

**No. 12**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**100th Legislature**  
**REGULAR SESSION OF 2019**

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Senate Chamber, Lansing, Thursday, February 7, 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—excused

Pastor JD Howell of First Baptist Church of Bridgeport offered the following invocation:

Father, we thank You for this day. We thank You for the many blessings that You give to us. Lord, I thank You for these fine men and women, the Senators here this morning. Lord, I pray that You give them wisdom, Lord, as they strive and seek to protect, Lord, to preserve this great state and to help it prosper. Lord, I pray that You help them and guide this session this morning. Lord, we thank You for all the things You have done for us, for this great country; for our President, we pray for wisdom for him and his cabinet, Lord; the Legislature in Washington, D.C., and I pray that You bless them and give them wisdom. Lord, we thank You for all the families who serve this great country in our military. Lord, we thank You most of all though for Your Son Jesus and how he died for us.

Lord, we pray that we would honor You today in everything that is said and done. 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

Senators Shirkey and McBroom entered the Senate Chamber.

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

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

The following communication was received and read:  
Office of the Senate Majority Leader

February 6, 2019

I respectfully request the Senate Committee on Oversight hold a hearing on Executive Order Number 2019-02 and report your findings to the Senate Government Operations Committee.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,  
Mike Shirkey  
16th Senate District  
Senate Majority Leader

The communication was referred to the Secretary for record.

Senator Geiss entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of  
**Resolutions**

Senator MacGregor moved that rule 3.204 be suspended to permit immediate consideration of the following resolutions:

**Senate Resolution No. 10**

**Senate Resolution No. 11**

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

Senator Johnson offered the following resolution:

**Senate Resolution No. 10.**

A resolution recognizing February 2019 as American Heart Month and February 1, 2019, as "Go Red for Women Day."

Whereas, Cardiovascular diseases are the number one killer of women in the U.S.; and

Whereas, About 80 percent of cardiovascular diseases may be prevented; and

Whereas, Some risk factors such as blood pressure, smoking, cholesterol, and lack of regular physical activity can be controlled; and

Whereas, The American Heart Association's Go Red for Women® movement motivates women to learn about their family history and to meet with a healthcare provider to determine their risk for cardiovascular diseases and stroke; and

Whereas, "Go Red for Women" encourages women to take control of their heart health by knowing five numbers that can be life changing: 1. Total Cholesterol; 2. HDL (good) Cholesterol; 3. Blood Pressure; 4. Blood Sugar; 5. Body Mass Index (BMI); and

Whereas, The American Heart Association is celebrating February 2019 as American Heart Month and promoting education and awareness by encouraging citizens to learn the warning signs of a heart attack and stroke; now, therefore, be it

Resolved by the Senate, That we recognize February 2019 as American Heart Month and February 1, 2019, as “Go Red for Women Day”; and be it further

Resolved, That we also recognize the importance of the ongoing fight against heart disease and stroke and we urge all citizens to show their support for women and the fight against heart disease by commemorating this day by wearing the color red; and be it further

Resolved, That by increasing awareness, speaking out about heart disease, and empowering women to reduce their risk for cardiovascular disease and stroke, we can save thousands of lives each year.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Alexander, Ananich, Bizon, Brinks, Bullock, Daley, Horn, Lucido, MacDonald, MacGregor, Moss, Nesbitt, Polehanki, Runestad, Santana, Theis, VanderWall and Wojno were named co-sponsors of the resolution.

Senator Johnson’s statement is as follows:

With your permission, I’d like to speak on behalf of this resolution that affects all women. I’d like to take this opportunity to share with you the importance of heart health and ask for your support of Senate Resolution No. 10 which proclaims February 2019 as Heart Health Month and recognizes that Friday, February 1 was Go Red Day in the state of Michigan.

Cardiovascular disease is the No. 1 killer of women in the United States and 80 percent of all cardiovascular diseases can be prevented. It kills more women than all cancers combined. Therefore, it’s important to be aware of the various risk factors and how it can be prevented. Go Red for Women is a movement to encourage and empower women to take control of their heart health and help raise awareness by encouraging those around them to learn the warning signs of heart attack and stroke.

I ask my colleagues to join with me in raising awareness of the importance of heart health and supporting this resolution.

Senators Victory, Outman, Barrett, Daley, McBroom, Lauwers, Stamas, McCann, Brinks, Theis, LaSata, VanderWall and Schmidt offered the following resolution:

**Senate Resolution No. 11.**

A resolution to commemorate the 100th Anniversary of the founding of the Michigan Farm Bureau.

Whereas, February 4, 2019, marks 100 years of the Michigan Farm Bureau’s presence in the state of Michigan; and Whereas, The origins of the Michigan Farm Bureau began in 1914 when President Woodrow Wilson signed the Smith-Lever Act which created the extension service; and

Whereas, This provided local agricultural agents from land-grant universities through a partnership with the United States Department of Agriculture. Before these agents could be approved, counties had to organize into local farmers bureaus to help direct the extension project; and

Whereas, Michigan organized a state federation of county Farm Bureaus in 1919, following Missouri, Massachusetts, and Vermont, who did so in 1915. The organization began when county extension agents and farmers from 57 counties throughout Michigan met at Michigan Agricultural College (now Michigan State University) to officially form what was then called the Michigan State Farm Bureau; and

Whereas, One month later, the newly formed Michigan State Farm Bureau adopted its mission statement, which read: “Its purposes are to unite under a definite head of all other farm organizations. The Farm Bureau should not be considered just another farmers’ organization added to the list but as THE ONE which may assist all others to better accomplish their purposes.”; and

Whereas, In 1944 the organization dropped the word “State” from its name to officially become the Michigan Farm Bureau; and

Whereas, Today, The Michigan Farm Bureau ensures the growth of Michigan food and farms, such as advocating for good government policy, developing opportunities for young farmers, providing student scholarships and grants, supporting local food efforts, creating food literacy programs for kids, hosting community building events and funding efforts to protect the environment, water quality, farmland preservation, and more; and

Whereas, The Michigan Farm Bureau is involved in numerous annual charitable contributions and volunteerism, including Michigan Easter Seals, Harvest for All, Future Farmers of America (FFA), 4-H, the Michigan Livestock Expo, and the Upper Peninsula State Fair, among many others; and

Whereas, Annually, Michigan Farm Bureau recognizes and honors its deserving Farm Bureau members and individuals from outside the organization for their contributions and achievements in supporting and advancing the state’s agriculture industry, including bestowing the Young Farmer Achievement Award, the Young Farmer Agricultural Employee Award, the Educator of the Year Award, and the Distinguished Service to Agriculture Award, among others; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate the 100th Anniversary of the founding of the Michigan Farm Bureau; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Farm Bureau as evidence of our esteem for being Michigan's voice for agriculture over the last century.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Alexander, Ananich, Bizon, Bullock, Horn, Lucido, MacDonald, MacGregor, Nesbitt, Runestad, Santana and Wojno were named co-sponsors of the resolution.

### **House Concurrent Resolution No. 1.**

A concurrent resolution to disapprove Executive Order No. 2019-02.

Whereas, Pursuant to Article V, Section 2 of the Constitution of the State of Michigan of 1963, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which she considers necessary for efficient administration; and

Whereas, On February 4, 2019, Governor Gretchen Whitmer issued Executive Order No. 2019-02 to establish the Department of Environment, Great Lakes, and Energy; prescribe for the administration of the Department of Environment, Great Lakes, and Energy; establish the Michigan Office of Administrative Hearings and Rules; and make transfers from the Department of Environmental Quality, Department of Licensing and Regulatory Affairs, Department of Natural Resources, and Department of Technology, Management and Budget; and

Whereas, The Legislature remains committed to and joins the Governor in ensuring the health and safety of Michigan's citizens and families with an environment that is clean, energy needs that are met, and drinking water that is safe; and

Whereas, Pursuant to Article V, Section 2, the legislature may disapprove an executive order reorganizing the executive branch or making changes in the assignment of functions among its units, within 60 calendar days of a regular session, by a resolution concurred in by a majority of the members elected to and serving in each house; and

Whereas, Executive Order No. 2019-02 seeks to abolish the Environmental Rules Review Committee, Environmental Permit Review Commission, and Environmental Science Advisory Board created under Public Acts 267, 268, 269 of 2018; and

Whereas, It is the position of this Legislature that said entities created by legislation ought not be abolished by executive decree; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That, pursuant to Article V, Section 2 of the Constitution of the State of Michigan of 1963, we disapprove Executive Order No. 2019-02; and be it further

Resolved, That copies of this resolution be transmitted to the Governor

The House of Representatives has adopted the concurrent resolution.

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 Oversight.

The motion prevailed.

Senators Horn, Lucido, MacGregor and VanderWall were named co-sponsors of the concurrent resolution.

### **Senate Concurrent Resolution No. 5.**

A concurrent resolution providing for a joint convention of the Senate and House of Representatives.

(For text of resolution, see Senate Journal No. 10, p. 100.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

## **Introduction and Referral of Bills**

Senator Lucido introduced

### **Senate Bill No. 90, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 1, 3, and 11 of chapter XIII (MCL 712A.1, 712A.3, and 712A.11), section 1 as amended by 2016 PA 496, section 3 as amended by 1996 PA 409, and section 11 as amended by 2016 PA 185.

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

Senator MacDonald introduced

**Senate Bill No. 91, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 27a of chapter IV (MCL 764.27a), as amended by 1996 PA 254.

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

Senators Santana, Irwin, Wojno, Alexander, Hollier, Bullock, Hertel, McMorrow and Moss introduced

**Senate Bill No. 92, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 11 of chapter II (MCL 762.11), as amended by 2015 PA 31.

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

Senators Chang, Santana, Irwin, Wojno, Alexander, Hollier, Bullock, Hertel, McMorrow and Moss introduced

**Senate Bill No. 93, entitled**

A bill to amend 1974 PA 150, entitled “Youth rehabilitation services act,” by amending section 2 (MCL 803.302), as amended by 1998 PA 517.

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

Senators Irwin, Santana, Wojno, Alexander, Chang, Hollier, Bullock, Hertel, McMorrow and Moss introduced

**Senate Bill No. 94, entitled**

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 1060a (MCL 330.2060a), as added by 2012 PA 540.

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

Senators Santana, Irwin, Wojno, Alexander, Chang, Hollier, Bullock, Hertel, McMorrow and Moss introduced

**Senate Bill No. 95, entitled**

A bill to amend 1988 PA 13, entitled “Juvenile diversion act,” by amending sections 2 and 8 (MCL 722.822 and 722.828), section 2 as amended by 1996 PA 415.

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

Senators Hollier, Santana, Irwin, Wojno, Alexander, Chang, Bullock, Hertel, McMorrow and Moss introduced

**Senate Bill No. 96, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 139 (MCL 750.139), as amended by 1998 PA 510.

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

Senators Hertel, Santana, Irwin, Wojno, Alexander, Chang, Hollier, Bullock, McMorrow and Moss introduced

**Senate Bill No. 97, entitled**

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 14, 15, 16, 18, and 18i of chapter XIIA (MCL 712A.14, 712A.15, 712A.16, 712A.18, and 712A.18i), section 14 as amended by 2012 PA 163, section 15 as amended by 1998 PA 474, section 16 as amended by 1998 PA 478, section 18 as amended by 2018 PA 58, and section 18i as added by 1996 PA 244.

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

Senators Bullock, Santana, Irwin, Wojno, Alexander, Hollier, Hertel, McMorrow and Moss introduced

**Senate Bill No. 98, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 27 of chapter IV (MCL 764.27), as amended by 1996 PA 418.

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

Senator Johnson introduced

**Senate Bill No. 99, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 15b of chapter IV (MCL 764.15b), as amended by 2001 PA 209.

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

Senator Runestad introduced  
**Senate Bill No. 100, entitled**

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 2 and 2d of chapter XIA (MCL 712A.2 and 712A.2d), section 2 as amended by 2018 PA 58 and section 2d as amended by 1998 PA 478.

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

Senator Lucido introduced  
**Senate Bill No. 101, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 117a (MCL 400.117a), as amended by 2018 PA 244.

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

Senator Santana introduced  
**Senate Bill No. 102, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 117i. The bill was read a first and second time by title and referred to the Committee on Judiciary and Public Safety.

Senators McCann, Irwin, McMorro, Wojno, Moss, Hollier, Brinks, Bayer, Polehanki, Chang, Geiss, Ananich, Hertel, Bullock and Alexander introduced

**Senate Bill No. 103, entitled**

A bill to amend 1969 PA 306, entitled “Administrative procedures act of 1969,” by amending sections 32 and 45 (MCL 24.232 and 24.245), as amended by 2018 PA 602.

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

Senators Runestad, Irwin, Alexander, Lauwers and Lucido introduced

**Senate Bill No. 104, entitled**

A bill to amend 1976 PA 267, entitled “Open meetings act,” by amending section 11 (MCL 15.271).

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

### Statements

Senators Hollier, Nesbitt and Barrett asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hollier’s statement is as follows:

I wanted to introduce my daughter Lillian and bring up a point, and you’ll have to excuse me. I don’t think she’s a prop but I can’t put her down because she has a fever.

I wanted to bring her up and talk about this because as Senators, we have a unique opportunity in that when our kids are sick, we don’t have to take a day off from work, we don’t have to call in or find someone else, we can bring our munchkin with us, and too many working folks can’t do that same thing when their children are sick. Lillian had a fever yesterday and couldn’t go back to day care.

We have a number of folks who have had to stay at home and miss work and take time off that they don’t have because they don’t have paid time off because, as a state, we don’t take care of families, particularly mothers. So, as we all wear red, as we think about women, and as we think about our daughters and our families, I think it’s important that this year, we seek to address the issues with families because one day, whether we have a family or want a family, we’ll have to rely on people who were either raised by their parents because they could take the time or we’ll have to deal with people who couldn’t.

Senator Nesbitt’s statement is as follows:

On January 22, our country tragically lost Army Corporal Cole Wixom. Cole grew up in Southwest Michigan, raised by his parents Robyn and Richard. He participated in 4-H, played baseball in high school, graduated from Bloomingdale High School just a few short years ago, and married the love of his life, Abbi. Corporal Wixom served in the U.S. Army and completed a tour in Afghanistan. He was back home where his parents thought he was safe. He was sadly lost in a military accident in New Mexico just a few short weeks ago.



## COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, February 6, 2019, at 12:30 p.m., Room 1200, Binsfeld Office Building

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

Excused: Senator VanderWall

## COMMITTEE ATTENDANCE REPORT

The Committee on Advice and Consent submitted the following:

Meeting held on Wednesday, February 6, 2019, at 3:00 p.m., Room 1100, Binsfeld Office Building

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

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, February 6, 2019, at 4:00 p.m., Rooms 402 and 403, Capitol Building

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

**Scheduled Meetings**

**Michigan State Capitol Commission** - Monday, February 11, 11:00 a.m., Room H-65, Capitol Building  
(517) 373-0184

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, February 12, 2019, at 10:00 a.m.

MARGARET O'BRIEN  
Secretary of the Senate