

No. 99
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2019

Senate Chamber, Lansing, Tuesday, October 22, 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

Pastor Chris Yager of Cornerstone Baptist Church of Swartz Creek offered the following invocation:

Heavenly Father, Creator, Sovereign, and Ruler of heaven and earth, we are so thankful for Your love, care, and involvement in the details of the affairs of men. Thank You for wisdom, for guidance, and for help for every situation and the decisions we face. Thank You for the blessings of living in Michigan, and for our Senators that are willing to serve this state.

I pray specifically for wisdom and understanding, guidance and direction for each of them today. Help them as they seek to do what is right for this state. Help them to have heavenly wisdom that produces the fruit of peace and every fruit of righteousness. Most of all, Father, I pray that they would know You and Your son, Jesus. Give them a profitable day. Bless our state.

We ask all these things in Jesus' name. 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 Hertel be temporarily excused from today's session.
The motion prevailed.

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

October 16, 2019

Enclosed is a copy of the following report:

- Performance audit report on the Flint Water Service Line Replacement Expenditures, Department of Environment, Great Lakes, and Energy (EGLE) (761-3017-19).

Sincerely,
Doug Ringler
Auditor General

The audit report was referred to the Committee on Oversight.

Messages from the Governor

The following message from the Governor was received and read:

October 18, 2019

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 345 of 1990, MCL 54.263:

State Survey and Remonumentation Commission

Mr. Morris O. Thomas of 2030 Rock Way, Lansing, Michigan 48910, county of Ingham, succeeding Roland Self whose term expires October 20, 2019, appointed to represent the general public, for a term commencing October 21, 2019 and expiring October 20, 2023.

Respectfully,
Gretchen Whitmer
Governor

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

Recess

Senator MacGregor moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:06 a.m.

11:38 a.m.

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

During the recess, Senator Hertel entered the Senate Chamber.

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. 70
The motion prevailed.

The following bill was read a third time:
Senate Bill No. 70, entitled

A bill to create the address confidentiality program; to provide certain protections for victims of domestic violence, sexual assault, stalking, or human trafficking and for certain other individuals; to prescribe duties and responsibilities of certain state departments; to require the promulgation of rules; to create a fund; to prohibit the disclosure of certain information and obtaining a certification under this act by fraud; and to prescribe penalties.

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. 269

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: Nesbitt

The Senate agreed to the title of the bill.

The following bill was read a third time:
Senate Bill No. 71, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 509q, 759, and 761 (MCL 168.509q, 168.759, and 168.761), section 509q as amended by 2012 PA 586 and sections 759 and 761 as amended by 2018 PA 603, and by adding sections 499b and 735a.

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. 270**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: Nesbitt

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 72, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1136 (MCL 380.1136), as added by 2016 PA 367.

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. 271**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: Nesbitt

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 73, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 40b, 307, 310, and 314 (MCL 257.40b, 257.307, 257.310, and 257.314), section 40b as amended by 2012 PA 498, section 307 as amended by 2018 PA 604, section 310 as amended by 2018 PA 177, and section 314 as amended by 2011 PA 159, and by adding section 310f.

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. 272

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: Nesbitt

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 74, entitled

A bill to amend 2008 PA 23, entitled “Enhanced driver license and enhanced official state personal identification card act,” by amending section 4 (MCL 28.304), as amended by 2018 PA 47.

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. 273

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: Nesbitt

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 75, entitled

A bill to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending sections 1, 1a, and 2 (MCL 28.291, 28.291a, and 28.292), section 1 as amended by 2018 PA 605, section 1a as amended by 2008 PA 31, and section 2 as amended by 2018 PA 669, and by adding section 2a.

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. 274

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: Nesbitt

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 76, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 916 and 1307a (MCL 600.916 and 600.1307a), section 916 as amended by 2000 PA 112 and section 1307a as amended by 2012 PA 69.

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. 275

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: Nesbitt

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
General Orders

Senator MacGregor moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Nesbitt, designated Senator Barrett as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Nesbitt, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 434, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending sections 1201, 1203, 1203b, 1204, 1205, 1211, 1217, and 1218 (MCL 339.1201, 339.1203, 339.1203b, 339.1204, 339.1205, 339.1211,

339.1217, and 339.1218), sections 1201, 1205, 1211, 1217, and 1218 as amended and section 1203b as added by 1997 PA 97 and section 1204 as amended by 2003 PA 57, and by adding section 1205a; and to repeal acts and parts of acts.

Substitute (S-1)

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Schmidt, Horn, Ananich and Bullock introduced

Senate Bill No. 594, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1283.

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

Senator Schmidt introduced

Senate Bill No. 595, entitled

A bill to authorize the state administrative board to accept and convey real property in Grand Traverse County; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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

House Bill No. 4540, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 2d.

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 Finance.

House Bill No. 4541, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 5c.

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 Finance.

House Bill No. 4542, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 2c.

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 Finance.

House Bill No. 4543, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 5b.

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 Finance.

Statements

Senator Johnson asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Johnson's statement is as follows:

I'd like to address the confidentiality bills that just passed unanimously—Senate Bill Nos. 70 through 76. I'm happy to say there was 100 percent bipartisan support of this package of bills.

In summary, the bills will give the state the ability to keep confidential the address of victims of domestic violence, stalking, human trafficking, and others in fear of their safety. It allows the Secretary of State to shield addresses on personal ID and driver licenses, as well as those who are on the qualified voter file. It protects minors in the program from having their address disclosed by their school, and there's an educational component to help empower victims with information on how they can further help protect themselves.

Again, I'd like to thank everyone in the Senate today for 100 percent support of these bills.

Announcements of Printing and Enrollment

The Secretary announced the enrollment printing and presentation to the Governor on Monday, October 21 for her approval the following bills:

Enrolled Senate Bill No. 84 at 2:39 p.m.

Enrolled Senate Bill No. 90 at 2:41 p.m.

Enrolled Senate Bill No. 93 at 2:43 p.m.

Enrolled Senate Bill No. 97 at 2:45 p.m.

Enrolled Senate Bill No. 99 at 2:47 p.m.

Enrolled Senate Bill No. 100 at 2:49 p.m.

Enrolled Senate Bill No. 101 at 2:51 p.m.

Enrolled Senate Bill No. 102 at 2:53 p.m.

The Secretary announced that the following bills and joint resolution were printed and filed on Thursday, October 17, and are available on the Michigan Legislature website:

Senate Bill No. 593

House Bill Nos. 5123 5124 5125 5126 5127 5128 5129 5130 5131 5132

House Joint Resolution O

Committee Reports

The Committee on Agriculture reported

Senate Bill No. 174, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act," by amending the title and sections 1, 3, 7, 9, 11b, 12, 14, 19, 20, 22, 31, 39, 40, 43, and 44 (MCL 287.701, 287.703, 287.707, 287.709, 287.711b, 287.712, 287.714, 287.719, 287.720, 287.722, 287.731, 287.739, 287.740, 287.743, and 287.744), the title and section 43 as amended by 1996 PA 369, sections 1, 20, 39, and 40 as amended by 2000 PA 323, sections 3, 9, 11b, 14, 19, 22, and 44 as amended by 2002 PA 458, section 7 as amended by 1994 PA 41, and sections 12 and 31 as amended by 2003 PA 271, and by adding sections 3a, 3b, 12a, 12b, 14a, 17b, 17c, 17d, 40a, 40b, and 43a; and to repeal acts and parts of acts.

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

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

Kevin Daley
Chairperson

To Report Out:

Yeas: Senators Daley, Victory and Lauwers

Nays: Senator Polehanki

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

The Committee on Agriculture reported

Senate Bill No. 179, entitled

A bill to amend 1965 PA 232, entitled "Agricultural commodities marketing act," by amending section 2 (MCL 290.652), as amended by 2002 PA 601.

With the recommendation that the bill pass.

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

Kevin Daley
Chairperson

To Report Out:

Yeas: Senators Daley, Victory, Lauwers, Ananich and Polehanki

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Agriculture reported

Senate Bill No. 180, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12m of chapter XVII (MCL 777.12m), as amended by 2015 PA 213.

With the recommendation that the bill pass.

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

Kevin Daley
Chairperson

To Report Out:

Yeas: Senators Daley, Victory, Lauwers, Ananich and Polehanki

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Agriculture reported

Senate Bill No. 181, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 50 and 50b (MCL 750.50 and 750.50b), as amended by 2018 PA 452.

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.

Kevin Daley
Chairperson

To Report Out:

Yeas: Senators Daley, Victory, Lauwers, Ananich and Polehanki

Nays: None

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

The Committee on Agriculture reported

Senate Bill No. 182, entitled

A bill to amend 2012 PA 487, entitled "Wildlife depredations indemnification act," by amending sections 2 and 3 (MCL 285.362 and 285.363).

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.

Kevin Daley
Chairperson

To Report Out:

Yeas: Senators Daley, Victory, Lauwers, Ananich and Polehanki

Nays: None

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

The Committee on Agriculture reported

Senate Bill No. 183, entitled

A bill to amend 2000 PA 246, entitled "Wolf-dog cross act," by amending section 2 (MCL 287.1002), as amended by 2016 PA 299.

With the recommendation that the bill pass.

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

Kevin Daley
Chairperson

To Report Out:

Yeas: Senators Daley, Victory, Lauwers, Ananich and Polehanki
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Agriculture reported

Senate Bill No. 361, entitled

A bill to amend 2011 PA 256, entitled "Michigan fireworks safety act," by amending section 12 (MCL 28.462), as amended by 2018 PA 634.

With the recommendation that the bill pass.

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

Kevin Daley
Chairperson

To Report Out:

Yeas: Senators Daley, Victory, Lauwers, Ananich and Polehanki
Nays: None
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture submitted the following:

Meeting held on Thursday, October 17, 2019, at 8:30 a.m., Room 1200, Binsfeld Office Building
Present: Senators Daley (C), Victory, Lauwers, Ananich and Polehanki

The Committee on Health Policy and Human Services reported

House Bill No. 4223, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending the heading of part 93 and sections 9307 and 9321 (MCL 333.9307 and 333.9321) and by adding sections 9312 and 9316.

With the recommendation that the bill pass.

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

Curtis S. VanderWall
Chairperson

To Report Out:

Yeas: Senators VanderWall, Bizon, LaSata, MacDonald, Brinks, Hertel and Santana
Nays: Senators Johnson and Theis
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, October 17, 2019, at 1:00 p.m., Room 1100, Binsfeld Office Building
Present: Senators VanderWall (C), Bizon, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel and Santana
Excused: Senator Wojno

COMMITTEE ATTENDANCE REPORT

The Committee on Economic and Small Business Development submitted the following:

Meeting held on Thursday, October 17, 2019, at 12:00 noon, Room 1200, Binsfeld Office Building
Present: Senators Horn (C), VanderWall, MacGregor, Theis, Lauwers, Schmidt, McMorrow, Geiss and Moss.

Scheduled Meetings

Advice and Consent - Wednesday, October 23, 3:30 p.m. and Thursday, October 24, 12:00 noon, Room 1300, Binsfeld Office Building (517) 373-5312

Appropriations -**Subcommittee -**

Community Health/Human Services and Health Policy and Human Services - Thursday, October 31, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-2768

Economic and Small Business Development - Thursday, October 24, 12:00 noon, Room 1200, Binsfeld Office Building (517) 373-1721

Families, Seniors and Veterans - Wednesday, October 23, 3:00 p.m., Room 1200, Binsfeld Office Building (517) 373-1721

Health Policy and Human Services - Thursday, October 24, 1:00 p.m., Room 1100, Binsfeld Office Building (517) 373-5323

Health Policy and Human Services and Community Health/Human Services Appropriations Subcommittee - Thursday, October 31, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-5323

Insurance and Banking - Wednesday, October 23, 9:00 a.m., Room 1100, Binsfeld Office Building (517) 373-5314

Judiciary and Public Safety - Thursday, October 24, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-5312

Michigan Law Revision Commission - Wednesday, October 23, 11:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (517) 373-0212

Transportation and Infrastructure - Wednesday, October 23, 12:30 p.m., Room 1100, Binsfeld Office Building (517) 373-5323

Senator MacGregor moved that the Senate adjourn.
The motion prevailed, the time being 11:55 a.m.

The President pro tempore, Senator Nesbitt, declared the Senate adjourned until Wednesday, October 23, 2019, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate