chang and Alexander

Nays: None

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

The Committee on Finance reported

House Bill No. 5376, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 30 and 623 (MCL 206.30 and 206.623), section 30 as amended by 2020 PA 65 and section 623 as amended by 2014 PA 13, and by adding sections 254 and 675 and part 4.

With the recommendation that the bill pass.

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

Jim Runestad

Chairperson

To Report Out:

Yeas: Senators Runestad, Nesbitt, Bumstead, VanderWall, Chang and Alexander

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, October 27, 2021, at 12:30 p.m., Room 1200, Binsfeld Office Building

Present: Senators Runestad (C), Nesbitt, Bumstead, VanderWall, Chang and Alexander

Excused: Senator Daley

The Committee on Transportation and Infrastructure reported

Senate Resolution No. 89.

A resolution to urge the federal government to allow persons under the age of 21 to operate commercial vehicles on interstate routes.

(For text of resolution, see Senate Journal No. 86, p.1809.)

With the recommendation that the resolution be adopted.

Tom Barrett

Chairperson

To Report Out:

Yeas: Senators Barrett, LaSata, McBroom, Victory, Outman, Lauwers, Geiss, Bullock and Hollier

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Transportation and Infrastructure reported

Senate Bill No. 452, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 232 (MCL 257.232), as amended by 2019 PA 88.

With the recommendation that the bill pass.

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

Tom Barrett

Chairperson

To Report Out:

Yeas: Senators Barrett, LaSata, McBroom, Victory, Outman, Lauwers and Bullock

Nays: Senator Hollier

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Infrastructure submitted the following:

Meeting held on Wednesday, October 27, 2021, at 12:00 noon, Room 1100, Binsfeld Office Building

Present: Senators Barrett (C), LaSata, McBroom, Victory, Outman, Lauwers, Geiss, Bullock and Hollier

The Committee on Families, Seniors, and Veterans reported

House Bill No. 4380, entitled

A bill to create certain funds; to create a Michigan military and veteran services support fund board and prescribe its powers and duties; and to provide for the powers and duties of certain state governmental officers and entities.

With the recommendation that the bill pass.

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

John Bizon, M.D.

Chairperson

To Report Out:

Yeas: Senators Bizon, Barrett, Runestad, Johnson, Zorn, Bullock and Alexander

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Seniors, and Veterans submitted the following:

Meeting held on Wednesday, October 27, 2021, at 3:00 p.m., Room 403, 4th Floor, Capitol Building

Present: Senators Bizon (C), Barrett, Runestad, Johnson, Zorn, Bullock and Alexander

Scheduled Meetings

Economic and Small Business Development – Tuesday, November 2, 12:00 noon, Room 1100, Binsfeld Office Building (517) 373-1721

Judiciary and Public Safety – Tuesday, November 2, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-5312

State Drug Treatment Court Advisory Committee – Monday, November 1, 4:00 p.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 10:03 a.m.

The Secretary of the Senate declared the Senate adjourned until Tuesday, November 2, 2021, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate