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Senate Chamber, Lansing, Tuesday, October 3, 2017.

10:00 a.m.

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

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—excused  
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—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

Pastor Nicholas Ramsey of the Church of the Living God of Detroit offered the following invocation:

“Our Father, who art in heaven, Hallowed be Thy name.

Thy kingdom come. Thy will be done, on earth as it is in heaven.

Give us this day our daily bread.

And forgive us of our debts, as we forgive our debtors.

And lead us not into temptation, but deliver us from evil: For Thine is the kingdom, and the power, and the glory, for ever and ever. Amen.”

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

### **Motions and Communications**

Senator MacGregor entered the Senate Chamber.

Senator Kowall moved that Senator Brandenburg be temporarily excused from today’s session.

The motion prevailed.

Senator Kowall moved that Senator Hansen be excused from today’s session.

The motion prevailed.

Senator Hood moved that Senators Ananich and Young be temporarily excused from today’s session.

The motion prevailed.

### **Recess**

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

The motion prevailed, the time being 10:03 a.m.

11:54 a.m.

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

During the recess, Senators Ananich, Brandenburg and Young entered the Senate Chamber.

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.

### **Recess**

Senator Kowall moved that the Senate recess until 1:30 p.m.

The motion prevailed, the time being 11:55 a.m.

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

### **Recess**

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

The motion prevailed, the time being 1:31 p.m.

1:43 p.m.

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

By unanimous consent the Senate proceeded to the order of  
**Introduction and Referral of Bills**

Senator Zorn introduced  
**Senate Bill No. 604, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2952 (MCL 600.2952), as amended by 1998 PA 313.

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

Senator Zorn introduced  
**Senate Bill No. 605, entitled**

A bill to amend 1968 PA 317, entitled "An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts," by amending section 3a (MCL 15.323a), as amended by 2011 PA 106.

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

Senator Marleau introduced  
**Senate Bill No. 606, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 14a.

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

**House Bill No. 4781, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 72105 (MCL 324.72105), as amended by 2014 PA 212.

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 Outdoor Recreation and Tourism.

**House Bill No. 4782, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 32b, 33, and 657 (MCL 257.32b, 257.33, and 257.657), section 32b as amended by 2012 PA 424, section 33 as amended by 2015 PA 127, and section 657 as amended by 2015 PA 126, and by adding sections 13e and 662a.

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 Outdoor Recreation and Tourism.

**House Bill No. 4783, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3101 (MCL 500.3101), as amended by 2016 PA 346.

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 Outdoor Recreation and Tourism.

By unanimous consent the Senate returned 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.

Senator Shirkey offered the following resolution:

**Senate Resolution No. 101.**

A resolution recognizing the long-standing contributions made by Michigan's manufacturing community.

Whereas, Michigan is home to a diverse manufacturing sector that includes transportation, machinery, alternative energy, food and beverage, computer and electrical products, furniture, bioscience, chemical, defense-related manufacturing, and many others; and

Whereas, Manufacturing represents one-fifth of Michigan's gross state product; and

Whereas, One out of every seven nonfarm jobs in Michigan is in the field of the manufacturing industry, employing 608,500 men and women; and

Whereas, Michigan's manufacturing total output exceeds \$92.55 billion annually; and

Whereas, Michigan has created more than 156,500 new manufacturing jobs in the last eight years—an increase of 34.6 percent—thus remaining the national leader in manufacturing job creation and outpacing all other states; and

Whereas, More growth is still possible as new skilled talent enters the workforce to claim the more than 3.5 million high-paying, high-tech and innovative advanced manufacturing careers expected to be needed over the next decade; and

Whereas, During this week, the nation looks to highlight the positive image of careers in manufacturing through the annual National MFG Day; and

Whereas, We encourage residents to reflect this week on the road that Michigan has traveled as a manufacturing state and the bright future which lays ahead; and

Whereas, We join with the Michigan Manufacturers Association to applaud the entrepreneurial spirit of Michigan's manufacturers and their role in making Michigan the Comeback State it is today; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize the long-standing contributions made by Michigan's manufacturing community.

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, Booher, Brandenburg, Casperson, Colbeck, Conyers, Emmons, Green, Gregory, Hertel, Hildenbrand, Hood, Hopgood, Horn, Johnson, Jones, Knezek, Knollenberg, Kowall, MacGregor, Marleau, Meekhof, O'Brien, Pavlov, Proos, Robertson, Rocca, Schmidt, Schuitmaker, Stamas, Warren, Young and Zorn were named co-sponsors of the resolution.

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 Hertel 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. 4580, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 44 (MCL 125.1444), as amended by 2012 PA 326.

#### **House Bill No. 4654, entitled**

A bill to amend 2016 PA 407, entitled "Skilled trades regulation act," by amending section 733 (MCL 339.5733).

#### **House Bill No. 4655, entitled**

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending section 28a (MCL 125.1528a), as added by 2013 PA 70.

#### **Senate Bill No. 583, entitled**

A bill to prohibit local units of government from imposing an excise tax on the manufacture, distribution, or sale of food. The bills were 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. 566, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 2b (MCL 205.92b), as amended by 2008 PA 439. 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. 567, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1a (MCL 205.51a), as amended by 2008 PA 438.

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 following bills be placed at the head of the Third Reading of Bills calendar:

**Senate Bill No. 375**

**Senate Bill No. 520**

The motion prevailed.

The following bill was read a third time:

**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).

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. 353**

**Yeas—36**

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

**Nays—0**

**Excused—1**

Hansen

**Not Voting—1**

Green

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. 520, entitled**

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending section 9523 (MCL 440.9523), as added by 2000 PA 348.

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. 354**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Hansen

**Not Voting—0**

In The Chair: O'Brien

The Senate agreed to the title of the bill.

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

The following communications were received:  
Office of Senator Steven M. Bieda

September 27, 2017

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bill 330 which was introduced on April 26, 2017, by Senator Margaret O'Brien and was just reported out of the Senate Judiciary Committee.

September 27, 2017

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bills 580 and 581 which were introduced on September 20, 2017, by Senator David Knezek and were just reported out of the Senate Judiciary Committee.

Sincerely,  
Steve Bieda  
State Senator  
9th District

The communications were referred to the Secretary for record.

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

Senators Knezek and Horn asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Knezek's statement is as follows:

We recently had a very heated debate in this chamber about some of the current events that are taking place across our country. I heard a number of my colleagues get up and speak about the protests across our country and how they are offensive to veterans, and how veterans are offended by what is taking place. When I heard that, I felt an obligation to come to the podium today just to share a few thoughts and my opinion on this matter, as well.

There are only three veterans who serve in the State Senate here today. We know how one of them feels because he spoke about this issue. I can't speak for the other Senator, but I can say that I never spoke with anybody about how I feel about this issue. I don't rise today to speak on behalf of all veterans, because that is most certainly not my place. But I would implore my friends on the other side of this issue, just to stop and think about the countless veterans who served our country only to come home to a country that did not value them as human beings.

In World War II, we had more than one million African Americans serve our country in war. During the Korean War, another 600,000 plus African Americans were enlisted in the Armed Forces. Approximately 275,000 African Americans served their country in Vietnam. These men and women loved their country, even at a time when their country did not love them back. I would ask my colleagues if they could do the same thing. In all three of these conflicts, men and women of color returned home to a country that treated them as unequal—separate bathrooms, segregated classrooms, disenfranchisement, and lynching. To paraphrase my friend from the 1st District—were these veterans not people? Did they not have value?

It is true that we have made progress, but simply making progress is not good enough. Ask yourself if simply making progress after centuries of slavery, oppression, segregation, and murder would give you any level of satisfaction. Would it make you feel hope for your children's future? Would it give you hope for your grandchildren's future? Ask yourself if after years of oppression, of second-class citizenship, after being devalued as a people by pseudoscience and pseudointellectuals, would you remain silent simply because somebody told you the progress had been made? I think not.

But alas, this protest and this debate, it is not about the national anthem, and it is not about the flag, and it is certainly not an attempt to disparage people like myself who have worn the cloth of this country. I would ask—when did the flag and the anthem become more important than the document that outlines the values that they are supposed to symbolize?

"I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice. So help me God." That was the oath that I took when I joined the United States Marine Corps. It is the First Amendment that says, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

As a veteran, I did not simply fight for a flag. I fought for the values that that flag represents. One of those values happens to be the First Amendment that guarantees the right to free speech and to peacefully assemble. There is nothing wrong with standing up and affirming the words that Black Lives Matter. Nothing. So when my colleagues rise, when they decide to speak out against peaceful protesters, I ask that you leave my name out of it, because you do not speak for me.

Senator Horn's statement is as follows:

To begin, I admit that I've never been all that intrigued by Lansing politics, but in a single heartbeat, political labels and petty bickering have lost all their meaning to me. I've become more interested in all of you as friends and as real people. My priorities in life, they've changed.

A week ago Sunday night, my life became a breath-to-breath, moment-to-moment struggle learning of the death of my 2-year-old granddaughter, Zelda Rowan Horn—my Zellie. I've never experienced such pain and helplessness. I literally had to remind myself to breathe. Opa and his little Zellie-belly were a dynamic duo—"inseparable" is the word that comes to mind. Less than a week ago on Thursday, we said our final goodbyes to Zellie. It was a very intimate, family-only service. Father Bob Byrne and Father Alberto Vargas led the funeral Mass in both Spanish and in English. The homily focused on Matthew 19 where Jesus said, "Let the little children come to me and do not hinder them, for to such belongs the kingdom of heaven." Father Bob paints a picture when he speaks. "Imagine kids," he said, "sitting in the lap of Jesus, tugging at his beard, pulling at his ears." I smiled at the notion of Zellie sitting in the lap of Jesus bossing him into giving us peace. It's that thought that washes over me in the toughest moments. It eases my heart.

Madam President, this past Sunday people prayed in churches throughout the Saginaw Diocese, all around Michigan, all about the country, in Hamburg, Germany, in Ecuador, and, thanks to my future son-in-law, in the city of Moscow. The extraordinary response has restored my faith in the humanity of people and, in her own little way, my tiny Zellie united good and caring people all around the world. She's a once-in-a-lifetime gift of God.

Some of you might have followed our "Chillin' with Zellie" escapades on Facebook, but, as my office staff constantly reminds me, not everybody in the world is on social media, so here's a small lesson in Zellie. In her life-affirming two years, she handed us a million beautiful memories to recall. With those memories, Zellie gave my family all the tools we need for us to fix our broken hearts. She was an angel, she was beautiful. She had those rich, dark brown, almond-shaped eyes. She was smart, funny, a little daredevil. She climbed everything that needed climbing—Zellie once had to be rescued off the roof of our garden shed, off the outer walls of a backyard gazebo, and off the rocketship monkey bars at the beach in Caseville. She wiggled when she laughed. Zellie was the boss of the dogs. She would scrunch up her brow, point her tiny finger, and issue a command. She was persistent, they always listened. She loved baby dill pickles. She loved to dance. We have video of Zellie twirling and clapping to Irish step music. Zellie ran like the wind, chugging along with her back straight, elbows up, knees lifted high. She sang the Alphabet Song every morning at breakfast. On our walks, she hugged fire hydrants and cable boxes for some reason. She constantly sprayed her face with the garden hose, because she always opened the wrong end of the nozzle. We remember her laugh. It echoes in our hearts. Yes, it was a very short two years, but to Opa, every second, every moment, is a precious memory.

On behalf of the Horn family, to all those gathered inside and outside of this chamber, we thank you sincerely. Your outpouring of support, love, and prayers is something that we'll always hold dear to us as we begin our path to coping with this loss. It means so much to me at this moment to be able to share with you some of the joy that Zellie brought to both Veronica and me, but on behalf of my son Kevin, daughter-in-law Ruth, and grandson Liam, all living with us at home, please keep them in your hearts—father, mother, big brother, they need us all now more than ever.

And if anybody wonders how the Horn family will ever go on with our lives, I am truly convinced that our little Zellie right now is sitting in the lap of God with a scrunched-up brow, with a finger pointed down at us, saying "Put peace in their hearts. Now." It's what she does, that's my Zellie.

I want to just say one last thing: hug your kids a little tighter when you get home. Hug your grandkids. God bless the children of our earth.

A moment of silence was observed in memory of Zellie Horn, granddaughter of Senator Horn.

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

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, September 28:  
**House Bill Nos. 4781 4782 4783**

The Secretary announced that the following bills and joint resolution were printed and filed on Thursday, September 28, and are available at the Michigan Legislature website:

**Senate Bill Nos. 596 597 598 599 600 601 602 603**  
**House Bill Nos. 5038 5039 5040 5041 5042 5043 5044 5045 5046 5047 5048 5049 5050 5051**  
**House Joint Resolution W**

### **Committee Reports**

#### **COMMITTEE ATTENDANCE REPORT**

The Committee on Commerce submitted the following:

Joint meeting held on Tuesday, October 3, 2017, at 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators Schmidt (C), Kowall, MacGregor, O'Brien and Hertel

#### **COMMITTEE ATTENDANCE REPORT**

The Committee on Health Policy submitted the following:

Meeting held on Tuesday, October 3, 2017, at 12:30 p.m., Room 1100, Binsfeld Office Building  
Present: Senators Shirkey (C), Hune, O'Brien, Marleau, Jones, Stamas, Robertson, Hertel and Hopgood  
Excused: Senator Knezek



**Scheduled Meetings**

**Agriculture** - Thursday, October 5, 8:30 a.m., Room 1300, Binsfeld Office Building (373-5323)

**Appropriations** - Wednesday, October 4, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-5307)

**Subcommittee -**

**K-12, School Aid, Education and House School Aid Appropriations Subcommittee** - Wednesdays, October 4 (CANCELED) and October 11, 8:00 a.m., Rooms 402 and 403, 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, October 5, 1:30 p.m., Room 1200, Binsfeld Office Building (373-5323)

**Energy and Technology** - Thursday, October 5, 12:30 p.m., Room 1100, Binsfeld Office Building (373-5312)

**Oversight** - Thursday, October 5, 8:30 a.m., Room 1200, Binsfeld Office Building (373-5314)

**Regulatory Reform** - Wednesday, October 4, 1:00 p.m., Room 1100, Binsfeld Office Building (373-5323)

**State Drug Treatment Court Advisory Committee** - Tuesday, October 17, 10:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

**Transportation** - Thursday, October 5, 8:30 a.m., Room 1100, Binsfeld Office Building (373-5312)

Senator Kowall moved that the Senate adjourn.  
The motion prevailed, the time being 2:14 p.m.

The Assistant President pro tempore, Senator O'Brien, declared the Senate adjourned until Wednesday, October 4, 2017, at 10:00 a.m.

JEFFREY F. COBB  
Secretary of the Senate

