

No. 75
STATE OF MICHIGAN
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REGULAR SESSION OF 2017

Senate Chamber, Lansing, Wednesday, September 27, 2017.

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

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

Dr. Walter Gibson of Pilgrim Rest Baptist Church of Lansing offered the following invocation:

Gracious God, we thank You again for another demonstration of Your love, Your mercy, and Your grace. You have provided each of us another day to make a positive impact in the lives of people both near and far. We ask that You would fill our hearts with love for the least of our brothers and sisters. Inspire us to serve as the voice of the voiceless as we use our influence for the common good.

God, provide on this day to this Senate body both clarity of thought and precision of speech that would allow them to move the state of Michigan closer to fulfilling its potential. We thank You for the great things You have done for us, we thank You for what you are doing, and we thank You in advance for what You shall do in our state, country, and world. Amen.

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

Motions and Communications

Senator Nofs entered the Senate Chamber.

Senator Kowall moved that Senator Schmidt be temporarily excused from today's session.
The motion prevailed.

Senator Kowall moved that Senator Horn be excused from today's session.
The motion prevailed.

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

Senator Kowall moved that rule 3.902 be suspended to allow the guests of Senators O'Brien and Knezek admittance to the Senate floor.

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

The following communication was received:
Office of Senator Curtis Hertel Jr.

September 26, 2017

I am writing to request my addition in co-sponsorship of Senate Bill 583, sponsored by Senator MacGregor.
Please feel free to contact me if you need any further information.

Sincerely,
Curtis Hertel Jr.
State Senator
District 23

The communication was referred to the Secretary for record.

Senators Schmidt and Johnson entered the Senate Chamber.

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

The motion prevailed.

Senator O'Brien's statement is as follows:

It's an honor today to be surrounded by such distinguished guests from Kalamazoo County. Many of you heard over a year ago about the tragedy that happened in my community where five cyclists were killed but four were able to survive. Today, it is such a pleasure of mine to have them up here, the four who survived this horrible tragedy. They are very brave and they speak about their experiences, not to benefit from what happened to them, but rather to benefit their fellow cyclists.

They came up today to show their support for legislation to improve the roadways for all vulnerable roadway users, and also to thank the Senate for the support that we gave to them last year and when we passed the bills out. I want to briefly introduce Paul Runnels, Sheila Jeske, Jennifer Johnson, and Paul Gobble.

I am in awe of their strength and courage in sharing their personal story to improve the lives of others for many years to come.

The President pro tempore, Senator Schuitmaker, assumed the Chair.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Concurrent Resolution No. 10

House Concurrent Resolution No. 3

Senate Resolution No. 30

The motion prevailed.

The President, Lieutenant Governor Calley, resumed the Chair.

Senator Hildenbrand offered the following resolution:

Senate Resolution No. 97.

A resolution to recognize September 2017, as Life Insurance Awareness Month.

Whereas, Life insurance is critically important to protecting ourselves and the people we love; and

Whereas, Every year, the insurance industry provides tremendous financial relief and security to families who have experienced the loss of a loved one; and

Whereas, Despite its vast importance, many people do not have life insurance coverage; and

Whereas, Life insurance is vital in providing peace of mind for those affected by the loss of a beloved; and

Whereas, We recognize September 2017, the month to generate awareness of life insurance. Those who are not insured are encouraged to consult a qualified insurance professional, and take the actions required to provide a financially secure future for their families and those they cherish; now, therefore, be it

Resolved by the Senate, That the members of this legislative body hereby recognize September 2017, as Life Insurance Awareness Month.

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 Bieda, Booher, Brandenburg, Conyers, Gregory, Hansen, Hopgood, Knollenberg, Proos and Schmidt were named co-sponsors of the resolution.

Senator Knezek offered the following resolution:

Senate Resolution No. 98.

A resolution recognizing September 27, 2017, as "Alpha Kappa Alpha Sorority, Incorporated Day".

Whereas, Alpha Kappa Alpha Sorority, Incorporated, is the oldest Greek-lettered organization to have been established by African-American college-educated women; and

Whereas, Alpha Kappa Alpha was founded at Howard University in Washington, DC, in 1908; and

Whereas, Founder Ethel Hedgeman Lyle envisioned the sorority as an instrument for enriching campus life by promoting unity and cultivating high academic and ethical standards; and

Whereas, Through the years, the sorority's function has become more complex, branching out to engage members worldwide in advocacy and service projects to improve socioeconomic, racial, political and environmental conditions; and

Whereas, Alpha Kappa Alpha's diverse, collaborative work throughout the United States, the Caribbean, Europe, Africa, and United Arab Emirates integrates a high level of personal engagement with the strong bonds of sisterhood and a productive network of community partners; and

Whereas, Alpha Kappa Alpha undergraduate chapters in this state include Beta Eta, Beta Mu, Xi, Delta Zeta, Delta Chi, Beta Iota, Zeta Rho, Theta Tau, Mu Phi, Nu Phi, Xi Phi, Xi Chi, Pi Delta, Sigma Zeta, and Zeta Epsilon; and

Whereas, Alpha Kappa Alpha graduate chapters in this state include Alpha Rho Omega, Delta Tau Omega, Delta Psi Omega, Zeta Beta Omega, Eta Iota Omega, Eta Upsilon Omega, Theta Lambda Omega, Theta Chi Omega, Iota Iota Omega, Iota Sigma Omega, Lambda Pi Omega, Mu Alpha Omega, Nu Phi Omega, Pi Tau Omega, Tau Alpha Omega, Chi Epsilon Omega, Psi Kappa Omega, Tau Alpha Omega, Epsilon Sigma Omega, Iota Tau Omega, Mu Nu Omega, Omega Epsilon Omega, Omega Xi Omega; and

Whereas, In keeping with its participation in public policy initiatives, Alpha Kappa Alpha conducts "Alpha Kappa Alpha Day at the Capitol" events in many states; and

Whereas, Alpha Kappa Alpha members are coming to the Michigan State Capitol on September 27, 2017, to celebrate their distinguished sisterhood and their ongoing work on behalf of local and global initiatives; now, therefore, be it

Resolved by the Senate, That September 27, 2017, be recognized as “Alpha Kappa Alpha Sorority, Incorporated Day”; and be it further

Resolved, That a copy of this resolution be transmitted to Alpha Kappa Alpha Sorority, Incorporated and the Delta Tau Omega Chapter in recognition of all Michigan chapters.

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 Bieda, Booher, Brandenburg, Conyers, Gregory, Hansen, Hopgood, Proos and Schmidt were named co-sponsors of the resolution.

Recess

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

The motion prevailed, the time being 10:15 a.m.

10:51 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 the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

House Bill No. 4939

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

By unanimous consent the Senate proceeded 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 Gregory 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. 4939, entitled

A bill to amend 2017 PA 89, entitled “An act to amend 1998 PA 58, entitled “An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,” by amending section 703 (MCL 436.1703), as amended by 2016 PA 357,” by amending enacting section 1.

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:

Senate Bill No. 375, entitled

A bill to amend 2010 PA 270, entitled “Property assessed clean energy act,” by amending sections 3 and 9 (MCL 460.933 and 460.939).

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:
Senate Bill No. 133, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2016 PA 249 and section 17b as amended by 2007 PA 137.

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:
Senate Bill No. 253, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2018; and to provide for the expenditure of the appropriations.

Substitute (S-3).

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

Messages from the House

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

Senate Bill No. 35

The motion prevailed.

Senator Young entered the Senate Chamber.

Senate Bill No. 356, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 502.

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 Hune offered the following substitute to the House substitute:

Substitute (S-3).

The substitute to the substitute was adopted.

The question being on concurring in the House substitute as substituted,

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

Roll Call No. 346

Yeas—37

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey
Colbeck	Hune	Nofs	Stamas
Conyers	Johnson	O'Brien	Warren

Emmons
Green
Gregory

Jones
Knezek

Pavlov
Proos

Young
Zorn

Nays—0

Excused—1

Horn

Not Voting—0

In The Chair: O'Brien

Senate Bill No. 357, entitled

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

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. 358, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 610a.

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 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:

Senate Bill No. 133

Senate Bill No. 253

House Bill No. 4939

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

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

Senate Bill No. 471

House Bill No. 4335

House Bill No. 4336

Senate Bill No. 133

Senate Bill No. 253

House Bill No. 4939

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 471, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 18e of chapter XIII (MCL 712A.18e), as amended by 2016 PA 337.

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. 347

Yeas—37

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

Nays—0

Excused—1

Horn

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:

House Bill No. 4335, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2016 PA 144.

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. 348

Yeas—37

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey
Colbeck	Hune	Nofs	Stamas
Conyers	Johnson	O'Brien	Warren

Emmons
Green
Gregory

Jones
Knezek

Pavlov
Proos

Young
Zorn

Nays—0

Excused—1

Horn

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 assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation 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:

House Bill No. 4336, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 120 (MCL 211.120), as amended by 2003 PA 140.

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. 349

Yeas—37

Ananich
Bieda
Booher
Brandenburg
Casperson
Colbeck
Conyers
Emmons
Green
Gregory

Hansen
Hertel
Hildenbrand
Hood
Hopgood
Hune
Johnson
Jones
Knezek

Knollenberg
Kowall
MacGregor
Marleau
Meekhof
Nofs
O'Brien
Pavlov
Proos

Robertson
Rocca
Schmidt
Schuitmaker
Shirkey
Stamas
Warren
Young
Zorn

Nays—0

Excused—1

Horn

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 assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation 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. 133, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 11, 18c, 21f, 25e, 31j, 32d, 35a, 61c, 64d, 67a, 95b, 99h, 99r, 99t, 102d, 104c, 107, 147a, and 166b (MCL 388.1611, 388.1618c, 388.1621f, 388.1625e, 388.1631j, 388.1632d, 388.1635a, 388.1661c, 388.1664d, 388.1667a, 388.1695b, 388.1699h, 388.1699r, 388.1699t, 388.1702d, 388.1704c, 388.1707, 388.1747a, and 388.1766b), sections 11, 18c, 31j, 32d, 35a, 61c, 99h, 99t, 102d, 104c, 107, 147a, and 166b as amended and sections 64d, 67a, 95b, and 99r as added by 2017 PA 108, section 21f as amended by 2016 PA 249, and section 25e as amended by 2016 PA 313, and by adding sections 19b, 99u, and 104e.

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. 350**Yeas—35**

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

Nays—2

Emmons

O'Brien

Excused—1

Horn

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. 253, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies and school aid purposes for the fiscal years ending September 30, 2017 and September 30, 2018; to provide for the expenditure of the appropriations; 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. 351

Yeas—36

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

Nays—1

Emmons

Excused—1

Horn

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:

House Bill No. 4939, entitled

A bill to amend 2017 PA 89, entitled “An act to amend 1998 PA 58, entitled “An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,” by amending section 703 (MCL 436.1703), as amended by 2016 PA 357,” by amending enacting section 1.

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. 352

Yeas—37

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

Nays—0

Excused—1

Horn

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 create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees

under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators MacGregor, Brandenburg, Hildenbrand and Schmidt introduced

Senate Bill No. 589, entitled

A bill to amend 1997 PA 55, entitled “Electric patrol vehicle act,” by amending sections 2, 4, and 5 (MCL 257.1572, 257.1574, and 257.1575).

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

Senators Stamas, Shirkey and Brandenburg introduced

Senate Bill No. 590, entitled

A bill to amend 1947 PA 359, entitled “The charter township act,” by amending section 14a (MCL 42.14a), as amended by 2002 PA 230.

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

Senators Stamas, Shirkey and Brandenburg introduced

Senate Bill No. 591, entitled

A bill to amend 1895 PA 3, entitled “The general law village act,” by amending section 22 of chapter IX (MCL 69.22), as amended by 1998 PA 254.

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

Senators Shirkey, Stamas and Brandenburg introduced

Senate Bill No. 592, entitled

A bill to amend 1909 PA 278, entitled “The home rule village act,” by amending section 26 (MCL 78.26), as amended by 2011 PA 139.

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

Senators Shirkey, Stamas and Brandenburg introduced

Senate Bill No. 593, entitled

A bill to amend 1909 PA 279, entitled “The home rule city act,” by amending section 4a (MCL 117.4a), as amended by 2002 PA 201.

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

Senator Meekhof introduced

Senate Bill No. 594, entitled

A bill to permit legally organized entities to enter into contracts with special police agencies; to license and regulate special police agencies; to impose certain fees; to require special police agencies to be insured; to provide penalties; and to provide for the powers and duties of certain state and local officers and entities.

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

Senator Meekhof introduced

Senate Bill No. 595, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2016 PA 234.

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

House Bill No. 4463, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 5707.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

Statements

Senators Bieda, Conyers, Hood, Colbeck and Gregory asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Bieda’s statement is as follows:

I would like to take this time to honor the memory of former Michigan State Representative Thaddeus Casimir Stopczynski, or Ted as he was called by many, who was born on February 16, 1940 and passed away on September 14, 2017 at the age of 77. He is survived by his wife of almost 58 years, Judith, 12 children, 33 grandchildren, five great-grandchildren, and a brother, Stanley. I knew Ted from working on staff and my early days as a State Representative, and his family members were sprinkled throughout my district. I knew him as a really good man, a very kind person, and somebody who lived to serve others, including service to the state of Michigan and the city of Detroit.

From 1962 until 1973, Ted served as a Detroit police officer and as chairman of the Detroit School Board Region 6. His service toward others did not stop there. He also served as a State Representative, representing a portion of the city of Detroit from 1973 until 1982. Following his service in the House of Representatives, he worked as legislative liaison director for the Michigan State Police until his retirement in 2002.

After putting in many years of countless hard work, he spent his retirement relaxing in the Florida sun and enjoying his very large family and many, many friends. May he rest in peace.

A moment of silence was observed in memory of Thaddeus C. Stopczynski, former member of the House of Representatives.

Senator Conyers’ statement is as follows:

I would like to read the words of my members of the Michigan Legislative Black Caucus, but before I do—I believe in the First Amendment and the freedom of speech, however, the First Amendment does not protect you from particular actions after making your statements. We all have Facebook, it’s a divisive time in our country, and we have our personal beliefs. However, members of law enforcement and the military are held to a particular higher standard.

In these sensitive times, I think we are starting to believe that culture starts at the top level of the leadership. Continuing to see the practices of chasing folks through communities on ATVs and tasing folks, it starts to become a question of culture. Under this leadership we need to look at where the culture comes from, and I believe that it comes from the top.

However, I will lean on the words of members of our caucus who are former law enforcement and former members of the military, like our dear Senator from Southfield who knows that we need to take these opportunities very seriously—to look at the culture from the top. We members are demanding that the leadership, the Chief Director, the Colonel, be brought in, talked to, and ultimately, should resign. We think that there has been a legacy at this point, and there needs to be a serious conversation about race and identity amongst our entire leadership in the state. We’re looking forward to meeting directly with the Governor and hopefully with members of the Michigan State Police.

Senator Hood’s statement is as follows:

Today when I got up and I heard the comments of the Director, the Colonel, of the Michigan State Police, who I’ve met several times, and as I was driving here today, I had to think long, and even coming in here, wondering if I was going to say something in Statements or not, and I said, “You know what, maybe I won’t say anything. Maybe we can work this out, because this country is in turmoil right now.” I call it turmoil no matter what you believe in, one side of the issue or the other side, but we’re tearing each other up inside, from the inside out, and all the other countries are looking at us and saying, “Look at those fools over there. They can’t even get their own stuff together,” and we’re trying to impact other countries.

When the good Senator from the 24th District stood up and said he supports the Colonel—I support the Colonel too—but I think we’re missing the point here. I support the Colonel—what she did, not what she said—but we’re missing the point. First of all, if you have not talked to one of the NFL players and understood what they were trying to do, then you can’t make a comment on it. Different people express and have the right to express the way they want to express. Freedom of speech, everybody has that, one way or another. No question. But do you really understand what they were saying? You’re talking about disrespecting the flag. That’s not the point.

Remember, 2005 was the first time that the NFL players went out on the field to stand for the national anthem. That was due to trying to get people to join the Armed Forces and putting them out on the field, and the government gave the NFL money to have the players, or recommend that the players, go out and do that. Now, let's look at the player from the Pittsburgh Steelers who went out and stood on his own from the rest of the team. That's fine. He was a person who served several tours of duty in the Middle East, and then they said the next day that his jersey became the top-selling jersey. Well, if he served three tours of duty, shouldn't his jersey have been the No. 1 seller before that? Shouldn't it have been before that?

But let's get back to the point. The point of it is the reason that they are doing, or did, what they did is because they're trying to show and stand up for the things that are happening around this country—the injustices, the killing of innocent, unarmed people by law enforcement. That's what the issue is, and now we want to twist it and start talking about, "It's about the flag." No, it's not about the flag. These players were not standing up to disrespect America as people are trying to portray it as being. They're not. They are making a statement and they're getting your attention, and that's the purpose—to get your attention. To say, "Hey, there are injustices going on right now and you're not paying attention. You don't care." Well, we're going to do something to show you care.

Senator Colbeck's statement is as follows:

This discussion is a pretty important discussion that we should be having. I used to serve as the chairman of the State Police budget and I got to know Colonel Etue quite well, and I know one thing for sure: She is a woman of honor and integrity and she takes it very seriously. It is that honor and integrity that propagates throughout the whole State Police organization. When I hear people coming up and making attacks against her for doing something that was done in the spirit of honor and integrity, and frankly, in the spirit of the Oath of Office that all of us took—which is to support and defend the constitution—I get a little upset. I want to make sure that we express support for her.

The sad part is, and the sad facet of what is going on with these protests that are happening at our footballs games, is they are protesting the national anthem and they are protesting our flag. They may be unearthing certain issues that need to be brought to attention. I get it. But if you're going to protest, don't protest the symbol of our unity. Don't protest the symbol of our national integrity.

I don't know if you guys remember what inspired the events that led to the words that founded our national anthem. It happened at the Battle of Baltimore. Francis Scott Key was anxiously waiting to "the dawn's early light" to see that flag waiving over the fort. You know why he was anxiously waiting? Because a little over a week earlier, our capitol of our country was burned to the ground by the British. We were a fledgling nation at that time. We didn't know if we were going to survive. So when he penned those words saying, "O say can you see," it was because that flag was still standing. That national anthem is a celebration of what brought us together as Americans under some of the most adverse circumstances we had ever fought under or faced as a nation. The idea that we are protesting that symbol of unity, that's a real shame.

Sadly, you know I spend a lot of time reviewing what is going on in our education system right now, and I have seen a lot of what is being promoted. There is a certain Howard Zinn approach or philosophy in education that says America is a land of oppression. It's not a land of freedom, it's a land of oppression. We're seeing that manifest now with these protests. That is something that people have bought hook, line, and sinker. That is not the America that we are. People are trying to make us that way. People are trying to fundamentally transform us into an America like that.

The fact is, we have this expression *E Pluribus Unum*, "out of many, one." We are united by a common set of ideals, and when people are kneeling down at those stadiums, they are attacking those unified ideals. They are attacking all the people who sacrificed to preserve those ideals. Heck yeah, that's the stuff that should be protested, not our flag, not our national anthem, and it's time we start acting together like Americans. If we want to be the United States of America, we need to be united.

Senator Gregory's statement is as follows:

You know, I wanted to just go back to where this all started. We were talking about the comment made about the Director of the State Police, the Colonel of the State Police, and her role in putting out something on Facebook. As a former police officer, the first thing you're taught in basic training and through the academy is the thought that you're held to a higher standard. You're always taught that: held to a higher standard. I mean, no matter what, you're held to a higher standard. Everyday citizens, everyday Joe, can do what they want, but you are held to a higher standard. The Director of the State Police, the Colonel, is held to an even higher standard, and yet she had a Facebook post, which she says was just to some of her friends, but still, you put it on a public medium. A social media site that easily could be, well obviously, was out. So now we know something about the Colonel.

I've met the Colonel and I like the Colonel, but now this has come to a point where I know something more about the Colonel that I didn't know before. And when she made the statement that by taking a knee that those athletes are degenerates, we now have a Colonel, the leader of the State Police, who has shown a distinct bias toward a group of citizens in the state of Michigan. My question is, how can she continue to do this job when she's shown a bias, and this is what we've seen? There may be other things that we don't know, but that's the first thing that comes out. Once you've seen it, there could be other things. She's shown a distinct bias. She said that men are athletes, and I won't even go into all the things that was said in the post, but because of that, I don't think that there's any other choice.

I used to be a detective in the union, I worked in internal affairs, I investigated officers, and when officers were called in, the first thing they said was, “You’re held to this higher standard.” Also, I was a union president. I represented officers and went to hearings for officers. If this had been just an everyday officer, they would have been terminated. So what can we expect from the Colonel making her statement like this? How can we let this go? If we just let this go and this becomes another story where nothing’s happening here, what does that say about the state of Michigan? What does it say about the State Police and the leadership of the State Police? Is this something that can just go on and there’s nothing to it and there’s nothing said about it? I think that as a leader—and we as leaders—the Governor certainly as the appointer of the State Police Director, I think he has to take a position with this. I think he has to say, “Colonel, you’ve done a good job with the department, but you have stepped over the boundaries of what a leader should do, and you will have to step down, you will have to go.”

Coming back to say that regardless of the good things, and she has done a lot of good things and there’s no question about that, but there’s only so far you can go. If you step over a line, you are now held accountable and she needs to be held accountable, and we as a state of Michigan need to cleanse this so that the State Police will not be tarnished by this. They will not be looked at as a department with some tarnish.

Announcements of Printing and Enrollment

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, September 26:
House Bill No. 4463

The Secretary announced that the following bills were printed and filed on Tuesday, September 26, and are available at the Michigan Legislature website:

Senate Bill Nos. 587 588

House Bill Nos. 5001 5002 5003 5004 5005 5006 5007 5008 5009 5010 5011 5012 5013 5014

Committee Reports

The Committee on Judiciary reported
House Bill No. 4939, entitled

A bill to amend 2017 PA 89, entitled “An act to amend 1998 PA 58, entitled “An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,” by amending section 703 (MCL 436.1703), as amended by 2016 PA 357,” by amending enacting section 1.

With the recommendation that the bill pass.

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

Rick Jones
 Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca, Colbeck and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Wednesday, September 27, 2017, at 9:00 a.m., Room 1300, Binsfeld Office Building

Present: Senators Jones (C), Schuitmaker, Rocca, Colbeck and Bieda

Scheduled Meetings**Appropriations -****Subcommittee -**

K-12, School Aid, Education and House School Aid Appropriations Subcommittee - Wednesdays, October 4, 8:00 a.m., Rooms 402 and 403, Capitol Building (CANCELED); October 11, 8:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Criminal Justice Policy Commission - Wednesday, October 4, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Economic Development and International Investment - Thursday, September 28, 1:30 p.m., Room 1200, Binsfeld Office Building (373-5323) (CANCELED)

Judiciary - Tuesday, October 3, 3:00 p.m., Room 1300, Binsfeld Office Building (373-5323)

Oversight - Thursday, September 28, 8:30 a.m., Room 1200, Binsfeld Office Building (373-5314) (CANCELED)

Transportation and House Transportation and Infrastructure Committee - Thursday, September 28, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5312) (CANCELED)

Senator Kowall moved that the Senate adjourn.
The motion prevailed, the time being 11:55 a.m.

The Assistant President pro tempore, Senator O'Brien, declared the Senate adjourned until Thursday, September 28, 2017, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate