

No. 5
STATE OF MICHIGAN
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REGULAR SESSION OF 2020

Senate Chamber, Lansing, Thursday, January 16, 2020.

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—excused
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 Mark Bouslog of Jenison Bible Church of Hudsonville offered the following invocation:

Dear Heavenly Father, we come before You this morning with humble hearts full of gratitude to offer praise and ask our petitions. We are thankful because You have invited us to come into Your throne room, through Jesus Christ, to find the mercy, grace, and wisdom that we need. Thank You for being a gracious and kind God who freely and generously extends fatherly love and guidance to us.

Thank You, Father for each member who faithfully serves in this chamber. Their dedication to public service is an example to all and I ask that You would individually bless them for their commitment. Please encourage and bless their families as they make sacrifices because of their service. Father, I ask that You would protect, for Your glory, each marriage and child that is represented here today. Give each Senator the time and opportunity that is needed to invest in their families.

Father, today I ask that You would grant great wisdom to each member of this Senate. May each one carefully consider those matters upon which they will vote so that every decision will be for Your glory and the good of our citizenry. I ask that You would find great pleasure in this and bestow upon this chamber Your richest blessing.

You have given many resources to the great state of Michigan and its stewardship has been entrusted to those who serve here. Great discernment is needed to effectively appropriate these resources and I ask that You would fill each Senator with an ongoing sense of responsible generosity so that the impact of every dollar is maximized and so that waste is minimized. Thank You for all of our resources and may we never forget that all of these good things come from You.

"To him who is able to keep you from stumbling and to present you before His glorious presence without fault and with great joy to the only God our Savior be glory, majesty, power and authority, through Jesus Christ our Lord, before all ages, now and forevermore!" Amen.

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

Motions and Communications

Senator MacGregor moved that Senator MacDonald be excused from today's session.

The motion prevailed.

Senator Chang moved that Senators Ananich, Hertel and Geiss be temporarily excused from today's session.

The motion prevailed.

The following communication was received:

Office of Senator Winnie Brinks

January 14, 2020

Per Senate Rule 1.110(c) I am requesting that my name be removed as a sponsor to Senate Bill 0509 which was introduced on September 11, 2019 and was referred to the Senate Committee on Education and Career Readiness.

Sincerely,
Senator Winnie Brinks
District 29

The communication was referred to the Secretary for record.

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, Lieutenant Governor Gilchrist, designated Senator VanderWall as Chairperson.

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

House Bill No. 4620, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 1028.

House Bill No. 4621, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” (MCL 436.1101 to 436.2303) by adding section 609e.

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

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

House Bill No. 4335, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending sections 1110 and 1205 (MCL 339.1110 and 339.1205), section 1110 as amended by 2014 PA 137 and section 1205 as amended by 1997 PA 97.

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.

Senators Ananich, Hertel and Geiss entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senators Nesbitt and Theis offered the following concurrent resolution:

Senate Concurrent Resolution No. 18.

A concurrent resolution to oppose the inclusion of labor peace agreements in the Marijuana Regulatory Agency’s permanent rules and to oppose the inclusion of labor peace agreements or any similar construct in the administrative rules of this state.

Whereas, The Marijuana Regulatory Agency’s proposed rules to regulate marihuana licenses (2019-67 LR) include the requirement for prospective marihuana licensees to agree to a labor peace agreement signed by a labor union before they can apply for or renew a license. A labor peace agreement is defined in the proposed rules as “an agreement between a licensee and any bona fide labor organization that, at a minimum, protects the state’s interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the applicant’s business”; and

Whereas, Under the proposed rules, a new industry would be unduly burdened by the heavy hand of government before it can even get off the ground. This new industry would also be forced to accept the terms of labor unions without negotiation; and

Whereas, Requiring labor peace agreements is not contemplated or required by Initiated Law 1 of 2018, which legalized adult-use marihuana in Michigan. Nowhere in the initiative did it indicate that a state agency would give up governmental authority to unaccountable, private third parties to prevent applicants from becoming licensed or licensees from renewing their licenses. In fact, the initiative includes language that the rules must include “qualifications for licensure that are directly and demonstrably related to the operation of a marihuana establishment...”. Signing a labor peace agreement is not directly and demonstrably related to the operation of a marihuana establishment; and

Whereas, The inclusion of labor peace agreements in the rules governing marihuana in this state would set a dangerous precedent for similar requirements for anyone seeking a license or permit issued by the state, which could devastate Michigan’s economy solely to the benefit of organized labor; and

Whereas, The requirement for labor peace agreements included in these proposed rules is preempted by the National Labor Relations Act; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we oppose the inclusion of labor peace agreements in the Marijuana Regulatory Agency’s permanent rules and oppose the inclusion of labor peace agreements or any similar construct in the administrative rules of this state; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, Director of the Department of Licensing and Regulatory Affairs, and the Director of the Marijuana Regulatory Agency.

Pending the order that, under rule 3.204, the concurrent 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 concurrent resolution,

Senator MacGregor moved that the concurrent resolution be referred to the Committee on Regulatory Reform.

The motion prevailed.

Introduction and Referral of Bills

Senator Lucido introduced

Senate Bill No. 724, entitled

A bill to amend 2013 PA 93, entitled “Michigan indigent defense commission act,” by amending section 11 (MCL 780.991), as amended by 2018 PA 214.

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

Statements

Senators McBroom and Shirkey asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator McBroom’s statement is as follows:

I want to take a few minutes today to express some issues that are just really remarkable about what we get to do here at the State Capitol. I had my very first visit to the State Capitol in 2002 and was here with some friends on spring break—and for a Yooper to make it all the way to the Capitol was a pretty big deal. We came here and found a tour of some fourth-graders and got to tag along with them and listen to what was going on and learn something about the history of the building. There was a thought in my mind that someday it would be really cool to know somebody important enough to be able to get a tour on the floor or to get a tour upstairs into some of the unusual places of the Capitol, never really anticipating that that might be myself at some point. It’s such a privilege to be able to work here and the surrealness of getting to be a part of a body that represents the people of this state. Particularly, I come to you today because this marks the 30th anniversary of the restoration of the Senate Chamber.

In fact, 35 years ago—before the restoration began—this building looked a lot different. I’m sure you’ve all heard the tales about the fluorescent lighting, the fire escape stairs installed along the outside of the building—in fact the great stories about people sneaking out when they were on a call of the House and sneaking down the back stairs to get away—and the half-floors that were installed to cram many people into the space. We were so tight for space that even the bathroom outside the chamber Gallery was converted into office space.

As our state grew, so did the need for more people to work here. For several reasons, we kept cramming people in and invested more into short-term solutions and making it work than we did into the preservation and care. Before many realized it, we had lost almost all the beautiful decorative art and classical architectural details that made this building so special and grand to begin with. But lucky for us, hiding underneath all those dozens of layers of paint—visible in black and white photos from the early years—was the information we needed to recreate and restore what once was.

In 1989, following the successful restoration of the lobby area outside this chamber and the work on the fourth floor, the Senate Chamber underwent its restoration. In order to do this, the Senate had to entirely relocate to the Supreme Court—now the Appropriations room—for nearly a year. Every surface in this room was touched—desks were repaired, the skylight tiles were recreated, the walls were painted using original color and decorative techniques, new flooring and carpeting was put in, portraits came out of storage and were rehung, new voting boards were purchased and installed, and the Gallery was completely rebuilt.

Finally, in January of 1990, the Senate Chamber was reopened and rededicated. Then-Senate Majority Leader John Engler and Senate Democratic Leader Art Miller released a statement to celebrate the occasion, saying, “This remarkable rebirth of the Senate Chamber has shown that it is possible to combine major structural and infrastructural overhauls with historic restoration and preserve the Capitol for future generations to enjoy. With the Senate leading the way, the Capitol stands ready to meet the next century as a rejuvenated monument to the people of the great state of Michigan.”

There were a lot of great people who helped make this possible. Some of those who led this were Richard Frank, preservation architect; Ron Staley, construction manager for Christman; Gene Hopkins, architect; William Seale, for historic furnishings; Darla Olson, conservator; John Canning and Company, decorative painting; Shreve Weber Stellwagen, mechanical and electrical engineering; Robert Darvas & Associates, structural engineers; and all the historians, architects, painters, carpenters, experts, staff members, members of Capitol Facilities, and crew members who had to play an important role deserve our thanks.

It is a privilege to work in this space. It's an honor to share these original desks with the Senators who came before us. We must always remember where we've come from, how we got here, and continue to invest in the preservation of this building so future generations can see and enjoy this space just as it was intended.

Let's celebrate this great opportunity to be here, the surreal experience of being a member of this body, and the history that it entails.

Senator Shirkey's statement is as follows:

One of our own has decided to take an opportunity in the other chamber with a higher level of responsibility. We can take great pride in being part of the training program that allowed her to even qualify for such.

Those of us who have had the privilege serving with Lindsay Vogelsberg all this time know that she talks really fast and thinks even faster. Lindsay has spent most of her career in Michigan state politics and she's helped in various ways across the entire Capitol. There is no way I can keep up with her—either in her thinking or her talking—so that's the reason why she represents such a valuable asset.

Lindsay, even though you're young, you've invested a lot of time in the state of Michigan. You've added value at every place; at every step of the way. You've honed your skillsets and achieved your goal of becoming a very effective attorney. You have unique skills to take a complex problem and summarize it, though quickly, into a rather simple equation and that is priceless—those kinds of values—because we all know that sometimes we need help articulating what the true root cause or the root of the problem is. You have those skillsets. Am I happy that you're leaving the Senate? No, I'm not happy you're leaving the Senate. But, I am happy you're staying involved with the state of Michigan. I'm very happy that you'll enhance the skillsets and the capabilities with our partners in the other chamber.

I'd like to ask my colleagues to join me in wishing Lindsay a very, very productive future. Now, go forth and prosper.

Announcements of Printing and Enrollment

The Secretary announced that the following bills were printed and filed on Wednesday, January 15, and are available on the Michigan Legislature website:

Senate Bill Nos.	718	719	720	721	722	723
House Bill Nos.	5330	5331	5332	5333	5334	5335 5336

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 693, entitled

A bill to amend 2018 PA 111, entitled "Agricultural disaster loan origination program act," by amending sections 2, 3, 4, and 5 (MCL 286.432, 286.433, 286.434, and 286.435).

With the recommendation that the bill pass.

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

Jim Stamas
Chairperson

To Report Out:

Yeas: Senators Stamas, Bumstead, Barrett, Bizon, LaSata, MacGregor, Nesbitt, Outman, Runestad, Schmidt, Victory, Bayer, Hollier, Irwin and McCann

Nays: Senator Santana

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, January 15, 2020, at 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Stamas (C), Bumstead, Barrett, Bizon, LaSata, MacGregor, Nesbitt, Outman, Runestad, Schmidt, Victory, Bayer, Hollier, Irwin, McCann and Santana

Excused: Senators MacDonald and Hertel

The Committee on Families, Seniors, and Veterans reported

House Bill No. 4128, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 1 of chapter XI (MCL 711.1), as amended by 2000 PA 111.

With the recommendation that the bill pass.

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

John Bizon, M.D.

Chairperson

To Report Out:

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

Nays: Senator Alexander

The bill was referred to the Committee of the Whole.

The Committee on Families, Seniors, and Veterans reported

House Bill No. 4152, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2891 (MCL 333.2891), as amended by 2013 PA 136.

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.

John Bizon, M.D.

Chairperson

To Report Out:

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

Nays: None

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

The Committee on Families, Seniors, and Veterans reported

House Bill No. 4153, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2803 (MCL 333.2803), as amended by 2012 PA 499.

With the recommendation that the bill pass.

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

John Bizon, M.D.

Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, January 15, 2020, at 3:00 p.m., Room 1200, Binsfeld Office Building

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

Scheduled Meetings

Families, Seniors, and Veterans - Wednesday, January 22, 3:00 p.m., Room 1200, Binsfeld Office Building (517) 373-1721

Senate Fiscal Agency Board of Governors - Thursday, January 23, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Senator MacGregor moved that the Senate adjourn.
The motion prevailed, the time being 10:23 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Tuesday, January 21, 2020, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

