

No. 16
STATE OF MICHIGAN
Journal of the Senate
99th Legislature
REGULAR SESSION OF 2018

Senate Chamber, Lansing, Wednesday, February 14, 2018.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Brian N. Calley.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Ananich—present
Bieda—present
Booher—excused
Brandenburg—present
Casperson—present
Colbeck—present
Conyers—present
Emmons—present
Green—present
Gregory—present
Hansen—present
Hertel—present
Hildenbrand—present

Hood—present
Hopgood—present
Horn—present
Hune—present
Johnson—present
Jones—present
Knezek—present
Knollenberg—present
Kowall—present
MacGregor—present
Marleau—present
Meekhof—present
Nofs—excused

O'Brien—present
Pavlov—present
Proos—present
Robertson—present
Rocca—present
Schmidt—present
Schuitmaker—present
Shirkey—present
Stamas—present
Warren—present
Young—present
Zorn—present

Pastor Vincent Matthews of Peoples Community Baptist Church of Westland offered the following invocation:

Eternal God, our Father, we're grateful and thankful for this day and all the blessings within this day. We ask Your blessings on this session. We pray for the Senate as a whole. We pray that from the discussions and from decisions, that it would elevate the overall well-being of humanity. We ask blessings over our state and our nation.

In Your name, we ask it all. Amen.

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

Motions and Communications

Senator Kowall moved that Senators Casperson and Meekhof be temporarily excused from today's session. The motion prevailed.

Senator Kowall moved that Senators Booher and Nofs be excused from today's session. The motion prevailed.

Senator Hood moved that Senator Young be temporarily excused from today's session. The motion prevailed.

Senator Casperson entered the Senate Chamber.

The following communication was received and read:

Office of the Auditor General

February 9, 2018

Enclosed is a copy of the following reports:

- Performance audit on the Michigan Veterans Affairs Agency, Department of Military and Veterans Affairs (511-0105-17).
- Report on Internal Control, Compliance, and Other Matters for the Michigan Public School Employees' Retirement System for the fiscal year ended September 30, 2017 (071-0152-18).

Sincerely,
Doug Ringler
Auditor General

The audit reports were referred to the Committee on Government Operations.

Messages from the Governor

The following message from the Governor was received:

Date: February 12, 2018

Time: 11:00 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 409 (Public Act No. 18), being

An act to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people's right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 32505 and 32511 (MCL 324.32505 and 324.32511), as added by 1995 PA 59.

(Filed with the Secretary of State on February 13, 2018, at 10:04 a.m.)

Respectfully,
Rick Snyder
Governor

By unanimous consent the Senate proceeded to the order of
Resolutions

Senator Meekhof entered the Senate Chamber.

Senator Kowall moved that consideration of the following resolutions be postponed for today:

Senate Concurrent Resolution No. 10

Senate Resolution No. 30

Senate Resolution No. 105

Senate Concurrent Resolution No. 20

Senate Concurrent Resolution No. 21

The motion prevailed.

Senators Johnson and Conyers offered the following resolution:

Senate Resolution No. 129.

A resolution recognizing February 4, 2018, as Cancer Prevention Day.

Whereas, Cancer is the leading cause of death around the world and has touched the lives of nearly everyone, either directly or indirectly; and

Whereas, This disease is the cause of nearly 1 out of every 4 deaths in the United States, and in Michigan, statistics show nearly 454 out of 100,000 citizens are diagnosed with cancer yearly; and

Whereas, More than 1,600 cancer-related deaths are expected nationwide per day, and in 2014, there were approximately 59,020 new cancer cases in the state of Michigan; and

Whereas, About 1.6 million new cancer cases were estimated to be diagnosed nationwide in 2016, with 595,690 Americans estimated to die of cancer; and

Whereas, It is understood that early detection and prevention of cancer leads to healthier individuals, less heartache, and more cost-effective health care; and

Whereas, The Michigan Legislature recognizes the efforts of the Less Cancer Campaign which works to raise awareness for the reduction of cancer risks; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize February 4, 2018, as Cancer Prevention Day, while also recognizing the devastating effect cancer has on families and seeking to expand knowledge, encourage early detection, and work with our friends in the medical and scientific fields to put an end to this deadly disease; and be it further

Resolved, That copies of this resolution be transmitted to the members of the Michigan congressional delegation, the United States Secretary of Health and Human Services, and the President and First Lady of the United States of America.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator Kowall moved that the rule be suspended.

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

The resolution was adopted.

Senators Ananich, Bieda, Brandenburg, Gregory, Hansen, Hood, Hopgood, Jones, Knollenberg, Pavlov, Proos and Zorn were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senator O'Brien introduced

Senate Bill No. 823, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109h (MCL 400.109h), as added by 2004 PA 248.

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

Recess

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

The motion prevailed, the time being 10:06 a.m.

10:25 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator O'Brien.

During the recess, Senator Young entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the Assistant President pro tempore, Senator O'Brien, designated Senator Schmidt as Chairperson.

After some time spent therein, the Committee arose; and the Assistant President pro tempore, Senator O'Brien, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 4536, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 26a to chapter IV.

House Bill No. 4537, entitled

A bill to amend 1974 PA 163, entitled "C.J.I.S. policy council act," by amending section 4 (MCL 28.214), as amended by 2011 PA 199.

House Bill No. 4538, entitled

A bill to amend 1925 PA 289, entitled "An act to create and maintain a fingerprint identification and criminal history records division within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties and remedies for a violation of this act," by amending section 3 (MCL 28.243), as amended by 2012 PA 374.

House Bill No. 4472, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17702, 17704, and 17755 (MCL 333.17702, 333.17704, and 333.17755), section 17702 as amended by 2016 PA 528 and section 17704 as amended by 2014 PA 280.

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

By unanimous consent the Senate returned to the order of

Messages from the House

Senator Kowall moved that consideration of the following bill be postponed for today:

Senate Bill No. 35

The motion prevailed.

Senate Bill No. 393, entitled

A bill to provide for the 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 House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill 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.

Pending the order that, under rule 3.202, the bill be laid over one day,
 Senator Kowall moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 69

Yeas—36

Ananich	Hansen	Knezek	Robertson
Bieda	Hertel	Knollenberg	Rocca
Brandenburg	Hildenbrand	Kowall	Schmidt
Casperson	Hood	MacGregor	Schuitmaker
Colbeck	Hopgood	Marleau	Shirkey
Conyers	Horn	Meekhof	Stamas
Emmons	Hune	O'Brien	Warren
Green	Johnson	Pavlov	Young
Gregory	Jones	Proos	Zorn

Nays—0

Excused—2

Booher	Nofs
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Not Voting—0

In The Chair: O'Brien

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

Third Reading of Bills

Senator Kowall moved that the following bills be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 731

Senate Bill No. 732

Senate Bill No. 733

- Senate Bill No. 734
- Senate Bill No. 735
- Senate Bill No. 736
- Senate Bill No. 737
- Senate Bill No. 738
- Senate Bill No. 739
- Senate Bill No. 740

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 731, entitled

A bill to amend 1956 PA 55, entitled “An act to authorize the jeopardy assessment of personal property taxes; to establish the terms, limitations and conditions upon which the date for payment of personal property taxes may be accelerated; to provide for the collection of such taxes, and to establish a lien therefor; and to establish the liability of the purchaser of personal property for personal property taxes,” by amending sections 3 and 4 (MCL 211.693 and 211.694).

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. 70

Yeas—36

Ananich	Hansen	Knezek	Robertson
Bieda	Hertel	Knollenberg	Rocca
Brandenburg	Hildenbrand	Kowall	Schmidt
Casperson	Hood	MacGregor	Schuitmaker
Colbeck	Hopgood	Marleau	Shirkey
Conyers	Horn	Meekhof	Stamas
Emmons	Hune	O’Brien	Warren
Green	Johnson	Pavlov	Young
Gregory	Jones	Proos	Zorn

Nays—0

Excused—2

Booher	Nofs
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Not Voting—0

In The Chair: O’Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 732, entitled

A bill to amend 1929 PA 236, entitled “An act to provide for the recording of waivers of priority of mortgages, and to make such record thereof constructive notice to all persons dealing with mortgages, the lien of which has been waived and with the property described in said mortgage; also to provide for the fees for the recording thereof,” by amending section 1 (MCL 565.391).

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. 71**Yeas—36**

Ananich	Hansen	Knezek	Robertson
Bieda	Hertel	Knollenberg	Rocca
Brandenburg	Hildenbrand	Kowall	Schmidt
Casperson	Hood	MacGregor	Schuitmaker
Colbeck	Hopgood	Marleau	Shirkey
Conyers	Horn	Meekhof	Stamas
Emmons	Hune	O'Brien	Warren
Green	Johnson	Pavlov	Young
Gregory	Jones	Proos	Zorn

Nays—0**Excused—2**

Booher Nofs

Not Voting—0

In The Chair: O'Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 733, entitled

A bill to amend 1970 PA 132, entitled "An act to provide for the filing of surveys in the office of the register of deeds relative to land divisions; and to prescribe the conditions of the survey," by amending sections 1 and 3 (MCL 54.211 and 54.213), section 3 as amended by 1992 PA 183.

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. 72**Yeas—36**

Ananich	Hansen	Knezek	Robertson
Bieda	Hertel	Knollenberg	Rocca
Brandenburg	Hildenbrand	Kowall	Schmidt
Casperson	Hood	MacGregor	Schuitmaker
Colbeck	Hopgood	Marleau	Shirkey
Conyers	Horn	Meekhof	Stamas
Emmons	Hune	O'Brien	Warren
Green	Johnson	Pavlov	Young
Gregory	Jones	Proos	Zorn

Nays—0**Excused—2**

Booher Nofs

Not Voting—0

In The Chair: O'Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 734, entitled

A bill to amend 1991 PA 133, entitled "An act to allow the use and recording of certain documents regarding trusts in the case of real property that is conveyed or otherwise affected by a trust; and to prescribe their effect," by amending section 4 (MCL 565.434).

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. 73**Yeas—36**

Ananich	Hansen	Knezek	Robertson
Bieda	Hertel	Knollenberg	Rocca
Brandenburg	Hildenbrand	Kowall	Schmidt
Casperson	Hood	MacGregor	Schuitmaker
Colbeck	Hopgood	Marleau	Shirkey
Conyers	Horn	Meekhof	Stamas
Emmons	Hune	O'Brien	Warren
Green	Johnson	Pavlov	Young
Gregory	Jones	Proos	Zorn

Nays—0**Excused—2**

Booher

Nofs

Not Voting—0

In The Chair: O'Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 735, entitled

A bill to amend 1846 RS 65, entitled "Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages," by amending section 48 (MCL 565.48).

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. 74**Yeas—36**

Ananich	Hansen	Knezek	Robertson
Bieda	Hertel	Knollenberg	Rocca

Brandenburg	Hildenbrand	Kowall	Schmidt
Casperson	Hood	MacGregor	Schuitmaker
Colbeck	Hopgood	Marleau	Shirkey
Conyers	Horn	Meekhof	Stamas
Emmons	Hune	O'Brien	Warren
Green	Johnson	Pavlov	Young
Gregory	Jones	Proos	Zorn

Nays—0

Excused—2

Booher	Nofs
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Not Voting—0

In The Chair: O'Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 736, entitled

A bill to amend 1937 PA 103, entitled "An act to prescribe certain conditions relative to the execution of instruments entitled to be recorded in the office of the register of deeds," by amending section 3 (MCL 565.203), as amended by 2015 PA 131.

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. 75

Yeas—36

Ananich	Hansen	Knezek	Robertson
Bieda	Hertel	Knollenberg	Rocca
Brandenburg	Hildenbrand	Kowall	Schmidt
Casperson	Hood	MacGregor	Schuitmaker
Colbeck	Hopgood	Marleau	Shirkey
Conyers	Horn	Meekhof	Stamas
Emmons	Hune	O'Brien	Warren
Green	Johnson	Pavlov	Young
Gregory	Jones	Proos	Zorn

Nays—0

Excused—2

Booher	Nofs
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Roll Call No. 77

Yeas—36

Ananich	Hansen	Knezek	Robertson
Bieda	Hertel	Knollenberg	Rocca
Brandenburg	Hildenbrand	Kowall	Schmidt
Casperson	Hood	MacGregor	Schuitmaker
Colbeck	Hopgood	Marleau	Shirkey
Conyers	Horn	Meekhof	Stamas
Emmons	Hune	O’Brien	Warren
Green	Johnson	Pavlov	Young
Gregory	Jones	Proos	Zorn

Nays—0

Excused—2

Booher	Nofs
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Not Voting—0

In The Chair: O’Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 739, entitled

A bill to amend 1895 PA 215, entitled “The fourth class city act,” by repealing section 27 of article XXV (MCL 105.27).

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. 78

Yeas—36

Ananich	Hansen	Knezek	Robertson
Bieda	Hertel	Knollenberg	Rocca
Brandenburg	Hildenbrand	Kowall	Schmidt
Casperson	Hood	MacGregor	Schuitmaker
Colbeck	Hopgood	Marleau	Shirkey
Conyers	Horn	Meekhof	Stamas
Emmons	Hune	O’Brien	Warren
Green	Johnson	Pavlov	Young
Gregory	Jones	Proos	Zorn

Nays—0

Excused—2

Booher	Nofs
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Not Voting—0

In The Chair: O'Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 740, entitled

A bill to amend 1957 PA 185, entitled "An act to authorize the establishing of a department and board of public works in counties; to prescribe the powers and duties of any municipality subject to the provisions of this act; to authorize the incurring of contract obligations and the issuance and payment of bonds or notes; to provide for a pledge by a municipality of its full faith and credit and the levy of taxes without limitation as to rate or amount to the extent necessary; to validate obligations issued; and to prescribe a procedure for special assessments and condemnation," by repealing section 55 (MCL 123.785).

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. 79**Yeas—36**

Ananich	Hansen	Knezek	Robertson
Bieda	Hertel	Knollenberg	Rocca
Brandenburg	Hildenbrand	Kowall	Schmidt
Casperson	Hood	MacGregor	Schuitmaker
Colbeck	Hopgood	Marleau	Shirkey
Conyers	Horn	Meekhof	Stamas
Emmons	Hune	O'Brien	Warren
Green	Johnson	Pavlov	Young
Gregory	Jones	Proos	Zorn

Nays—0**Excused—2**

Booher	Nofs
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Not Voting—0

In The Chair: O'Brien

The Senate agreed to the title of the bill.

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:46 a.m.

11:31 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator O'Brien.

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator Kowall moved that rule 2.106 be suspended to allow committees to meet during Senate session.
The motion prevailed, a majority of the members serving voting therefor.

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

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

Senator Kowall moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor.
The motion prevailed, a majority of the members serving voting therefor.

Recess

Senator Kowall moved that the Senate recess until 2:30 p.m.
The motion prevailed, the time being 11:32 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the Assistant President pro tempore, Senator O'Brien.

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 2:31 p.m.

2:42 p.m.

The Senate was called to order by the Assistant President pro tempore, Senator O'Brien.

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

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

The motion prevailed, and the Assistant President pro tempore, Senator O'Brien, designated Senator Schmidt as Chairperson.

After some time spent therein, the Committee arose; and the Assistant President pro tempore, Senator O'Brien, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 5044, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2016 PA 32.

The bill was 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. 5040, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2016 PA 32.

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.

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

House Bill No. 5041, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 732d.

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.

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

House Bill No. 5043, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2016 PA 32.

Substitute (S-2).

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.

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

House Bill No. 5046, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 304 (MCL 257.304), as amended by 2016 PA 32.

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.

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

House Bill No. 5079, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 732a and 732b (MCL 257.732a and 257.732b), section 732a as amended by 2016 PA 32 and section 732b as added by 2014 PA 283.

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 returned to the order of

Third Reading of Bills

Senator Kowall moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage at the head of the Third Reading of Bills calendar:

House Bill No. 5040

House Bill No. 5041

House Bill No. 5043

House Bill No. 5044

House Bill No. 5046

House Bill No. 5079

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

The following bill was read a third time:

House Bill No. 5040, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2016 PA 32.

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. 80**Yeas—36**

Ananich	Hansen	Knezek	Robertson
Bieda	Hertel	Knollenberg	Rocca
Brandenburg	Hildenbrand	Kowall	Schmidt
Casperson	Hood	MacGregor	Schuitmaker
Colbeck	Hopgood	Marleau	Shirkey
Conyers	Horn	Meekhof	Stamas
Emmons	Hune	O'Brien	Warren
Green	Johnson	Pavlov	Young
Gregory	Jones	Proos	Zorn

Nays—0**Excused—2**

Booher

Nofs

Not Voting—0

In The Chair: O'Brien

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 registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5041, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 732d.

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. 81**Yeas—36**

Ananich	Hansen	Knezek	Robertson
Bieda	Hertel	Knollenberg	Rocca

Emmons
Green
Gregory

Hune
Johnson
Jones

O'Brien
Pavlov
Proos

Warren
Young
Zorn

Nays—0

Excused—2

Booher

Nofs

Not Voting—0

In The Chair: O'Brien

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 registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5046, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 304 (MCL 257.304), as amended by 2017 PA 162.

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. 84

Yeas—36

Ananich
Bieda
Brandenburg
Casperson
Colbeck
Conyers
Emmons
Green
Gregory

Hansen
Hertel
Hildenbrand
Hood
Hopgood
Horn
Hune
Johnson
Jones

Knezek
Knollenberg
Kowall
MacGregor
Marleau
Meekhof
O'Brien
Pavlov
Proos

Robertson
Rocca
Schmidt
Schuitmaker
Shirkey
Stamas
Warren
Young
Zorn

Nays—0

Excused—2

Booher

Nofs

Not Voting—0

In The Chair: O'Brien

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 registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5079, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 732a, 732b, and 904 (MCL 257.732a, 257.732b, and 257.904), section 732a as amended by 2016 PA 32, section 732b as added by 2014 PA 283, and section 904 as amended by 2015 PA 11.

The question being on the passage of the bill,

Senator Horn offered the following amendment:

1. Amend page 10, following line 14, by inserting:

“(12) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION AND ENDING DECEMBER 31, 2018, AN INDIVIDUAL WHOSE DRIVING PRIVILEGES WERE SUSPENDED UNDER THIS SECTION MAY REINSTATE HIS OR HER OPERATOR’S LICENSE WITHOUT PAYMENT OF A FEE TO THE SECRETARY OF STATE FOR THE REINSTATEMENT. BEGINNING JANUARY 1, 2019, AN INDIVIDUAL WHOSE DRIVING PRIVILEGES WERE SUSPENDED UNDER THIS SECTION MAY REINSTATE HIS OR HER OPERATOR’S LICENSE UPON PAYMENT OF ANY FEE REQUIRED BY THE SECRETARY OF STATE FOR THE REINSTATEMENT.” and renumbering the remaining subsection.

The amendment 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. 85

Yeas—36

Ananich
Bieda

Hansen
Hertel

Knezek
Knollenberg

Robertson
Rocca

4:14 p.m.

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

By unanimous consent the Senate returned to the order of
Messages from the House

The Assistant President pro tempore, Senator O'Brien, resumed the Chair.

Senate Bill No. 613, 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).

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.

Senate Bill No. 625, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 732c.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Kowall moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 86

Yeas—36

Ananich	Hansen	Knezek	Robertson
Bieda	Hertel	Knollenberg	Rocca
Brandenburg	Hildenbrand	Kowall	Schmidt
Casperson	Hood	MacGregor	Schuitmaker
Colbeck	Hopgood	Marleau	Shirkey
Conyers	Horn	Meekhof	Stamas
Emmons	Hune	O'Brien	Warren
Green	Johnson	Pavlov	Young
Gregory	Jones	Pros	Zorn

Nays—0

Excused—2

Booher

Nofs

Not Voting—0

In The Chair: O'Brien

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.

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair.
 The motion prevailed, the time being 4:22 p.m.

4:31 p.m.

The Senate was called to order by the Assistant President pro tempore, Senator O'Brien.

Senate Bill No. 748, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 8, 12, 30, 30a, 52, 512, and 607 (MCL 206.8, 206.12, 206.30, 206.30a, 206.52, 206.512, and 206.607), section 12 as amended by 2003 PA 45, section 30 as amended by 2017 PA 149, section 30a as added by 2012 PA 224, sections 52 and 512 as amended by 2011 PA 38, and section 607 as amended by 2011 PA 306; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Kowall moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

Senator Knezek offered the following amendment to the substitute:

1. Amend page 22, following line 27, by inserting:

"Sec. 51. (1) For receiving, earning, or otherwise acquiring income from any source whatsoever, there is levied and imposed under this part upon the taxable income of every person other than a corporation a tax at the following rates in the following circumstances:

(a) On and after October 1, 2007 and before October 1, 2012, 4.35%.

(b) Except as otherwise provided under subdivision (c), on and after October 1, 2012, 4.25%.

(c) For each tax year beginning on and after January 1, 2023, if the percentage increase in the total general fund/general purpose revenue from the immediately preceding fiscal year is greater than the inflation rate for the same period and the inflation rate is positive, then the current rate shall be reduced by an amount determined by multiplying that rate by a fraction, the numerator of which is the difference between the total general fund/general purpose revenue from the immediately preceding state fiscal year and the capped general fund/general purpose revenue and the denominator of which is the total revenue collected from this part in the immediately preceding state fiscal year. For purposes of this subdivision only, the state treasurer, the director of the senate fiscal agency, and the director of the house fiscal agency shall determine whether the total revenue distributed to general fund/general purpose revenue has increased as required under this subdivision based on the comprehensive annual financial report prepared and published by the department of technology, management, and budget in accordance with section 23 of article IX of the state constitution of 1963. The state treasurer, the director of the senate fiscal agency, and the director of the house fiscal agency shall make the determination under this subdivision no later than the date of the January 2023 revenue estimating conference conducted pursuant to sections 367a through 367f of the management and budget act, 1984 PA 431, MCL 18.1367a to 18.1367f, and the date of each January revenue estimating conference conducted each year thereafter. As used in this subdivision:

(i) "Capped general fund/general purpose revenue" means the total general fund/general purpose revenue from the 2020-2021 state fiscal year multiplied by the sum of 1 plus the product of 1.425 times the difference between a fraction, the numerator of which is the consumer price index for the state fiscal year ending in the tax year prior to the tax year for which the adjustment is being made and the denominator of which is the ~~consumer price index~~ **CONSUMER PRICE INDEX** for the 2020-2021 state fiscal year, and 1.

(ii) "Total general fund/general purpose revenue" means the total general fund/general purpose revenue and other financing sources as published in the comprehensive annual financial report schedule of revenue and other financing sources – general fund for that fiscal year plus any distribution made pursuant to section 51d.

(2) Beginning January 1, 2000, that percentage of the gross collections before refunds from the tax levied under this section that is equal to 1.012% divided by the income tax rate levied under this section shall be deposited in the state school aid fund created in section 11 of article IX of the state constitution of 1963. **IN ADDITION TO THE AMOUNT ALREADY DEPOSITED UNDER THIS SUBSECTION, AN AMOUNT EQUAL TO ALL REVENUE LOST TO THE STATE SCHOOL AID FUND UNDER THIS PART AS A RESULT OF THE CHANGES IMPLEMENTED FOR PERSONAL AND DEPENDENCY EXEMPTIONS IN SECTIONS 30 AND 30A BY THE AMENDATORY ACT THAT ADDED THIS SENTENCE, AS DETERMINED BY THE DEPARTMENT, SHALL BE DEPOSITED IN THE STATE SCHOOL AID FUND CREATED IN SECTION 11 OF ARTICLE IX OF THE STATE CONSTITUTION OF 1963.**

(3) In addition to the distribution under subsection (2) and section 51d, beginning October 1, 2016, from the revenue collected under this section an amount equal to 3.5% of the average amount of farmland tax credits claimed under section 36109 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.36109, for the immediately preceding 3 state fiscal years shall be deposited into the agricultural preservation fund created in section 36202 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.36202.

(4) The department shall annualize rates provided in subsection (1) as necessary. The applicable annualized rate shall be imposed upon the taxable income of every person other than a corporation for those tax years.

(5) The taxable income of a nonresident shall be computed in the same manner that the taxable income of a resident is computed, subject to the allocation and apportionment provisions of this part.

(6) A resident beneficiary of a trust whose taxable income includes all or part of an accumulation distribution by a trust, as defined in section 665 of the internal revenue code, shall be allowed a credit against the tax otherwise due under this part. The credit shall be all or a proportionate part of any tax paid by the trust under this part for any preceding taxable year that would not have been payable if the trust had in fact made distribution to its beneficiaries at the times and in the amounts specified in section 666 of the internal revenue code. The credit shall not reduce the tax otherwise due from the beneficiary to an amount less than would have been due if the accumulation distribution were excluded from taxable income.

(7) The taxable income of a resident who is required to include income from a trust in his or her federal income tax return under the provisions of 26 USC 671 to 679, shall include items of income and deductions from the trust in taxable income to the extent required by this part with respect to property owned outright.

(8) It is the intention of this section that the income subject to tax of every person other than corporations shall be computed in like manner and be the same as provided in the internal revenue code subject to adjustments specifically provided for in this part.

(9) As used in this section:

(a) “~~Consumer price index~~—**PRICE INDEX**” means the United States ~~consumer price index~~—**CONSUMER PRICE INDEX** for all urban consumers as defined and reported by the United States Department of Labor, Bureau of Labor Statistics.

(b) “Inflation rate” means the annual percentage change in the consumer price index, as determined by the department, comparing the 2 most recent completed state fiscal years.

(c) “Person other than a corporation” means a resident or nonresident individual or any of the following:

(i) A partner in a partnership as defined in the internal revenue code.

(ii) A beneficiary of an estate or a trust as defined in the internal revenue code.

(iii) An estate or trust as defined in the internal revenue code.

(d) “Taxable income” means taxable income as defined in this part subject to the applicable source and attribution rules contained in this part.”.

The amendment to the substitute was not adopted.

Senator Hood requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment to the substitute was not adopted, a majority of the members not voting therefor, as follows:

Roll Call No. 87

Yeas—17

Ananich
Bieda
Conyers
Gregory
Hertel

Hood
Hopgood
Horn
Johnson

Knezek
Knollenberg
O’Brien
Rocca

Schmidt
Warren
Young
Zorn

Nays—19

Brandenburg	Hansen	MacGregor	Robertson
Casperson	Hildenbrand	Marleau	Schuitmaker
Colbeck	Hune	Meekhof	Shirkey
Emmons	Jones	Pavlov	Stamas
Green	Kowall	Proos	

Excused—2

Booher	Nofs
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Not Voting—0

In The Chair: O'Brien

The question being on concurring in the substitute made to the bill by the House,
The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 88**Yeas—36**

Ananich	Hansen	Knezek	Robertson
Bieda	Hertel	Knollenberg	Rocca
Brandenburg	Hildenbrand	Kowall	Schmidt
Casperson	Hood	MacGregor	Schuitmaker
Colbeck	Hopgood	Marleau	Shirkey
Conyers	Horn	Meekhof	Stamas
Emmons	Hune	O'Brien	Warren
Green	Johnson	Pavlov	Young
Gregory	Jones	Proos	Zorn

Nays—0**Excused—2**

Booher	Nofs
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Not Voting—0

In The Chair: O'Brien

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.

Committee Reports

The Committee on Local Government reported

Senate Bill No. 671, entitled

A bill to amend 1945 PA 200, entitled "An act to define a marketable record title to an interest in land; to require the filing of notices of claim of interest in such land in certain cases within a definite period of time and to require the recording thereof; to make invalid and of no force or effect all claims with respect to the land affected thereby where no such notices of claim of interest are filed within the required period; to provide for certain penalties for filing slanderous notices of claim of interest, and to provide certain exceptions to the applicability and operation thereof," by amending sections 1, 2, 3, and 5 (MCL 565.101, 565.102, 565.103, and 565.105), sections 1, 2, and 3 as amended by 1997 PA 154; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Dale W. Zorn
Chairperson

To Report Out:

Yeas: Senators Zorn, Proos, Brandenburg, Rocca and Young

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Local Government submitted the following:

Meeting held on Tuesday, February 13, 2018, at 12:30 p.m., Room 1200, Binsfeld Office Building

Present: Senators Zorn (C), Proos, Brandenburg, Rocca and Young

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Tuesday, February 13, 2018, at 12:30 p.m., Room 1100, Binsfeld Office Building

Present: Senators Shirkey (C), Hune, O'Brien, Marleau, Jones, Stamas, Robertson, Hertel, Knezek and Hopgood

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Health and Human Services submitted the following:

Meeting held on Tuesday, February 13, 2018, at 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators MacGregor (C), Marleau, Proos, Shirkey, Gregory and Hertel

Excused: Senator Nofs

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Wednesday, February 14, 2018, at 8:00 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Schuitmaker (C), MacGregor and Hertel

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:

Meeting held on Wednesday, February 14, 2018, at 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Hansen (C), Pavlov and Hopgood

Scheduled Meetings**Appropriations -****Subcommittees -**

Agriculture and Rural Development - Tuesdays, February 20, February 27, March 13, and March 20, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Community Colleges - Wednesday, February 21, 9:30 a.m., Room 1300, Binsfeld Office Building (373-2768)

Corrections - Wednesday, February 21, 3:30 p.m., Room 1100, Binsfeld Office Building (373-2768)

General Government - Thursdays, February 15, February 22, March 1, March 8, March 15, and March 22, 8:30 a.m., Room 1300, Binsfeld Office Building (373-2768)

Higher Education - Thursday, February 22, 3:00 p.m., Room 1100, Binsfeld Office Building (373-2768)

State Police and Military Affairs - Tuesdays, March 6, March 13, March 20, and Wednesday, March 14, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2768)

State Police and Military Affairs and House State Police Appropriations Subcommittee - Tuesday, February 27, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2768)

Transportation - Thursdays, February 15 and February 22, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Oversight - Thursday, February 15, 9:00 a.m., Room 1200, Binsfeld Office Building (373-5314)

Transportation - Thursday, February 15, 8:30 a.m., Room 1100, Binsfeld Office Building (373-5312)

Senator Kowall moved that the Senate adjourn.
The motion prevailed, the time being 4:48 p.m.

The Assistant President pro tempore, Senator O'Brien, declared the Senate adjourned until Thursday, February 15, 2018, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate