

No. 92
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2019

Senate Chamber, Lansing, Wednesday, October 2, 2019.

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—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

Shaykh Mohamed Almasmari of the Muslim Unity Center of Bloomfield Hills offered the following invocation:

In the name of God, the most merciful. You who is most merciful than those who show mercy. You who is more merciful than a mother is to her child. You who are the healer of all pains and all afflictions. You who before anything there was You, and after there is nothing there will be You. You who are the first. You who are last. Our Creator, our Provider, our Sustainer, Ya Aleem. Knowing of all things. You who has known each of us before even we knew ourselves.

Help us through this journey to better ourselves. Help us all to know our strengths and to live by them; to know our character and how to improve it; to know our pains and how to heal them; to know our value and how to share it; to know our blessings and how to be grateful for them; to know our wants and see where they conflict with our needs; to know our shortcomings and how to confront and defeat them; to know how to really forgive all those who have wronged us and actually forgive them; to know what charity is by being generous with our wealth and our time; to know what integrity is by being honest and truthful; to know what goodness is by extending our hands without qualifications to all those who are in need.

O God, we ask You for Your wisdom and righteousness to be evident in our state policies and our leaders. Help them to lead and govern with integrity. Help them to have courage and faith in You, O Lord.

O Lord, You are just and merciful. May they always seek the ways of justice and mercy. Amen.

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

Motions and Communications

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

Senator MacGregor moved that the following bill, now on the order of General Orders, be referred to the Committee on Appropriations:

Senate Bill No. 446, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5522 (MCL 324.5522), as amended by 2015 PA 60.

The motion prevailed.

Senator Ananich entered the Senate Chamber.

The following communication was received and read:

Office of the Auditor General

September 25, 2019

Attached is the signed contract for the financial audit of the Michigan Legislature for fiscal years 2019 and 2020. Thanks!

Steven R. Koschay, CPA
Audit Manager

The communication was referred to the Secretary for record.

The following communication was received and read:

Office of the Auditor General

September 27, 2019

Enclosed is a copy of the following report:

- Report on internal control over financial reporting of the Michigan Public School Employees' Retirement System Schedules of Employer Pension and Other Postemployment Benefit Allocations and Schedules of Collective Pension and Other Postemployment Benefit Amounts for the fiscal year ended September 30, 2018 (071-0164-19)

Sincerely,
Doug Ringle
Auditor General

The audit report was referred to the Committee on Oversight.

The following communication was received:

Department of Treasury

September 30, 2019

Pursuant to MCL 21.604(1)(e), (Michigan Infrastructure Council Act), the Council is required to submit to the Governor and the Legislature the following: *Annual Report – Fiscal Year 2019*. This report, which can be viewed at: www.michigan.gov/mic, contains FY2019 accomplishments, FY2020 workplan, and budget for developing a strategic framework for the state's transportation, water, utilities, and communications assets. If you have any questions, please contact MIC Executive Director Jessica Moy at (517) 241-1186.

Paul Connors

The communication was referred to the Secretary for record.

The following communication was received:

Department of Environment, Great Lakes, and Energy

September 30, 2019

In accordance with Sections 17303(9) and 17317(9) of Part 173, Electronics, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, attached is the Department of Environment, Great Lakes, and Energy's (EGLE) report on the Electronic Waste Recycling Fund for fiscal years 2018 and 2019.

If you need further information, please contact Jack Schinderle, Director, Materials Management Division, at 517-284-6551; or you may contact me at 517-284-6708.

Liesl Eichler Clark
Director

The communication was referred to the Secretary for record.

The following communication was received:

State Budget Office

September 30, 2019

Attached you will find the report as required by PA 268. Per the statute:

(7) Not later than March 30 of each year that the contract is in effect, and not later than September 30 of each year that the contract is in effect, the integrity oversight monitor shall provide a detailed report to the governor, the department of technology, management, and budget, the secretary of the senate, the clerk of the house of representatives, and the chairpersons of the senate and house of representatives committees on appropriations. The report shall contain all of the following:

- (a) Detail of the integrity oversight monitor's services during the 6-month period.
- (b) Detail of the integrity oversight monitor's services over the duration of the contract.
- (c) Details of findings of malfeasance or inefficiency.
- (d) Recommendations for corrective actions by any governmental entities.

Please let us know if you need anything else.

Thank you,
State Budget Office
517-335-3420

The communication was referred to the Secretary for record.

Recess

Senator MacGregor moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:11 a.m.

11:13 a.m.

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

Messages from the Governor

The following messages from the Governor were received:

Date: September 27, 2019
Time: 11:33 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 169 (Public Act No. 51), being

An act to amend 2001 PA 142, entitled “An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions,” (MCL 250.1001 to 250.2083) by adding section 1084.

(Filed with the Secretary of State on September 27, 2019 at 1:26 p.m.)

Date: September 29, 2019
Time: 3:04 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 134 (Public Act No. 52), being

An act to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,” 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.

(Filed with the Secretary of State on September 30, 2019 at 7:10 p.m.)

Date: September 29, 2019
Time: 3:08 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 137 (Public Act No. 57), being

An act to make appropriations for the department of environment, Great Lakes, and energy for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

(Filed with the Secretary of State on September 30, 2019 at 7:20 p.m.)

Date: September 29, 2019
Time: 3:16 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 138 (Public Act No. 56), being

An act 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 labor and economic opportunity, and certain other state purposes for the fiscal year ending September 30, 2020; to supplement appropriations for certain state departments and certain other state purposes for the fiscal year ending September 30, 2019; 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.

(Filed with the Secretary of State on September 30, 2019 at 7:18 p.m.)

Date: September 29, 2019
Time: 3:18 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 141 (Public Act No. 55), being

An act 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.

(Filed with the Secretary of State on September 30, 2019 at 7:16 p.m.)

Date: September 29, 2019
Time: 3:20 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 144 (Public Act No. 54), being

An act 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.

(Filed with the Secretary of State on September 30, 2019 at 7:14 p.m.)

Date: September 29, 2019
Time: 3:22 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 147 (Public Act No. 53), being

An act 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.

(Filed with the Secretary of State on September 30, 2019 at 7:12 p.m.)

Date: September 29, 2019
Time: 3:25 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 149 (Public Act No. 66), being

An act to make appropriations for the state transportation department for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

(Filed with the Secretary of State on September 30, 2019 at 7:38 p.m.)

Date: September 30, 2019
Time: 10:28 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 438 (Public Act No. 68), being

An act to amend 1972 PA 284, entitled “An act to provide for the organization and regulation of corporations; to prescribe their duties, rights, powers, immunities and liabilities; to provide for the authorization of foreign corporations within this state; to prescribe the functions of the administrator of this act; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts,” by amending section 1060 (MCL 450.2060), as amended by 2018 PA 85.

(Filed with the Secretary of State on September 30, 2019 at 7:42 p.m.)

Date: September 30, 2019
Time: 10:30 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 439 (Public Act No. 69), being

An act to amend 1982 PA 162, entitled “An act to revise, consolidate, and classify the laws relating to the organization and regulation of certain nonprofit corporations; to prescribe their duties, rights, powers, immunities, and liabilities; to provide for the authorization of foreign nonprofit corporations within this state; to impose certain duties on certain state departments; to prescribe fees; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts,” by amending section 1060 (MCL 450.3060), as amended by 2015 PA 65.

(Filed with the Secretary of State on September 30, 2019 at 7:44 p.m.)

Date: September 30, 2019
Time: 10:32 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 440 (Public Act No. 70), being

An act to amend 1993 PA 23, entitled “An act to provide for the organization and regulation of limited liability companies; to prescribe their duties, rights, powers, immunities, and liabilities; to prescribe the

powers and duties of certain state departments and agencies; and to provide for penalties and remedies,” by amending section 1101 (MCL 450.5101), as amended by 2018 PA 380.

(Filed with the Secretary of State on September 30, 2019 at 7:46 p.m.)

Date: September 30, 2019

Time: 10:34 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 441 (Public Act No. 71), being

An act to amend 1979 PA 152, entitled “An act to provide for the establishment and collection of fees for the investigation, regulation, and enforcement of certain occupations and professions, and for certain agencies and businesses; to create certain funds for certain purposes; and to prescribe certain powers and duties of certain state agencies and departments,” by amending sections 13, 17, 21, 25, 27, 31, 37, 38, and 43 (MCL 338.2213, 338.2217, 338.2221, 338.2225, 338.2227, 338.2231, 338.2237, 338.2238, and 338.2243), as amended by 2015 PA 75.

(Filed with the Secretary of State on September 30, 2019 at 7:48 p.m.)

Date: September 30, 2019

Time: 10:36 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 442 (Public Act No. 72), being

An act to amend 2016 PA 345, entitled “An act to regulate transportation network companies, taxicabs, and certain limousines in this state; to provide for the powers and duties of certain state officers and entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 4 (MCL 257.2104).

(Filed with the Secretary of State on September 30, 2019 at 7:50 p.m.)

Date: September 30, 2019

Time: 10:38 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 443 (Public Act No. 73), being

An act to amend 2008 PA 551, entitled “An act to enact the uniform securities act (2002) relating to the issuance, offer, sale, or purchase of securities; to prohibit fraudulent practices in relation to securities; to establish civil and criminal sanctions for violations of the act and civil sanctions for violation of the rules promulgated pursuant to the act; to require the registration of broker-dealers, agents, investment advisers, and securities; to regulate Michigan investment markets; to make uniform the law with reference to securities; and to repeal acts and parts of act,” by amending section 410 (MCL 451.2410), as amended by 2015 PA 67.

(Filed with the Secretary of State on September 30, 2019 at 7:52 p.m.)

Date: September 30, 2019

Time: 10:40 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 444 (Public Act No. 74), 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 20161 (MCL 333.20161), as amended by 2018 PA 245.

(Filed with the Secretary of State on September 30, 2019 at 7:54 p.m.)

Date: September 30, 2019

Time: 10:42 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 445 (Public Act No. 75), 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 6237 (MCL 333.6237), as amended by 2015 PA 104.

(Filed with the Secretary of State on September 30, 2019 at 7:56 p.m.)

Date: September 30, 2019

Time: 10:44 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 452 (Public Act No. 76), being

An act to amend 1986 PA 32, entitled “An act to provide for the establishment of emergency 9-1-1 districts; to provide for the installation, operation, modification, and maintenance of universal emergency 9-1-1 service systems; to provide for the imposition and collection of certain charges; to provide the powers and duties of certain state agencies, local units of government, public officers, service suppliers, and others; to create an emergency 9-1-1 service committee; to provide remedies and penalties; and to repeal acts and parts of acts,” by amending section 408 (MCL 484.1408), as amended by 2018 PA 51.

(Filed with the Secretary of State on September 30, 2019 at 7:58 p.m.)

Date: September 30, 2019

Time: 11:00 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 447 (Public Act No. 84), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and

provide remedies; and to repeal acts and parts of acts,” by amending sections 3118, 3120, 30104, 30109, 32312, and 32513 (MCL 324.3118, 324.3120, 324.30104, 324.30109, 324.32312, and 324.32513), section 3118 as amended by 2017 PA 40, section 3120 as amended by 2015 PA 82, and sections 30104, 30109, 32312, and 32513 as amended by 2015 PA 76.

(Filed with the Secretary of State on September 30, 2019 at 8:14 p.m.)

Date: September 30, 2019

Time: 11:02 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 448 (Public Act No. 85), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 17303 and 17317 (MCL 324.17303 and 324.17317), as amended by 2015 PA 82.

(Filed with the Secretary of State on September 30, 2019 at 8:16 p.m.)

Date: September 30, 2019

Time: 11:04 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 450 (Public Act No. 86), being

An act to amend 1937 PA 284, entitled “An act to prevent the spread of infectious and contagious diseases of livestock; to require persons, associations, partnerships and corporations engaged in the buying, receiving, selling, transporting, exchanging, negotiating, or soliciting sale, resale, exchange or transportation of livestock to be licensed and bonded by the department of agriculture; to keep a producers’ proceeds account; to provide for the refusal, suspension or revocation of such licenses; to provide for weighmasters; to provide for the inspection and disinfection of yards, premises and vehicles; and to provide penalties for the violation of this act,” by amending section 3 (MCL 287.123), as amended by 2015 PA 69.

(Filed with the Secretary of State on September 30, 2019 at 8:18 p.m.)

Date: September 30, 2019

Time: 11:06 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 451 (Public Act No. 87), being

An act to amend 2012 PA 615, entitled “An act to provide energy assistance for low-income households; and to prescribe certain powers and duties of certain state departments and agencies,” by amending section 6 (MCL 400.1236), as amended by 2016 PA 147.

(Filed with the Secretary of State on September 30, 2019 at 8:20 p.m.)

Date: September 30, 2019

Time: 11:32 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 139 (Public Act No. 67), being

An act 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.

(Filed with the Secretary of State on September 30, 2019 at 7:40 p.m.)

Respectfully,
Gretchen Whitmer
Governor

The following message from the Governor was received and read:

September 30, 2019

I have signed Enrolled Senate Bill 137, which makes appropriations for the Department of Environment, Great Lakes, and Energy for the fiscal year ending September 30, 2020. I have, however, disapproved five items pursuant to article 5, section 19 of the Michigan Constitution of 1963. The specific item vetoes are detailed in the attached copy of the bill that has been filed with the secretary of state.

To provide direction regarding the implementation of this appropriations act, I note the following:

- Sections 221 and 601 violate article 4, section 25 of the Michigan Constitution of 1963, and are therefore unenforceable.
- Sections 220 and 601 violate article 4, section 24 of the Michigan Constitution of 1963, and are therefore unenforceable. These sections also violate the separation of powers required by article 3, section 2, among other provisions of the Michigan Constitution of 1963, and are therefore unenforceable on that basis as well.
- Finally, those provisions of this bill that express merely the intent, advice, preferences, or wishes of the legislature do not impose conditions upon appropriations and are non-binding.

Thank you for your attention to these matters.

Sincerely,
Gretchen Whitmer
Governor

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

Senator MacGregor moved that further consideration of the bill be postponed for today.

The motion prevailed.

The following message from the Governor was received and read:

September 30, 2019

I have signed Enrolled Senate Bill 138, which makes 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 Labor and Economic Opportunity; and for certain other state purposes for the fiscal year ending September 30, 2020; and which also supplements appropriations for certain state departments and other state purposes for the fiscal year ending September 30, 2019. I have, however, disapproved 14 items appropriating funds for the fiscal year ending September 30, 2020, and one item supplementing appropriations for the fiscal year ending September 30, 2019, pursuant to article 5, section 19 of the Michigan Constitution of 1963. The specific item vetoes are detailed in the attached copy of the bill that has been filed with the secretary of state.

To provide direction regarding the implementation of this appropriations act, I note the following:

- Section 219, which purports to grant the chairpersons of the house and senate subcommittees on general government the authority to reduce appropriations for an entire executive department by five percent if they are not satisfied with the speed with which the department responds to a request for information, amounts to an attempt to condition departments' expenditure of appropriated funds on further legislative approval and to circumvent the constitutionally specified process for reducing the expenditure of appropriated funds. It therefore violates the separation of powers required by article 3, section 2, among other provisions of the Michigan Constitution of 1963, and is unenforceable.
- Sections 222, 229, 321, 625, and 983 violate article 4, section 25 of the Michigan Constitution of 1963, and are therefore unenforceable. Nevertheless, the attorney general has informed me that she would be pleased to appear before the house or senate appropriations subcommittees on general government to explain the basis for entering into a lawsuit against the federal government.
- Sections 218 and 816 violate article 4, section 24 of the Michigan Constitution of 1963, and are therefore unenforceable.
- Sections 218, 229, 320 (with the exception of the notification requirement), and 947, as well as subsection (6) of section 822b, violate the separation of powers required by article 3, section 2, among other provisions of the Michigan Constitution of 1963, and are therefore unenforceable. Nevertheless, the Department of Treasury will make a good-faith effort to comply with section 947.
- Sections 229 and 626 are unenforceable to the extent that they assign the auditor general powers and duties other than those specified in article 4, section 53 of the Michigan Constitution of 1963.
- Subsection (6) of section 822b violates article 5, section 18 of the Michigan Constitution of 1963, and is therefore unenforceable.
- Finally, those provisions of this bill that express merely the intent, advice, preferences, or wishes of the legislature do not impose conditions upon appropriations and are non-binding.

Thank you for your attention to these matters.

Sincerely,
Gretchen Whitmer
Governor

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

Senator MacGregor moved that further consideration of the bill be postponed for today.

The motion prevailed.

The following message from the Governor was received and read:

September 30, 2019

I have signed Enrolled Senate Bill 139, which makes appropriations for the Department of Health and Human Services for the fiscal year ending September 30, 2020. I have, however, disapproved 48 items pursuant to article 5, section 19 of the Michigan Constitution of 1963. The specific item vetoes are detailed in the attached copy of the bill that has been filed with the secretary of state.

To provide direction regarding the implementation of this appropriations act, I note the following:

- Sections 218, 240, 518, 595, 1305, and 1350 violate article 4, section 25 of the Michigan Constitution of 1963, and are therefore unenforceable.
- Sections 225, 253, 264, 518, 537, 1350, 1502, 1793, and 1931 violate article 4, section 24 of the Michigan Constitution of 1963, and are therefore unenforceable.
- Sections 229, 253, 264, 518, 537, 558, 595, 1053, 1763, 1804, as well as subsections (1), (2), and (9) of 1909, violate the separation of powers required by article 3, section 2, among other provisions of the Michigan Constitution of 1963, and are therefore unenforceable. I note in particular that section 1053, and subsections (1), (2), and (9) of section 1909, amount to an impermissible attempt to condition the department's expenditure of appropriated funds on further legislative approval.
- Those provisions of this bill that express merely the intent, advice, preferences, or wishes of the legislature do not impose conditions upon appropriations and are non-binding.

Two additional notes are in order. First, I note that a number of the provisions cited above are not only unconstitutional, but also would hamper the department's ability to focus on evidence-based practices known to strengthen the child welfare system and to provide the best outcomes for the children and families they serve.

Second, I am directing the department to implement policy changes that will achieve additional efficiencies.

Thank you for your attention to these matters.

Sincerely,
Gretchen Whitmer
Governor

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

Senator MacGregor moved that further consideration of the bill be postponed for today.

The motion prevailed.

The following message from the Governor was received and read:

September 30, 2019

I have signed Enrolled Senate Bill 141, which makes appropriations for the Department of Insurance and Financial Services for the fiscal year ending September 30, 2020. I have, however, disapproved three items pursuant to article 5, section 19 of the Michigan Constitution of 1963. The specific item vetoes are detailed in the attached copy of the bill that has been filed with the secretary of state.

To provide direction regarding the implementation of this appropriations act, I note the following:

- Section 216 violates article 4, section 24 of the Michigan Constitution of 1963, as well as the separation of powers required by article 3, section 2, among other provisions of the Michigan Constitution of 1963, and is therefore unenforceable.
- Those provisions of this bill that express merely the intent, advice, preferences, or wishes of the legislature do not impose conditions upon appropriations and are non-binding.

Thank you for your attention to these matters.

Sincerely,
Gretchen Whitmer
Governor

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

Senator MacGregor moved that further consideration of the bill be postponed for today.

The motion prevailed.

The following message from the Governor was received and read:

September 30, 2019

I have signed Enrolled Senate Bill 144, which makes appropriations for the Department of Military and Veterans Affairs for the fiscal year ending September 30, 2020. I have, however, disapproved five items pursuant to article 5, section 19 of the Michigan Constitution of 1963. The specific item vetoes are detailed in the attached copy of the bill that has been filed with the secretary of state.

To provide direction regarding the implementation of this appropriations act, I note the following:

- Section 404 violates article 4, section 25 of the Michigan Constitution of 1963, and is therefore unenforceable. Moreover, I note that the D.J. Jacobetti home for veterans already meets the Centers for Medicaid and Medicare Services certification standards, and the construction of a new Grand Rapids home for veterans—which will also meet CMS certification standards—is underway.
- Section 215 violates article 4, section 24 of the Michigan Constitution of 1963, and is therefore unenforceable.
- Sections 215 and 409, as well as subsection (2) of section 301 and subsection (2)(a) of section 406, violate the separation of powers required by article 3, section 2, among other provisions of the Michigan Constitution of 1963, and are therefore unenforceable.
- Finally, those provisions of this bill that express merely the intent, advice, preferences, or wishes of the legislature do not impose conditions upon appropriations and are non-binding.

Thank you for your attention to these matters.

Sincerely,
Gretchen Whitmer
Governor

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

Senator MacGregor moved that further consideration of the bill be postponed for today.

The motion prevailed.

The following message from the Governor was received and read:

September 30, 2019

I have signed Enrolled Senate Bill 147, which makes appropriations for the Department of State Police for the fiscal year ending September 30, 2020. I have, however, disapproved four items pursuant to article 5, section 19 of the Michigan Constitution of 1963. The specific item vetoes are detailed in the attached copy of the bill that has been filed with the secretary of state.

To provide direction regarding the implementation of this appropriations act, I note the following:

- Sections 226 and 228, and subsections (8) and (9) of section 704, violate article 4, section 25 of the Michigan Constitution of 1963, and are therefore unenforceable.
- Section 216 violates article 4, section 24 of the Michigan Constitution of 1963, and is therefore unenforceable.
- Sections 216 and 228 violate the separation of powers required by article 3, section 2, among other provisions of the Michigan Constitution of 1963, and are therefore unenforceable.
- Subsections (2) and (3) of section 601, subsections (2) through (5) of section 602, subsection (3) of section 603, subsection (2) of section 604, subsections (3) and (4) of section 701, subsections (2) through (7) of section 702, and the annual property inspection goal in subsection (8) of section 702, also violate the separation of powers required by article 3, section 2, among other provisions of the Michigan Constitution of 1963, and are therefore unenforceable. Although the Michigan State Police, as a matter of practice, meets or exceeds the availability and staffing requirements described in the aforementioned provisions, the Michigan Constitution of 1963 grants to the executive branch exclusive control over the management of its employees, which necessarily includes the administrative function of managing deployment of staff resources to accomplish departmental goals.
- Subsection (4) of section 703, which purports to place funds into a commercial vehicle enforcement operations reserve fund under the control of the legislature, amounts to an attempt to condition the department's expenditure of appropriated funds on further legislative approval. It therefore violates the separation of powers required by article 3, section 2, among other provisions of the Michigan Constitution of 1963, and is unenforceable.

Thank you for your attention to these matters.

Sincerely,
Gretchen Whitmer
Governor

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

Senator MacGregor moved that further consideration of the bill be postponed for today.

The motion prevailed.

The following message from the Governor was received and read:

September 30, 2019

I have signed Enrolled Senate Bill 149, which makes appropriations for the Department of Transportation for the fiscal year ending September 30, 2020. I have, however, disapproved 10 items pursuant to article 5, section 19 of the Michigan Constitution of 1963. The specific item vetoes are detailed in the attached copy of the bill that has been filed with the secretary of state.

To provide direction regarding the implementation of this appropriations act, I note the following:

- Sections 382, 403, and 805, as well as subsections (2) of section 301, subsection (2) of section 386, and subsection (1) of section 804, violate article 4, section 25 of the Michigan Constitution of 1963, and are therefore unenforceable.
- Sections 209, 215, 381, and 752, as well as subsection (2) of section 305, violate article 4, section 24 of the Michigan Constitution of 1963, and are therefore unenforceable. Nevertheless, the State Budget Office will make a good-faith effort to comply with the requirements of section 209.
- Sections 215, 353, and 752 violate the separation of powers required by article 3, section 2, among other provisions of the Michigan Constitution of 1963, and are therefore unenforceable.
- Sections 403 and 805, as well as subsection (2) of section 386 and subsection (1) of section 804, violate article 5, section 28 of the Michigan Constitution of 1963, and are therefore unenforceable.
- Section 306 is unenforceable to the extent that it assigns the auditor general powers and duties other than those specified in article 4, section 53 of the Michigan Constitution of 1963.
- Finally, those provisions of this bill that express merely the intent, advice, preferences, or wishes of the legislature do not impose conditions upon appropriations and are non-binding.

Thank you for your attention to these matters.

Sincerely,
Gretchen Whitmer
Governor

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

Senator MacGregor moved that further consideration of the bill be postponed for today.

The motion prevailed.

The following message from the Governor was received:

September 30, 2019

I have signed and filed with the secretary of state Enrolled Senate Bill 134, which makes appropriations for community colleges of the state, and for certain other purposes relating to education, for the fiscal year ending September 30, 2020.

To provide direction regarding the implementation of this appropriations act, I note that those provisions of this bill that express merely the intent, advice, preferences, or wishes of the legislature do not impose conditions upon appropriations and are non-binding.

Thank you for your attention to these matters.

Sincerely,
Gretchen Whitmer
Governor

Messages from the House

Senate Bill No. 228, entitled

A bill to create a suicide prevention commission within the legislative council and to prescribe its powers and duties; and to prescribe the powers and duties of certain state officers and entities.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to create a suicide prevention commission within the department of health and human services and to prescribe its powers and duties; and to prescribe the powers and duties of certain state officers and entities.

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

By unanimous consent the Senate proceeded to the order of
Third Reading of Bills

Senator MacGregor moved that the Senate proceed to consideration of the following bill:
Senate Bill No. 110
The motion prevailed.

The following bill was read a third time:

Senate Bill No. 110, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5306 (MCL 700.5306), as amended by 2004 PA 532.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 241

Yeas—38

Alexander	Geiss	MacGregor	Santana
Ananich	Hertel	McBroom	Schmidt
Barrett	Hollier	McCann	Shirkey
Bayer	Horn	McMorrow	Stamas
Bizon	Irwin	Moss	Theis
Brinks	Johnson	Nesbitt	VanderWall
Bullock	LaSata	Outman	Victory
Bumstead	Lauwers	Polehanki	Wojno
Chang	Lucido	Runestad	Zorn
Daley	MacDonald		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Resolutions

Senator MacGregor moved that consideration of the following resolutions be postponed for today:

Senate Resolution No. 30

Senate Resolution No. 38

Senate Resolution No. 49

The motion prevailed.

Senator Stamas offered the following resolution:

Senate Resolution No. 79.

A resolution to recognize the month of October 2019 as Michigan Library Appreciation Month.

Whereas, The Michigan Library Association (MLA) annually designates the month of October as a statewide observance to celebrate the contributions of Michigan's libraries, librarians, and library professionals to their communities and to promote library use and support; and

Whereas, Our state's libraries, including school, public, academic, and special libraries are vital institutions and dynamic centers of lifelong learning that play a unique role in ensuring the public's right to know, while empowering people from all walks of life to make informed decisions about the world around them; and

Whereas, Libraries play an integral role as community, educational, and cultural centers that bring together diverse populations and serve as important cornerstones in healthy communities; and

Whereas, The most recent ideas and information on a wide array of subjects are available in libraries, a cost-effective means for providing education, training, and the opportunity for self-improvement to all individuals without regard to age, race, income, or socioeconomic background; and

Whereas, Libraries serve as a vital connection to the people, places, and ideas of the world through books, magazines, videos, and the internet and are also the primary point of online access for people without computers at home, school, or work; and

Whereas, Indispensable educational resources for children and teenagers are found in libraries, and are often on the front lines in the battle against illiteracy offering plenty of free activities, while providing safe, enriching entertainment for the whole family; and

Whereas, Librarians and library workers play key roles in helping people explore, imagine, and discover new horizons in the vast world of information, knowledge, and entertainment; and

Whereas, Two-thirds of adult Americans visit their local public libraries annually, with more than a billion visits made each year by adults, and likewise by students to their school libraries; and

Whereas, Michigan's libraries play a key role in the statewide and national discourse on intellectual freedom, equity of access, and narrowing the digital divide and are the very cornerstone of our democracy; and

Whereas, Thousands of libraries and library supporters across Michigan are celebrating Michigan Library Appreciation Month this year; now, therefore, be it

Resolved by the Michigan Senate, That the members of this legislative body recognize the month of October 2019 as Michigan Library Appreciation Month and encourage all citizens of Michigan to visit their local library and explore the wide variety of cultural and educational riches that libraries hold; and be it further

Resolved, That we recognize Michigan's librarians, library professionals, and supporters for their contributions to enrich their communities.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator MacGregor moved that the rule be suspended.

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

The resolution was adopted.

Senators Bullock, Horn, MacDonald, Polehanki and Santana were named co-sponsors of the resolution.

Senator Santana offered the following resolution:

Senate Resolution No. 80.

A resolution to urge the United States Congress to increase funding for sickle cell disease research.

Whereas, Sickle cell disease (SCD) is a disabling inherited blood disorder that causes the production of abnormally shaped (sickled) red blood cells that can stick together and block the flow of blood and oxygen. SCD leads to severe medical problems, including unpredictable episodes of excruciating pain, organ damage, anemia, increased susceptibility to infection, stroke, and decreased life span; and

Whereas, SCD poses a serious threat to public health. SCD affects approximately 100,000 individuals in the United States, including 1,000 babies born each year. The disease disproportionately impacts people of African, Middle Eastern, and South American descent. In 2016, there were approximately 134,000 hospital inpatient stays and nearly 250,000 emergency department visits related to SCD, both leading to increased medical costs; and

Whereas, There is no universal cure for SCD. Stem cell transplantation is currently the only cure, and it is not necessarily appropriate for all SCD patients. There have been advancements in treating the complications of SCD, but more research is needed to study emerging treatments, including therapies to address the underlying cause of the disease; and

Whereas, SCD research is underfunded compared to other rare inherited diseases, such as cystic fibrosis. Additional funding for SCD research is imperative to identify new treatments and cures to help patients with SCD and address the public health risks posed by the disease; now, therefore, be it

Resolved by the Senate, That we urge the United States Congress to increase funding for sickle cell disease research; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator MacGregor moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator MacGregor moved that the resolution be referred to the Committee on Health Policy and Human Services.

The motion prevailed

Senators Bullock and Horn was named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators Wojno, Hollier, Outman, Irwin, Polehanki and Ananich introduced

Senate Bill No. 538, entitled

A bill to amend 1967 PA 150, entitled "Michigan military act," by amending section 411 (MCL 32.811), as amended by 2000 PA 472.

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

Senator Bizon introduced

Senate Bill No. 539, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending sections 5d and 5k (MCL 722.115d and 722.115k), as amended by 2017 PA 256.

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

House Bill No. 4406, 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.

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 Appropriations.

House Bill No. 4468, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 5 (MCL 15.235), as amended by 2018 PA 105.

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 Oversight.

Announcements of Printing and Enrollment

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, September 26 for her approval the following bill:

Enrolled Senate Bill No. 149 at 11:38 a.m.

The Secretary announced the enrollment printing and presentation to the Governor on Friday, September 27 for her approval the following bills:

Enrolled Senate Bill No. 137 at 9:59 a.m.
Enrolled Senate Bill No. 139 at 10:01 a.m.
Enrolled Senate Bill No. 138 at 11:31 a.m.
Enrolled Senate Bill No. 141 at 12:30 p.m.
Enrolled Senate Bill No. 134 at 12:32 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Monday, September 30 for her approval the following bills:

Enrolled Senate Bill No. 447 at 9:16 a.m.
Enrolled Senate Bill No. 448 at 9:18 a.m.
Enrolled Senate Bill No. 450 at 9:20 a.m.
Enrolled Senate Bill No. 451 at 9:22 a.m.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Advice and Consent submitted the following:

Meeting held on Thursday, September 26, 2019, at 11:00 a.m., Room 1300, Binsfeld Office Building
Present: Senators Lucido (C), LaSata, Nesbitt and Hertel
Excused: Senator McBroom

Scheduled Meetings

Economic and Small Business Development - Thursday, October 3, 12:00 noon, Room 1200, Binsfeld Office Building (517) 373-1721

Health Policy and Human Services - Thursday, October 3, 1:00 p.m., Room 1100, Binsfeld Office Building (517) 373-5323

Judiciary and Public Safety - Thursday, October 3, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-5312

Local Government - Thursday, October 3, 1:30 p.m., Room 1200, Binsfeld Office Building (517) 373-5314

Senator MacGregor moved that the Senate adjourn.
The motion prevailed, the time being 11:27 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Thursday, October 3, 2019, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate