

No. 12
STATE OF MICHIGAN
Journal of the Senate
99th Legislature
REGULAR SESSION OF 2018

Senate Chamber, Lansing, Tuesday, February 6, 2018.

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—excused
Zorn—present

Pastor Doug Ogden of Lebanon Lutheran Church of Whitehall offered the following invocation:

In this 500th year of the Reformation, O Lord, give me this prayer of Martin Luther's: "For those with whom I disagree that we should fear and love God so that we do not slander or betray our neighbor, but instead come to their defense, speak well of them and interpret everything in the best possible light."

Give me this prayer for those who work together. I pray with Martin Luther King whose Drum Major Instinct prayed: "I just want to be here in love and justice and truth and commitment to others so that we can make this old world into a new world."

Give me this prayer for those who also love you: Hasede Adonai ki lo taminu, Ki lo ka lu ra hamav Hadashim L' bekarim Rabah emunateka Salaam aleikum; Peace to people of good will everywhere.

Give me this prayer for all who serve in this chamber, for those who make the laws and for those who clean the desks. And for my Senator, whose feet will soon be on a new path.

O God, Your Son came among us not to be served but to serve, and to give his life for the world. Lead us by love to serve all those to whom the world offers no comfort and little help. Through the work of this chamber, give hope to the hopeless, love to the unloved, peace to the troubled, and rest to the weary.

Guide my feet while I run this race. Guide our feet while we run this race. Guide my feet for I don't want to run this race in vain. Amen.

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

Motions and Communications

Senator Kowall moved that Senators Casperson, Green, Knollenberg and Robertson 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 Senator Young be excused from today's session.

The motion prevailed.

The following communication was received and read:

Office of the Senate Majority Leader

February 2, 2018

I respectfully request you hold a hearing on John Walters' appointment to the Natural Resources Commission and report your findings to the Senate Government Operations Committee.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,
Arlan Meekhof
30th Senate District
Senate Majority Leader

The communication was referred to the Secretary for record.

The following communication was received and read:

Office of the Auditor General

January 31, 2018

Enclosed is a copy of the following report:

- Performance audit report on the Flint Emergency Expenditures, State of Michigan (000-2017-18).

Sincerely,
Doug Ringler
Auditor General

The audit report was referred to the Committee on Government Operations.

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

January 23, 2018

In accordance with the provisions of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Department of Technology, Management and Budget and the State Office of Regulatory Reinvention filed Administrative Rule #2017-039-LR (Secretary of State Filing #18-01-02) on this date at 3:54 p.m. for the Department of Licensing and Regulatory Affairs entitled, "A Standing Order for Dispensing Opioid Antagonists."

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

January 24, 2018

In accordance with the provisions of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Department of Technology, Management and Budget and the State Office of Regulatory Reinvention filed Administrative Rule #2017-072-TP (Secretary of State Filing #18-01-03) on this date at 4:22 p.m. for the Department of Transportation entitled, "Motor Bus Transportation."

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

January 26, 2018

In accordance with the provisions of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Department of Technology, Management and Budget and the State Office of Regulatory Reinvention filed Administrative Rule #2017-080-ED (Secretary of State Filing #18-01-04) on this date at 4:12 p.m. for the Department of Education entitled, "Special Education Programs and Services."

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

January 26, 2018

In accordance with the provisions of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Department of Technology, Management and Budget and the State Office of Regulatory Reinvention filed Administrative Rule #2017-082-ED (Secretary of State Filing #18-01-05) on this date at 4:12 p.m. for the Department of Education entitled, "Fees for Transporting Pupils to or from Nonmandatory and Noncredit Events."

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

January 26, 2018

In accordance with the provisions of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Department of Technology, Management and Budget and the State Office of Regulatory Reinvention filed Administrative Rule #2017-048-LR (Secretary of State Filing #18-01-06) on this date at 4:12 p.m. for the Department of Licensing and Regulatory Affairs entitled, "General Industry Safety and Health Standard, Part 2. Walking-Working Surfaces."

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

January 26, 2018

In accordance with the provisions of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Department of Technology, Management and Budget and the State Office of Regulatory Reinvention filed Administrative Rule #2017-049-LR (Secretary of State Filing #18-01-07) on this date at 4:12 p.m. for the Department of Licensing and Regulatory Affairs entitled, "General Industry Safety and Health Standard, Part 3. Fixed Ladders."

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

January 26, 2018

In accordance with the provisions of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Department of Technology, Management and Budget and the State Office of Regulatory Reinvention filed Administrative Rule #2017-050-LR (Secretary of State Filing #18-01-08) on this date at 4:12 p.m. for the Department of Licensing and Regulatory Affairs entitled, "General Industry Safety and Health Standard, Part 4. Portable Ladders."

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

January 26, 2018

In accordance with the provisions of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Department of Technology, Management and Budget and the State Office of Regulatory Reinvention filed Administrative Rule #2017-051-LR (Secretary of State Filing #18-01-09) on this date at 4:12 p.m. for the Department of Licensing and Regulatory Affairs entitled, "General Industry Safety and Health Standard, Part 1. General Provisions."

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

Sincerely,
Ruth Johnson
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

Senators Green and Casperson entered the Senate Chamber.

Messages from the Governor

The following messages from the Governor were received and read:

January 11, 2018

I respectfully submit to the Senate the following appointment to office:

Michigan Board of Nursing

Sarah Coker of 511 Wilcox Parkway, Clare, Michigan 48617, county of Clare, representing professional registered nurses with a baccalaureate degree engaged in nursing practice or nursing administration, succeeding Elizabeth Recker, is appointed for a term expiring June 30, 2021.

January 11, 2018

I respectfully submit to the Senate the following appointment to office:

Michigan Board of Physical Therapy

Michael Winkler of 3029 Forest View Drive, Hamilton, Michigan 49419, county of Allegan, representing the general public, succeeding Linda Minter, is appointed for a term expiring December 31, 2021.

January 18, 2018

I respectfully submit to the Senate the following appointment to office:

Mental Health Diversion Council

Willie E. Brooks of 936 Majestic Street, Rochester Hills, Michigan 48306, county of Oakland, representing a Medicaid pre-paid inpatient health plan, succeeding Carmen McIntyre, is appointed for a term expiring January 30, 2020.

February 1, 2018

I respectfully submit to the Senate the following appointments to office:

Michigan Civil Rights Commission

Stacie Treve' Clayton of 1 Lafayette Plaisance, Apt. 2122, Detroit, Michigan 48207, county of Wayne, representing Independents, succeeding Bradley Voss, is appointed for a term expiring December 31, 2021.

Ira Combs of 4580 Eagle Drive, Jackson, Michigan 49201, county of Jackson, representing Republicans, succeeding Linda Lee Tarver, is appointed for a term expiring December 31, 2021.

Alma Wheeler Smith of 5540 5 Mile Road, South Lyon, Michigan 48178, county of Washtenaw, representing Democrats, succeeding Deloris Hunt, is appointed for a term expiring December 31, 2019.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

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 President pro tempore, Senator Schuitmaker.

During the recess, Senators Knollenberg and Robertson entered the Senate Chamber.

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:

Senate Bill No. 459

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 President pro tempore, Senator Schuitmaker, designated Senator Colbeck as Chairperson.

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

House Bill No. 5175, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 537 (MCL 436.1537), as amended by 2016 PA 514.

Senate Bill No. 459, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 20a.

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. 226, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2559 (MCL 600.2559), as amended by 2012 PA 558.

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.

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. 481, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 16a.

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 1, after “**US-10**” by inserting “**LOCATED IN MIDLAND COUNTY**”.
2. Amend page 1, line 2, after “**WITH**” by inserting “**NORTH**”.
3. Amend page 1, line 2, after “**TO**” by inserting “**NORTH WEST**”.

The House of Representatives has passed the bill as amended, 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 amendments made to the bill by the House,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 57

Yeas—36

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

Nays—0

Excused—2

Hansen	Young
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Not Voting—0

In The Chair: Schuitmaker

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

- House Bill No. 4665**
- House Bill No. 4950**
- House Bill No. 5047**
- House Bill No. 4523**
- House Bill No. 4524**
- House Bill No. 5137**
- House Bill No. 5138**
- House Bill No. 4411**

The motion prevailed.

The following bill was read a third time:

House Bill No. 4665, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1311g (MCL 380.1311g), as amended by 2014 PA 256.

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. 58

Yeas—36

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

Nays—0

Excused—2

Hansen	Young
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Not Voting—0

In The Chair: Schuitmaker

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 a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to make appropriations for certain purposes; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; 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. 4950, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 635 (MCL 206.635), as added by 2011 PA 38.

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. 59**Yeas—36**

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

Nays—0**Excused—2**

Hansen	Young
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Not Voting—0

In The Chair: Schuitmaker

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 meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement by lien and otherwise of taxes on or measured by net income and on certain commercial, business, and financial activities; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; 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. 5047, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 607 (MCL 206.607), as amended by 2011 PA 306.

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. 60**Yeas—36**

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

Nays—0

Excused—2

Hansen

Young

Not Voting—0

In The Chair: Schuitmaker

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 meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement by lien and otherwise of taxes on or measured by net income and on certain commercial, business, and financial activities; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; 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. 4523, entitled

A bill to repeal 1970 PA 202, entitled “Explosives act of 1970,” (MCL 29.41 to 29.55).

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. 61

Yeas—36

Ananich

Bieda

Booher

Brandenburg

Casperson

Colbeck

Conyers

Emmons

Green

Gregory

Hertel

Hildenbrand

Hood

Hopgood

Horn

Hune

Johnson

Jones

Knezek

Knollenberg

Kowall

MacGregor

Marleau

Meekhof

Nofs

O’Brien

Pavlov

Proos

Robertson

Rocca

Schmidt

Schuitmaker

Shirkey

Stamas

Warren

Zorn

Nays—0

Excused—2

Hansen

Young

Not Voting—0

In The Chair: Schuitmaker

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 regulate the possession, handling, storage, control, use, sale, purchase, transfer, transportation or other disposition of explosives; to provide for permits in connection therewith; and to provide penalties;”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4524, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 6312 (MCL 600.6312), as added by 1995 PA 249.

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. 62

Yeas—36

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

Nays—0

Excused—2

Hansen	Young
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Not Voting—0

In The Chair: Schuitmaker

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 revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions 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. 5137, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding sections 204b and 204c.

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. 63

Yeas—36

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

Nays—0

Excused—2

Hansen	Young
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Not Voting—0

In The Chair: Schuitmaker

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 revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5138, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16k of chapter XVII (MCL 777.16k), as amended by 2004 PA 524.

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. 64

Yeas—36

Ananich	Gregory	Knezek	Proos
Bieda	Hertel	Knollenberg	Robertson

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

Nays—0

Excused—2

Hansen	Young
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Not Voting—0

In The Chair: Schuitmaker

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 revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for the examination of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4411, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 509 (MCL 436.1509).

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. 65

Yeas—36

Ananich	Gregory	Knezek	Proos
Bieda	Hertel	Knollenberg	Robertson
Booher	Hildenbrand	Kowall	Rocca

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

Nays—0

Excused—2

Hansen	Young
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Not Voting—0

In The Chair: Schuitmaker

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

Resolutions

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.

Senate Resolution No. 118.

A resolution to memorialize the Congress of the United States to enact legislation that provides the National Oceanic and Atmospheric Administration and regional management councils additional tools to manage our nation's important salt-water recreational fisheries.

The question being on the adoption of the resolution,

The resolution was adopted.

Senator Marleau offered the following concurrent resolution:

Senate Concurrent Resolution No. 30.

A concurrent resolution to urge the Michigan Department of Education and Department of Health and Human Services to encourage all educational institutions to participate in a school or community-based influenza vaccination program.

Whereas, Influenza is a contagious respiratory illness caused by the influenza virus. Every year in the United States more than 200,000 people are hospitalized due to influenza-related complications and about 36,000 people die from influenza-related causes; and

Whereas, School-age children are three to four times more likely to be infected with influenza than adults. They typically have the highest infection rates during outbreaks of influenza and serve as a major source of transmission within communities. Influenza cases lead to absenteeism, medical care visits, and parental work loss; and

Whereas, The United States Centers for Disease Control and Prevention recommends routine seasonal influenza vaccination for all persons six months of age and older. School or community-based vaccination programs may be an effective way to vaccinate students and reduce transmission and infection rates in the larger community; and

Whereas, A school or community-based program should be run by health care providers, using only vaccines approved by the federal Food and Drug Administration. Individual student participation should be voluntary with parental consent, but no child, regardless of insurance, should be refused a vaccine. Vaccination should be offered to all students as soon as the vaccine becomes available before the start and throughout the influenza season; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we strongly urge the Michigan Department of Education and Department of Health and Human Services to encourage all educational institutions to participate in a school or community-based influenza vaccination program; and be it further

Resolved, That copies of this resolution be transmitted to the state Superintendent of Public Instruction and the Director of the Michigan Department of Health and Human Services.

Pending the order that, under rule 3.204, the concurrent 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 question being on the adoption of the concurrent resolution,

Senator Kowall moved that the concurrent resolution be referred to the Committee on Education.

The motion prevailed.

Senators Ananich, Bieda, Booher, Brandenburg, Hopgood, Kowall, Proos, Schmidt and Zorn were named co-sponsors of the concurrent resolution.

Senators Hansen, Marleau, Booher, Nofs, Horn and Gregory offered the following resolution:

Senate Resolution No. 127.

A resolution recognizing February 2018 as School-Based Health Center Awareness Month.

Whereas, Michigan's school-based and school-linked health centers have been delivering comprehensive primary health care and prevention services for 30 years; and

Whereas, There are over 100 school-based and school-linked health centers and programs in the state of Michigan delivering a range of primary, preventive, and early intervention services to children and youth of all grade levels in urban, rural, and suburban schools across the state; and

Whereas, Children and youth served by school-based and school-linked health centers show improved rates of school attendance, enhanced scores on standardized tests, less absenteeism due to illness, and increased immunization rates, while having their wellness and health care needs addressed; and

Whereas, School-Based Health Center Awareness Month is a time to acknowledge the commitment and passion that school-based health center staff show for all Michigan children and youth; and

Whereas, School-based and school-linked health centers provide a critical role in improving the health and well-being of all Michigan children; now, therefore, be it

Resolved by the Senate, That members of this legislative body recognize February 2018 as School-Based Health Center 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 Ananich, Bieda, Brandenburg, Hopgood, Kowall, Proos, Schmidt and Zorn were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators O'Brien, Knollenberg, Gregory, Nofs, Hansen, Bieda, Hildenbrand and Conyers introduced

Senate Bill No. 805, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 314 (MCL 257.314), as amended by 2011 PA 159.

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

Senators Gregory, Knollenberg, O'Brien, Nofs, Hansen, Bieda, Hildenbrand and Conyers introduced

Senate Bill No. 806, entitled

A bill to amend 2006 PA 384, entitled "Driver education provider and instructor act," by amending sections 35 and 37 (MCL 256.655 and 256.657), section 35 as amended by 2012 PA 258 and section 37 as amended by 2014 PA 317.

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

Senators Knollenberg, Gregory, O'Brien, Nofs, Hansen, Bieda, Hildenbrand and Conyers introduced

Senate Bill No. 807, entitled

A bill to amend 1965 PA 203, entitled "Michigan commission on law enforcement standards act," (MCL 28.601 to 28.615) by adding section 9e.

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

Senator Ananich introduced

Senate Bill No. 808, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7d (MCL 211.7d), as amended by 2016 PA 78.

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

House Bill No. 4118, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2013 PA 216.

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.

House Bill No. 4119, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411x.

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.

House Bill No. 4585, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 479e.

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.

House Bill No. 4590, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 479d.

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.

House Bill No. 4591, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2012 PA 323.

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.

House Bill No. 4922, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 217c (MCL 257.217c), as amended by 2016 PA 369.

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 Transportation.

Statements

Senators Bieda and Hertel 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 just wanted to take this time to recognize the release of the Pictured Rocks National Lakeshore quarter, honoring one of Michigan’s most spectacular wonders. It’s actually located in the district of the good Senator from the 38th District and it’s a place that I’ve enjoyed visiting over the years. It’s one of the most beautiful places in Michigan. The new quarter is part of the United States Mint’s America the Beautiful Quarters program; the Pictured Rocks National Lakeshore quarter is the first of the 2018 entries in a 56-coin series recognizing national parks and sites the nation over.

Perhaps the most famous national park in Michigan, Pictured Rocks is a natural choice for the America the Beautiful program. Lush trails lead through serene hardwood forests, and pristine beaches approach the towering sandstone cliffs that give the park its name. Natural caves allow kayaks to glide under spectacular rock formations while peaceful rivers wind slowly toward roaring waterfalls feeding into Lake Superior.

Half a million people journey to Pictured Rocks every year to experience the quiet awe of one of Michigan’s treasures. They are able to do this any time for free. National parks and lakeshores are public trusts, the common inheritance of all Americans. They have been dubbed America’s best idea, one that has been replicated the world over, a set of 417 crown jewels belonging to the American people. These monuments are places of majesty and peace where we can relocate the better angels of our nature.

One of the pioneers of the national parks system, President Theodore Roosevelt gave a speech in which he said, “Of all the questions which can come before this nation, there is none which compares in importance with the great central task of leaving this land even a better land for our descendants than it is for us.” President Roosevelt feared that the American birthright would be tarnished by those with no thought of those who would come tomorrow. Now, we see proposals to raise the price of admittance, shrink monuments and parks, and allow our national heritage to be spoiled for the benefit of a few.

Pictured Rocks National Lakeshore is one of the parks in Michigan. We must preserve the legacy of our forefathers and pass it on to our children and our descendants who will take on the mantle of stewardship. I call upon my colleagues and upon the United States Congress to take the lead in ensuring that America’s best idea is preserved.

Senator Hertel’s statement is as follows:

Colleagues, I rise today to express my frustration, my disappointment, and my disgust with the Governor’s appointment of Bishop Ira Combs to the Michigan Civil Rights Commission. A man who has made it his mission to stand in the way of universal civil rights for Michiganders who just want the same freedom and liberty that their fellow citizens are granted.

Mr. Combs is a bully who has used his pulpit and his position to bully high school students and college students as they sought to grow in leadership roles. He actively opposed a Michigan State University student running for president of the university simply because he was gay. He actively fought to prevent a group of Jackson High School students just wanting to form a gay-straight alliance. In his home town of Jackson, Mr. Combs is a leading opponent of an ordinance banning discrimination against gays and lesbians. A man who is against banning discrimination of any kind, has no place on the Michigan Civil Rights Commission.

Mr. Combs asserts that the LGBT community is not disadvantaged. This is patently false. In Michigan, you can marry who you want to on Sunday, but be fired from your job on Monday for just living out loud who you are. LGBT youth in Michigan experience more instances of harassment, bullying, and suicide than any other group in our state. By perpetuating his bigoted views, Mr. Combs is fighting to keep the LGBT community in the shadows where they are discriminated against and bullied. This is not the way forward for Michigan, and we must empower people who preach inclusivity and acceptance, not bigotry and hate.

Bishop Combs claims he will not use this bias in his new position. Unfortunately, that is not his record. If the Governor will not remove this appointment and nomination, then I call on this body to hold confirmation hearings and to reject this appointment. I have my doubts that we will do that. While 70 percent of Michigan citizens support expanding protections to the LGBTQ community, we refuse to act. Instead we allow discrimination to continue, and even went so far as to allow discrimination in adoption just last year.

