

No. 16  
STATE OF MICHIGAN  
**Journal of the Senate**  
100th Legislature  
REGULAR SESSION OF 2019

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Senate Chamber, Lansing, Tuesday, February 19, 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 Chuck Lane of Maple Grove Baptist Church of Jackson offered the following invocation:

Our heavenly Father, thank You for this day. Thank You for the beauty that we see. Thank You for this time that You have given us to be leaders in our state. Lord, I pray for the men and women who are here. I beg You, dear God, give them the wisdom and the understanding that they need to do this difficult task. I pray for Thy grace to be upon them and give them understanding. I pray, Lord, also for the demands on their time. I know, dear God, how busy they are with family, so I pray that You would help them to balance their lives. I pray that the discussions that are held in this chamber would bring honor and glory to You.

It's been a wonderful state to rear children, to have our families, we thank You for it. We ask You for Thy continued favor to be upon this state of Michigan. Use these people as Thy servants.

I pray 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

The following communications were received and read:

Office of the Senate Majority Leader

February 15, 2019

Pursuant to MCL 333.20915, I appoint the following person to the **Emergency Medical Services Coordination Commission**.

Senator John Bizon, M.D.

February 15, 2019

Pursuant to MCL 3.1022, I appoint the following individuals to the **Midwest Interstate Passenger Rail Commission**.

Senator Wayne Schmidt

Alternate: Senator Roger Victory

February 15, 2019

Pursuant to MCL 388.1699s, I appoint the following individuals to the **MiSTEM Advisory Council**.

Senator Dale Zorn (R)

Senator Dayna Polehanki (D)

February 15, 2019

Pursuant to MCL 333.2612, I appoint the following individuals to the **Michigan Center for Rural Health Board of Directors**.

Senator Curt VanderWall

February 15, 2019

Pursuant to MCL 205.813, I appoint the following person to the **Streamlined Sales and Use Tax Governing Board**.

David Zin

Sincerely,

Mike Shirkey

16th Senate District

Senate Majority Leader

The communications were referred to the Secretary for record.

The following communications were received:

Department of State

Administrative Rules

Notices of Filing

January 10, 2019

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Office of Regulatory Reinvention filed Administrative Rule #2018-025-LR (Secretary of State Filing #19-01-01) on this date at 3:57 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Accountancy - General Rules."

These rules take effect immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

January 10, 2019

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Office of Regulatory Reinvention filed Administrative Rule #2017-094-LR (Secretary of State Filing #19-01-02) on this date at 3:57 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Social Work - General Rules."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

January 10, 2019

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Office of Regulatory Reinvention filed Administrative Rule #2017-086-LR (Secretary of State Filing #19-01-03) on this date at 3:56 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Massage Therapy – General Rules."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,  
Jocelyn Benson  
Secretary of State  
Robin L. Houston, Departmental Supervisor  
Office of the Great Seal

The communications were referred to the Secretary for record.

The following communications were received:  
Office of Senator Rosemary Bayer

February 13, 2019

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bill 92 introduced on February 7, 2019 by Senator Santana.

February 13, 2019

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bill 93 introduced on February 7, 2019 by Senator Chang.

February 13, 2019

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bill 94 introduced on February 7, 2019 by Senator Irwin.

February 13, 2019

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bill 95 introduced on February 7, 2019 by Senator Santana.

February 13, 2019

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bill 96 introduced on February 7, 2019 by Senator Hollier.

February 13, 2019

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bill 97 introduced on February 7, 2019 by Senator Hertel.

February 13, 2019

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bill 98 introduced on February 7, 2019 by Senator Bullock.

Sincerely,  
Rosemary Bayer  
12th Senate District  
State Senator

The communications were 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 10:04 a.m.

11:00 a.m.

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

Senator MacGregor moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

**Senate Bill No. 87**

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

### Messages from the Governor

The following message from the Governor was received on February 14, 2019, and read:

EXECUTIVE ORDER  
No. 2019-05

#### Declaration of State of Emergency

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

Among the areas most impacted by this severe winter weather is the county of Ionia. Within the county of Ionia, the city of Portland is experiencing an ongoing compromised operation of its only wastewater treatment facility which is resulting in discharge of raw sewage into the Grand River. The flood impact in the county of Ionia has damaged 25 to 30 homes and businesses due to extensive flooding in areas adjacent to the Grand River. Emergency protective measures to mitigate additional flood damage are needed and still ongoing. The county of Ionia is anticipating additional and potentially extreme flooding due to the presence of ice jams on the Grand River.

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

Despite these measures, local resources are insufficient to respond to the extreme flooding under the current conditions. State assistance and other outside resources are necessary to effectively respond to, and recover from, the impacts of flooding.

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

1. A state of emergency is declared for the county of Ionia.
2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts and may call upon all state departments to utilize available resources to assist in the designated area pursuant to the Michigan Emergency Management Plan.

The state of emergency is terminated at such time as the threats to public health, safety, and property caused by the emergency no longer exist, and appropriate programs have been implemented to recover from the effects of this emergency, but in no case later than March 9, 2019, unless extended as provided by 1976 Public Act 390, as amended.

Date: February 13, 2019

[SEAL]

Gretchen Whitmer  
Governor

By the Governor:  
Jocelyn Benson  
Secretary of State

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

The following message from the Governor was received and read:

February 15, 2019

I respectfully submit to the Senate pursuant to Public Act 346 of 1966, MCL 125.1421, please be advised of the following appointments to office:

**Michigan State Housing Development Authority**

Ms. Stephanie Beckhorn, 105 W. Allegan Street, Lansing, Michigan 48933, county of Ingham, is appointed to represent principal department heads of the executive branch of the state government for a term commencing February 15, 2019 and expiring at the pleasure of the Governor.

Mr. Robert Gordon, 333 S. Grand Avenue, Lansing, Michigan 48933, county of Ingham, is appointed to represent principal department heads of the executive branch of the state government for a term commencing February 15, 2019 and expiring at the pleasure of the Governor.

Respectfully,  
Gretchen Whitmer  
Governor

The appointments were referred to the Committee on Advice and Consent.

### 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 Hollier 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 bill:

**Senate Bill No. 87, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8160 (MCL 600.8160), as amended by 2012 PA 21.

The bill was placed on the order of Third Reading of Bills.

### Introduction and Referral of Bills

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

**Senate Bill No. 116, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 20118, 20120a, 20120b, 20120e, and 20121 (MCL 324.20118, 324.20120a, 324.20120b, 324.20120e, and 324.20121), sections 20118, 20120a, and 20120b as amended and section 20121 as added by 2014 PA 542 and section 20120e as amended by 2012 PA 190.

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

### Statements

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

The motion prevailed.

Senator Chang's statement is as follows:

Seventy-seven years ago, on February 19, 1942, President Roosevelt signed Executive Order No. 9066 which gave the U.S. Army the authority to remove civilians from military zones established in Washington, Oregon, and California during World War II. This led to the forced removal and incarceration of more than 120,000 Americans of Japanese ancestry who had to abandon their jobs, their homes, and their lives, to be sent to internment camps scattered in desolate, remote regions of this country. No Japanese-Americans were ever charged or convicted of espionage or sabotage, but were targeted and imprisoned for years because of their national origin or ancestry.

February 19 is known as the Day of Remembrance and is an important opportunity for us to recognize the fragility and importance of civil liberties, especially in times of crisis. I would like to invite my colleagues to join me in acknowledging the Day of Remembrance for today.

### Announcements of Printing and Enrollment

The Secretary announced that the following bills were printed and filed on Thursday, February 14, and are available on the Michigan Legislature website:

**Senate Bill Nos. 114 115**

**House Bill Nos. 4184 4185 4186 4187 4188 4189 4190 4191 4192 4193 4194 4195 4196  
4197 4198 4199**

### Committee Reports

The Committee on Judiciary and Public Safety reported

**Senate Bill No. 3, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5744 (MCL 600.5744), as amended by 2004 PA 105.

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.

Peter J. Lucido

Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

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

The Committee on Judiciary and Public Safety reported

**Senate Bill No. 23, entitled**

A bill to prohibit the theft of mail; to provide for the powers and duties of certain state and local governmental officers and entities; and to prescribe penalties and provide remedies.

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.

Peter J. Lucido

Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

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

The Committee on Judiciary and Public Safety reported

**Senate Bill No. 24, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14 of chapter XVII (MCL 777.14h), as amended by 2018 PA 188.

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.

Peter J. Lucido

Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

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

The Committee on Judiciary and Public Safety reported

**Senate Bill No. 87, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8160 (MCL 600.8160), as amended by 2012 PA 21.

With the recommendation that the bill pass.

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

Peter J. Lucido  
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary and Public Safety submitted the following:

Meeting held on Thursday, February 14, 2019 at 9:15 a.m., Room 1100, Binsfeld Office Building

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Advice and Consent submitted the following:

Meeting held on Thursday, February 14, 2019 at 12:00 noon, Room 1200, Binsfeld Office Building

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

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, February 14, 2019 at 1:30 p.m., Room 1100, Binsfeld Office Building

Present: Senators VanderWall (C), Bizon, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel, Santana and Wojno

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Justice and Public Safety submitted the following:

Meeting held on Thursday, February 14, 2019, at 1:30 p.m., Room 1300, Binsfeld Office Building

Present: Senators Barrett (C), Runestad and Hollier

#### Scheduled Meetings

**Advice and Consent** - Wednesday, February 20, 3:00 p.m., Room 1100, Binsfeld Office Building and Thursday, February 21, 12:00 noon, Room 1300, Binsfeld Office Building (517) 373-5312

**Agriculture and Agriculture and Rural Development Appropriations Subcommittee** - Thursday, February 28, 3:00 p.m., Room 1300, Binsfeld Office Building (517) 373-5314

#### Appropriations –

##### Subcommittees –

**Agriculture and Rural Development and Agriculture** - Thursday, February 28, 3:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

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

**Licensing and Regulatory Affairs (LARA)/Department of Insurance and Financial Services (DIFS)** - Thursday, February 21, 8:30 a.m., Room 1300, Binsfeld Office Building (517) 373-2768

**Families, Seniors, and Veterans** - Wednesday, February 20, 4:00 p.m., Rooms 402 and 403, Capitol Building (517) 373-1721

**Finance** - Wednesday, February 20, 12:30 p.m., Room 1200, Binsfeld Office Building (517) 373-5312

**Health Policy and Human Services** - Thursday, February 21, 1:00 p.m., Room 1100, Binsfeld Office Building (517) 373-5323

**Insurance and Banking** - Wednesday, February 20, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-5314

Senator MacGregor moved that the Senate adjourn.  
The motion prevailed, the time being 11:08 a.m.

The President, Lieutenant Governor Gilchrist declared the Senate adjourned until Wednesday, February 20, 2019, at 10:00 a.m.

MARGARET O'BRIEN  
Secretary of the Senate