

No. 13  
STATE OF MICHIGAN  
**Journal of the Senate**  
100th Legislature  
REGULAR SESSION OF 2019

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Senate Chamber, Lansing, Tuesday, February 12, 2019.

10:00 a.m.

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

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 Wayne A. Schmidt of the 37th District offered the following invocation:

Dear God, thank You on behalf of all who are gathered here today. Thank You for Your many and abundant blessings. Thank You for life itself, for the measure of health that we need to fulfill our callings, for sustenance, and for friendship. Thank You for the ability to be involved in useful work and for the honor of bearing appropriate responsibilities. Thank You for loving us from Your boundless and gracious nature. Gracious God, help us to work humbly in Your service so that all may know You are God.

In Your name we pray. Amen.

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

### Motions and Communications

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

Senator McMorrow moved that Senators Chang, Santana, Geiss, Bayer, Alexander, Moss, Hollier, Wojno and Ananich be temporarily excused from today's session.

The motion prevailed.

The following communication was received and read:  
Office of the Auditor General

February 5, 2019

Enclosed is a copy of the following report:

- Performance audit report on the Children of Veterans Tuition Grant Program, Department of Treasury, (271-0311-18).

Sincerely,  
Doug Ringler  
Auditor General

The audit report was referred to the Committee on Oversight.

The following communications were received:  
Office of Senator Rosemary Bayer

February 5, 2019

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bill 2 introduced on January 15, 2019 by Senator Lucido.

February 5, 2019

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bill 14 introduced on January 15, 2019 by Senator Brinks.

February 5, 2019

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bill 39 introduced on January 16, 2019 by Senator McBroom.

Sincerely,  
Rosemary Bayer  
12th Senate District  
State Senator

The communications were referred to the Secretary for record.

The following communication was received:  
Office of Senator Betty Jean Alexander

February 7, 2019

I would like to add my name as a co-sponsor of Senate Bill 88, which was sponsored by Senator Stephanie Chang. Thank you for the opportunity and please let me know if you have any questions.

Sincerely,  
Betty Jean Alexander  
State Senator  
5th District-Detroit, Dearborn Heights,  
Garden City, Inkster, and Redford

The communication was referred to the Secretary for record.

## Messages from the Governor

The following message from the Governor was received on February 8, 2019, and read:

EXECUTIVE ORDER  
No. 2019-03

**Department of Environmental Quality**  
**Michigan PFAS Action Response Team**

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Under section 8 of article 5 of the Michigan Constitution of 1963, each principal department of state government is under the supervision of the governor unless otherwise provided.

Under section 8 of article 5 of the Michigan Constitution of 1963, the governor is responsible to take care that the laws are faithfully executed.

Section 51 of article 4 of the Michigan Constitution of 1963 declares the public health and general welfare of the people of the State of Michigan as matters of primary public concern.

Section 52 of article 4 of the Michigan Constitution of 1963 declares the conservation and development of the natural resources of the state as a paramount public concern in the interest of the health, safety, and general welfare of the people of the State of Michigan.

The State of Michigan has recognized the prevalence of perfluoroalkyl and polyfluoroalkyl substances (PFAS), which the U.S. Environmental Protection Agency has classified as contaminants. These chemicals are used in thousands of applications throughout the industrial, food, and textile industries and are an ingredient in some firefighting foams, food packaging, cleaning products, and various other household items. They are incredibly stable, breaking down slowly in the environment, and are highly soluble, easily transferring through soil to groundwater.

In 2017 the Michigan PFAS Action Response Team (“MPART”) was created as a temporary body by executive directive to investigate sources and locations of PFAS and protect drinking water and public health. Over the past few years, MPART has identified PFAS in several counties, cities, and towns throughout Michigan. Its work continues today.

This executive order establishes MPART as an established, enduring body to address the threat of PFAS contamination in Michigan, protect public health, and ensure the safety of Michigan’s land, air, and water, while facilitating inter-agency coordination, increasing transparency, and requiring clear standards to ensure accountability.