This body is on the wrong side of history. We’re on the wrong side of equality. We are on the wrong side of justice, just like Pastor Combs. I ask my colleagues to act.

Announcements of Printing and Enrollment

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, February 1:
House Bill No. 4922

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, February 1, for his approval the following bills:

Enrolled Senate Bill No. 409 at 1:17 p.m.

Enrolled Senate Bill No. 574 at 1:19 p.m.

The Secretary announced that the following bills were printed and filed on Thursday, February 1, and are available at the Michigan Legislature website:

Senate Bill Nos. 803 804

House Bill Nos. 5510 5511 5512 5513 5514

Committee Reports

The Committee on Finance reported

House Bill No. 5420, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 8, 12, 30, 30a, 51, 52, 512, and 607 (MCL 206.8, 206.12, 206.30, 206.30a, 206.51, 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, section 51 as amended by 2016 PA 266, 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.

With the recommendation that the bill pass.

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

Jack M. Brandenburg
 Chairperson

To Report Out:

Yeas: Senators Brandenburg, Robertson, Knollenberg, Casperson, Proos, Bieda and Warren

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5421, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," by amending sections 31 and 44 of chapter 2 (MCL 141.631 and 141.644), section 31 as amended by 1988 PA 120.

With the recommendation that the bill pass.

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

Jack M. Brandenburg
 Chairperson

To Report Out:

Yeas: Senators Brandenburg, Robertson, Knollenberg, Casperson, Proos, Bieda and Warren

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5422, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding section 254.

With the recommendation that the bill pass.

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

Jack M. Brandenburg
 Chairperson

To Report Out:

Yeas: Senators Brandenburg, Robertson, Knollenberg, Casperson, Proos, Bieda and Warren

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, January 31, 2018, at 3:30 p.m., Room 1100, Binsfeld Office Building

Present: Senators Brandenburg (C), Robertson, Knollenberg, Casperson, Proos, Bieda and Warren

The Committee on Transportation reported

Senate Bill No. 459, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 20a.

With the recommendation that the bill pass.

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

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Horn, Pavlov, Marleau and Conyers

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

House Bill No. 4191, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 12a.

With the recommendation that the bill pass.

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

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Horn, Pavlov, Marleau and Conyers

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

House Bill No. 5039, entitled

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending section 30 (MCL 207.1030), as amended by 2008 PA 26.

With the recommendation that the bill pass.

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

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Horn, Pavlov, Marleau and Conyers

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Thursday, February 1, 2018, at 8:30 a.m., Room 1100, Binsfeld Office Building

Present: Senators Casperson (C), Horn, Pavlov, Marleau and Conyers

The Committee on Oversight reported

Senate Bill No. 800, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 115 (MCL 400.115), as amended by 1988 PA 75.

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

Peter F. MacGregor
Chairperson

To Report Out:

Yeas: Senators MacGregor, Kowall, Schuitmaker, Stamas and Gregory

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Oversight submitted the following:

Meeting held on Thursday, February 1, 2018, at 8:30 a.m., Room 1200, Binsfeld Office Building

Present: Senators MacGregor (C), Kowall, Schuitmaker, Stamas and Gregory

Scheduled Meetings

Appropriations and House Appropriations - Wednesday, February 7, 11:00 a.m., Room 352, Capitol Building (373-5307)

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)

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)

K-12, School Aid, Education - Wednesday, February 14, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol 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 - Thursday, February 15, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Criminal Justice Policy Commission - Wednesday, February 7, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Michigan Competitiveness - Wednesday, February 7, 8:30 a.m., Room 1100, Binsfeld Office Building (373-5323) (CANCELED)

Natural Resources - Wednesday, February 7, 12:30 p.m., Room 1300, Binsfeld Office Building (373-5312)

Outdoor Recreation and Tourism - Wednesday, February 7, 12:30 p.m., Room 1200, Binsfeld Office Building (373-1721)

Senator Kowall moved that the Senate adjourn.
The motion prevailed, the time being 11:04 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Wednesday, February 7, 2018, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate

