

**No. 60**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**100th Legislature**  
**REGULAR SESSION OF 2019**

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Senate Chamber, Lansing, Wednesday, June 12, 2019.

10:00 a.m.

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

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—excused  
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—excused  
Victory—present  
Wojno—present  
Zorn—present

Senator Sean McCann of the 20th District offered the following invocation:

We have gathered on this day in service and in trust, and to be mindful of the people we serve: people of varied religious traditions, cultures, and political persuasions; people who serve one another in the many institutions and industries of this state.

Let us give thanks for the people of Michigan – our brothers and sisters in life. Let us keep in mind our calling: to be dedicated to the highest ideals of equity and justice, of freedom and liberty; exemplars of the leadership skills which would make Michigan a model of peace, compassion, sustainable living, and of shared prosperity. Let us build trust by always seeking to live in right relations with ourselves, with others, and with life.

May commitment to the common good be strong within us and among us. May wisdom be our guide. May we be excellent stewards of the many gifts and resources of our state as we conduct the business before us.

The President pro tempore, Senator Nesbitt, led the members of the Senate in recital of the *Pledge of Allegiance*.

**Motions and Communications**

Senator MacGregor moved that Senator VanderWall be excused from today’s session.  
The motion prevailed.

Senator McMorrow moved that Senators Ananich and Hollier be temporarily excused from today’s session.  
The motion prevailed.

The following communication was received:  
Office of Senator Stephanie Chang

June 11, 2019

Per Senate Rule 1.110(c) I am requesting that my name be added as a co-sponsor to Senate Bill 365 which was introduced on June 11, 2019 by Senator McCann and was referred to the Senate Committee on Environmental Quality.

Sincerely,  
Senator Stephanie Chang  
District 1

The communication was referred to the Secretary for record.

The following communication was received:  
Office of Senator Wayne A. Schmidt

June 11, 2019

I am writing to ask my name be added as a co-sponsor to Senate Bill 364.  
If you have any questions, please feel free to contact my office at 517-373-2413.

Sincerely,  
Wayne A. Schmidt  
State Senate  
37th District

The communication was referred to the Secretary for record.

**Messages from the Governor**

The following message from the Governor was received:

Date: May 30, 2019  
Time: 10:23 a.m.

To the President of the Senate:

Sir—I have this day approved and signed  
**Enrolled Senate Bill No. 1 (Public Act No. 21), being**

An act to amend 1956 PA 218, entitled “An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations

organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act," by amending sections 150, 224, 1244, 2038, 2040, 2069, 2105, 2106, 2108, 2111, 2118, 2120, 2151, 3009, 3101, 3101a, 3104, 3107, 3109a, 3111, 3112, 3113, 3114, 3115, 3135, 3142, 3145, 3148, 3151, 3157, 3163, 3172, 3173a, 3174, 3175, and 3177 (MCL 500.150, 500.224, 500.1244, 500.2038, 500.2040, 500.2069, 500.2105, 500.2106, 500.2108, 500.2111, 500.2118, 500.2120, 500.2151, 500.3009, 500.3101, 500.3101a, 500.3104, 500.3107, 500.3109a, 500.3111, 500.3112, 500.3113, 500.3114, 500.3115, 500.3135, 500.3142, 500.3145, 500.3148, 500.3151, 500.3157, 500.3163, 500.3172, 500.3173a, 500.3174, 500.3175, and 500.3177), section 150 as amended by 1992 PA 182, section 224 as amended by 2007 PA 187, section 1244 as amended by 2001 PA 228, section 2069 as amended by 1989 PA 306, section 2108 as amended by 2015 PA 141, section 2111 as amended by 2012 PA 441, sections 2118 and 2120 as amended by 2007 PA 35, section 2151 as added by 2012 PA 165, sections 3009 and 3113 as amended by 2016 PA 346, section 3101 as amended by 2017 PA 140, section 3101a as amended by 2018 PA 510, section 3104 as amended by 2002 PA 662, section 3107 as amended by 2012 PA 542, section 3109a as amended by 2012 PA 454, section 3114 as amended by 2016 PA 347, section 3135 as amended by 2012 PA 158, section 3163 as amended by 2002 PA 697, sections 3172, 3173a, 3174, and 3175 as amended by 2012 PA 204, and section 3177 as amended by 1984 PA 426, and by adding sections 261, 271, 2013a, 2111f, 2116b, 2162, 3107c, 3107d, 3107e, 3157a, and 3157b and chapters 31A and 63.

(Filed with the Secretary of State on June 11, 2019 at 3:22 p.m.)

Respectfully,  
Gretchen Whitmer  
Governor

Senator MacGregor moved that rule 3.902 be suspended to allow the guests of Senator Daley admittance to the Senate floor, including the center aisle.

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

Senator MacGregor moved that rule 3.901 be suspended to allow filming and photographs to be taken from the Senate Gallery.

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

### Recess

Senator MacGregor moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:05 a.m.

10:29 a.m.

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

During the recess, Senator Hollier entered the Senate Chamber.

During the recess, Senators Daley, Theis and Brinks introduced Nicole Roberts, Tyler Baxter, and Nicholas Minnema, medalists at the 2019 Special Olympics World Summer Games, and coach Lane Odalovich; and presented them with Special Tributes.

**Messages from the House**

**Senate Bill No. 112, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2918 (MCL 600.2918), as amended by 2014 PA 223.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Third Reading of Bills**

Senator MacGregor moved that the Senate proceed to consideration of the following bill:

**House Bill No. 4101**

The motion prevailed.

Senator Ananich entered the Senate Chamber.

The following bill was read a third time:

**House Bill No. 4101, entitled**

A bill to amend 2018 PA 57, entitled “Recodified tax increment financing act,” by amending section 204 (MCL 125.4204).

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. 131**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Chang

VanderWall

**Not Voting—0**

In The Chair: Nesbitt

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the recodification and establishment of certain tax increment finance authorities; to prescribe the powers and duties of the authorities; to correct and prevent deterioration in residential, commercial, and industrial areas and certain other areas; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas; to promote residential and economic growth; to create certain boards; to prescribe the powers and duties of certain boards; to authorize the issuance of bonds and other evidences of indebtedness; to levy certain taxes; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; to provide for enforcement of this act; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 47, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending sections 27 and 34d (MCL 211.27 and 211.34d), section 27 as amended by 2013 PA 162 and section 34d as amended by 2014 PA 164.

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. 132**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Chang

VanderWall

**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. 48, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 9i (MCL 211.9i), as added by 2002 PA 549.

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. 133**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Chang VanderWall

**Not Voting—0**

In The Chair: Nesbitt

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4367, entitled**

A bill to allow certain employees or agents to carry and administer opioid antagonists in certain circumstances; to provide access to opioid antagonists by certain agencies and employees or agents; to limit the civil and criminal liability of certain agencies and employees or agents for the possession, distribution, and use of opioid antagonists under certain circumstances; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Lucido offered the following substitute:

Substitute (S-3).

The substitute was adopted, a majority of the members serving voting therefor.

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. 134**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Chang	VanderWall
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**Not Voting—0**

In The Chair: Nesbitt

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4249, entitled**

A bill to amend 1986 PA 32, entitled “Emergency 9-1-1 service enabling act,” by amending section 413 (MCL 484.1413), as amended by 2008 PA 379; and to repeal acts and parts of acts.

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. 135**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Chang VanderWall

**Not Voting—0**

In The Chair: Nesbitt

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“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.”

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 280, entitled**

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 1081.

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. 136**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Chang VanderWall

**Not Voting—0**

In The Chair: Nesbitt

The Senate agreed to the title of the bill.



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

The motion prevailed.

Senator Stamas' statement is as follows:

On October 21, 2014, Marine Lance Corporal Steven J. Szymanski was killed on duty in an exercise at Fort Bragg. Steven leaves behind a loving mother and father, Dawn and John Szymanski; a sister, family, and friends. It is my honor to memorialize Lance Corporal Steven Szymanski by designating a portion of US-10. I would ask each member for their support on this bill.

By unanimous consent the Senate proceeded to the order of

### **Introduction and Referral of Bills**

Senators Runestad, Lucido, Barrett, Bumstead, Johnson, Victory, Zorn, MacDonald, McBroom, Irwin, Bullock, Hertel, McMorrow, Lauwers, Horn, Outman, Wojno, LaSata, Alexander, Moss, Santana, Bayer, Polehanki, Brinks, Ananich, Hollier, Nesbitt and MacGregor introduced

#### **Senate Joint Resolution G, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 11 of article I, to require the government to obtain a search warrant in order to access a person's electronic data or electronic communication.

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

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

#### **Senate Bill No. 368, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," (MCL 418.101 to 418.941) by adding section 303.

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

Senator Lucido introduced

#### **Senate Bill No. 369, entitled**

A bill to amend 1917 PA 273, entitled "An act to regulate and license pawnbrokers that conduct business in this state; to provide for the disposition of allegedly misappropriated property in the possession of pawnbrokers; to provide remedies and prescribe penalties; and to provide for the powers and duties of certain local governmental units and state agencies," by amending section 9 (MCL 446.209), as amended by 2018 PA 345.

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

The Assistant President pro tempore, Senator Theis, assumed the Chair.

### **Statements**

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

The motion prevailed.

Senator Nesbitt's statement is as follows:

I rise today in honor of a good friend of mine who left the Earth last Friday, on June 7. Jim Shank was a person all of us strive to be—generous, kind, funny, and he always had time to listen.

I met Jim Shank through his activism with my own county party and Farm Bureau. He was a lifelong Paw Paw resident. He owned 2 Paws Nursery and was active with the Michigan Landscape Nurserymans Association. He was past local president and member of the Farm Bureau and he mentored young people interested in agriculture.

Jim and his mother Sid supported me as I ran for office the first time and each election after. Everyone in Van Buren County and my area knows you need the Shank family endorsement and their thoughtful advice before going on said ventures. Thankfully, we became close friends. I enjoyed Christmas Eve breakfasts together, joined our family in passes for Christmas Day, and with them hanging out at community events.

Jim appeared to be a quiet man in the background, but he did more for our community than most will ever realize. His obituary says it well, “Jim had an infectious laugh and loved to tell a good joke or spin an interesting story. He consistently put others ahead of himself, and would plow driveways for widows on a fixed income, fix a faucet for a single mom or run a friend’s child to religious ed.”

Jim has left a legacy of service on our body. He was a tremendous influence on myself and past Senators Schuitmaker and O’Brien.

I hope we will all strive to live like Jim—giving without asking, lending a hand where needed, laughing with loved ones, and serving others. He left us way too early, but while we mourn his loss here and will miss him dearly, we are comforted that he met his Savior who said, “Job well done”—something we all want to hear.

A moment of silence was observed in memory of Jim Shank.

### **Announcements of Printing and Enrollment**

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, June 11:

**House Bill Nos. 4229 4231 4238 4615 4616**

The Secretary announced that the following bills and joint resolution were printed and filed on Tuesday, June 11 and are available on the Michigan Legislature website:

**Senate Bill Nos. 365 366 367**

**House Bill Nos. 4695 4696 4697 4698 4699 4700 4701 4702 4703 4704 4705 4706 4707  
4708 4709 4710 4711 4712 4713 4714 4715**

**House Joint Resolution K**

### **Committee Reports**

#### **COMMITTEE ATTENDANCE REPORT**

The Committee on Energy and Technology submitted the following:

Meeting held on Tuesday, June 11, 2019, at 2:00 p.m., Room 1100, Binsfeld Office Building

Present: Senators Lauwers (C), Hom, LaSata, Nesbitt, Barrett, Bumstead, Outman, McCann, Brinks and McMorrow

#### **COMMITTEE ATTENDANCE REPORT**

The Committee on Oversight submitted the following:

Meeting held on Tuesday, June 11, 2019, at 2:00 p.m., Room 1300, Binsfeld Office Building

Present: Senators McBroom (C), Lucido, Theis, MacDonald and Irwin

### **Scheduled Meetings**

**Economic and Small Business Development** - Thursday, June 13, 12:00 noon, Room 1200, Binsfeld Office Building (517) 373-5314

**Health Policy and Human Services** - Thursday, June 13, 1:00 p.m., Room 1100, Binsfeld Office Building (517) 373-5323

**Judiciary and Public Safety** - Thursday, June 13, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-5312

**Regulatory Reform** - Tuesday, June 25, 3:00 p.m., Room 1200, Binsfeld Office Building (517) 373-5314

Senator MacGregor moved that the Senate adjourn.

The motion prevailed, the time being 10:56 a.m.

The Assistant President pro tempore, Senator Theis, declared the Senate adjourned until Thursday, June 13, 2019, at 10:00 a.m.

MARGARET O'BRIEN  
Secretary of the Senate