Acting pursuant to the Michigan Constitution of 1963 and Michigan law, I order the following:

**1. Creation of the Michigan PFAS Action Response Team**

(a) The Michigan PFAS Action Response Team (“MPART”) is created as an advisory body within the Department of Environmental Quality (the “Department”).

(b) MPART will consist of the following members:

(1) The director of the Department, or the director’s designee from within the Department.

(2) The director of the Department of Health and Human Services, or the director’s designee from within that department.

(3) The director of the Department of Natural Resources, or the director’s designee from within that department.

(4) The director of the Department of Agriculture and Rural Development, or the director’s designee from within that department.

(5) The director of the Department of Transportation, or the director’s designee from within that department.

(6) The director of the Department of Military and Veteran Affairs, or the director’s designee from within that department.

(7) The director of the Department of Licensing and Regulatory Affairs, or the director’s designee from within that department.

(c) Members of MPART under sections 1(b) are ex officio members and serve at the pleasure of the governor.

(d) The director of the Department, or the director’s designee from within the Department, will serve as the chairperson of MPART.

**2. Charge to MPART**

(a) MPART will provide recommendations to the director of the Department, and the heads of other departments or agencies, and coordinate activities among departments and agencies.

(b) MPART will research, identify, recommend, and implement PFAS response actions relative to the discovery, communication, and mitigation of PFAS, and will do all the following.

(1) Identify impacted locations and implement an action plan to assist state and local authorities to ensure the safety of Michigan’s land, air, and water.

- (2) Assess the status of any PFAS contaminated site and develop individualized response strategies.
- (3) Continue to develop, as needed, environmental response protocols for all positively identified sites, as well as specialized site plans.
- (4) Continue to develop, as needed, public health protocols to ensure that public health and medical stakeholder groups are informed and integrated.
- (5) Develop routine communication and information-sharing protocols between all members and stakeholders.
- (6) Perform outreach to ensure all stakeholders in impacted areas are informed, educated, and empowered. Stakeholder outreach will include, but is not limited to, residents, community members, other partner organizations, tribal governments, local government officials, and other elected officials representing the impacted areas.
- (7) Perform outreach to ensure the general public is informed about PFAS contamination and the work of MPART.
- (8) Identify avenues of funding for PFAS identification and remediation efforts.
- (9) Create measurable goals and objectives along an established timeline.
- (10) Recommend changes in Michigan law.
- (11) Recommend structural changes necessary to address other threats to the environment, public health and safety, which MPART identifies while performing its duties.
- (12) Perform other duties as requested by the director of the Department or the governor.
- (c) MPART will report regularly to the governor on its activities.

### 3. Operations of MPART

- (a) The Department will assist MPART in the performance of its duties and provide personnel to staff MPART. The budgeting, procurement, and related management functions of MPART will be performed under the direction and supervision of the director of the Department.
- (b) MPART will adopt procedures consistent with Michigan law and this order governing its organization and operations.
- (c) A majority of the members of MPART serving constitutes a quorum for the transaction of the business of MPART, which will act by a majority vote of its serving members.
- (d) MPART will meet at the call of its chairperson and as otherwise provided in procedures adopted by MPART.
- (e) MPART may establish advisory workgroups composed of individuals or entities participating in MPART activities or other members of the public as deemed necessary by MPART to assist MPART in performing its duties and responsibilities. MPART may adopt, reject, or modify any recommendations proposed by an advisory workgroup.
- (f) MPART may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. MPART may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, government agencies, and at institutions of higher education.
- (g) MPART may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of MPART and the performance of its duties as the Director deems advisable and necessary, consistent with this order and applicable law, rules and procedures, subject to available funding.
- (h) MPART may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations shall be received and used in accordance with law.
- (i) Members of MPART will coordinate all legislative and media contacts that directly involve the work of MPART.

### 4. Implementation

- (a) All departments, committees, commissioners, or officers of this state shall give to MPART, or to any member or representative of MPART, any necessary assistance required by MPART, or any member or representative of MPART, in the performance of the duties of MPART so far as is compatible with their duties and consistent with this order and applicable law. Free access also must be given to any books, records, or documents in their custody relating to matters within the scope of inquiry, study, or review of MPART, consistent with applicable law.
- (b) If any portion of this order is found to be unenforceable, the unenforceable provision should be disregarded and the rest of the order should remain in effect as issued.
- (c) This order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan.

Date: February 4, 2019

[SEAL]

Gretchen Whitmer  
Governor

By the Governor:  
Jocelyn Benson  
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on February 11, 2019, and read:

EXECUTIVE ORDER  
No. 2019-04

**Declaration of State of Emergency**

This past week several parts of Michigan have experienced severe winter weather. These events caused widespread and extended power outages, hazardous driving conditions, and localized flooding, causing an immediate threat to public health and safety due to exposure to freezing temperatures, structural hazards, exposure to potential contaminants, and increased emergency vehicle response times due to road hazards and inaccessible roadways and bridges.

Beginning on February 7, 2019, the City of Grand Rapids in Kent County has taken several actions to cope with the situation, including but not limited to: declaring a local state of emergency; activating the disaster response and recovery aspects for their emergency operations plans; evacuating and providing shelter to affected residents; and issuing emergency public information.

Local resources have been insufficient to address the situation and the assistance of voluntary organizations and the state are required to protect public health, safety, and property, and to lessen or avert the threat of more severe and persisting impacts to the community.

Under the Emergency Management Act, 1976 PA 390, MCL 30.403(4), “[t]he governor shall, by executive order or proclamation, declare a state of emergency if he or she finds that an emergency has occurred or that the threat of an emergency exists.” Therefore, acting pursuant to the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, I order the following:

1. A state of emergency is declared for the City of Grand Rapids.
2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts and may call upon all state departments to utilize available resources to assist in the designated area pursuant to the Michigan Emergency Management Plan.
3. The state of emergency is terminated at such time as the threats to public health, safety, and property caused by the emergency no longer exist, and appropriate programs have been implemented to recover from the effects of this emergency, but in no case later than March 9, 2019, unless extended as provided by 1976 Public Act 390, as amended.

Date: February 9, 2019

[SEAL]

Gretchen Whitmer  
Governor

By the Governor:  
Jocelyn Benson  
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received and read:

February 8, 2019

I respectfully submit to the Senate pursuant to Public Act 3 of 1939, MCL 460.1, the following appointment to office:

**Michigan Public Service Commission**

Mr. Dan Scripps, a Democrat, P.O. Box 474, Northport, Michigan 49670, county of Leelanau, succeeding Rachael Eubanks who has resigned, is appointed for a term commencing February 25, 2019 and expiring July 2, 2023.

Respectfully,  
Gretchen Whitmer  
Governor

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

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senator VanderWall introduced  
**Senate Bill No. 105, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 35317 (MCL 324.35317), as amended by 2012 PA 297.

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

Senators Outman, Wojno, Johnson, Daley and Victory introduced

**Senate Bill No. 106, entitled**

A bill to amend 1915 PA 31, entitled “Youth tobacco act,” by amending the title and sections 1, 2, and 4 (MCL 722.641, 722.642, and 722.644), as amended by 2006 PA 236, and by adding sections 2b and 2c.

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

Senators Irwin, Wojno, McMorrow, Geiss, Ananich, Hollier, Alexander and Chang introduced

**Senate Bill No. 107, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 272 (MCL 206.272), as amended by 2011 PA 38.

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

### **Statements**

Senator MacGregor moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle.

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

Senator MacGregor moved that rule 3.902 be suspended to allow the guests of all Senators admittance to the Senate floor, including the center aisle.

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

### **Recess**

Senator MacGregor moved that the Senate recess until 6:00 p.m.

The motion prevailed, the time being 10:11 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Gilchrist.

During the recess, Senators Zorn, Hollier, Moss, Santana, Wojno, Bayer, Alexander, Chang, Geiss and 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 6:01 p.m.

6:12 p.m.

The Senate was called to order by the President, Lieutenant Governor Gilchrist.

### **Joint Convention**

The Sergeant at Arms announced a committee from the House of Representatives, Representatives Schroeder, Green, Tyrone Carter and Stone, who reported that the House was ready to meet with the Senate in Joint Convention.

The President, Lieutenant Governor Gilchrist, announced that the hour had arrived for the meeting of the two houses in Joint Convention.

Senator MacGregor moved that the Senate recess for the purpose of proceeding to the Hall of the House of Representatives for Joint Convention.

The motion prevailed, the time being 6:14 p.m.

(For proceedings in Joint Convention, see House Journal No. 13, p. 118.)

The Senate reconvened at the expiration of the recess at 8:08 p.m. and pursuant to rule 1.101, in the absence of the Presiding Officers, was called to order by the Secretary of the Senate.

The Secretary of the Senate announced that the Senate had attended the Joint Convention in the Hall of the House of Representatives and had received the State of the State message by Governor Whitmer.

### Announcements of Printing and Enrollment

The Secretary announced that the following bills, joint resolution, and resolutions were printed and filed on Thursday, February 7, and are available on the Michigan Legislature website:

<b>Senate Bill Nos.</b>	<b>90</b>	<b>91</b>	<b>92</b>	<b>93</b>	<b>94</b>	<b>95</b>	<b>96</b>	<b>97</b>	<b>98</b>	<b>99</b>	<b>100</b>	<b>101</b>	<b>102</b>
	<b>103</b>	<b>104</b>											
<b>Senate Resolution Nos.</b>	<b>10</b>	<b>11</b>											
<b>House Bill Nos.</b>	<b>4160</b>	<b>4161</b>	<b>4162</b>	<b>4163</b>	<b>4164</b>								
<b>House Joint Resolution</b>	<b>D</b>												

### Committee Reports

#### COMMITTEE ATTENDANCE REPORT

The Committee on Advice and Consent submitted the following:

Meeting held on Thursday, February 7, 2019 at 12:00 noon, Room 1300, Binsfeld Office Building

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture submitted the following:

Meeting held on Thursday, February 7, 2019, at 8:30 a.m., Room 1200, Binsfeld Office Building

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

Excused: Senator Ananich

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, February 7, 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 Committee on Judiciary and Public Safety submitted the following:

Meeting held on Thursday, February 7, 2019, at 8:30 a.m., Room 1100, Binsfeld Office Building

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Oversight submitted the following:

Meeting held on Thursday, February 7, 2019, at 10:30 a.m., Room 1300, Binsfeld Office Building

Present: Senators McBroom (C), Lucido, Theis, MacDonald and Irwin

### Scheduled Meetings

**Advice and Consent** - Wednesday, February 13, 3:00 p.m., Room 1100 and Thursday, February 14, 12:00 noon, Room 1200, Binsfeld Office Building (517) 373-5312

#### Appropriations -

##### Subcommittees -

**Justice and Public Safety** - Thursdays, February 14 and February 28, 1:30 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

**Natural Resources and Environmental Quality** - Tuesday, February 19, 8:30 a.m., Rooms 402 and 403, Capitol Building (517) 373-2768

**Health Policy and Human Services** - Thursday, February 14, 1:30 p.m., Room 1100, Binsfeld Office Building (517) 373-5323

**Insurance and Banking** - Wednesday, February 13, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-5314

**Judiciary and Public Safety** - Thursday, February 14, 9:15 a.m. EST, Room 1100, Binsfeld Office Building  
Remote Access: Dickinson County, 41st Circuit Court, 705 S. Stephenson Avenue, Iron Mountain (517) 373-5312

**Oversight** - Wednesday, February 13, 9:15 a.m., Room 1200, Binsfeld Office Building  
Remote Access: Escanaba Location, Michigan Works!, 2950 College Avenue, Escanaba; and Marquette Location, Michigan Works!, 1498 O'Dovero Drive, Marquette (517) 373-5312

Senator MacGregor moved that the Senate adjourn.  
The motion prevailed, the time being 8:09 p.m.

The Secretary of the Senate declared the Senate adjourned until Wednesday, February 13, 2019, at 10:00 a.m.

MARGARET O'BRIEN  
Secretary of the Senate