

No. 79
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2019

Senate Chamber, Lansing, Wednesday, August 28, 2019.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Garlin D. Gilchrist II.

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

Alexander—present
Ananich—present
Barrett—present
Bayer—present
Bizon—present
Brinks—present
Bullock—present
Bumstead—present
Chang—present
Daley—present
Geiss—present
Hertel—present
Hollier—present

Horn—present
Irwin—present
Johnson—present
LaSata—present
Lauwers—present
Lucido—present
MacDonald—present
MacGregor—present
McBroom—present
McCann—present
McMorrow—present
Moss—present
Nesbitt—present

Outman—present
Polehanki—present
Runestad—present
Santana—present
Schmidt—present
Shirkey—present
Stamas—present
Theis—present
VanderWall—present
Victory—present
Wojno—present
Zorn—present

Senator Kevin Daley of the 31st District offered the following invocation:

O God, we pray that, for Your glory and in the pursuit of Your justice, we may be trustworthy with confidence, keen in study, accurate in analysis, correct in conclusion, able in argument; loyal to our citizens, honest with all, courteous to adversaries, and ever attentive to conscience.

Sit with us at our desks and listen with us to those who come to us in need. Stand always beside us so that today we shall not—to win a point—lose our souls.

We pray that our families may find in us what Yours found in You: friendship and courage, cheerfulness and charity, diligence in duties, counsel in adversity, and patience in pain.

May we be their good servants, but God’s first. Amen.

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

Motions and Communications

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

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

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

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

Recess

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

The motion prevailed, the time being 10:04 a.m.

11:28 a.m.

The Senate was called to order by the President, Lieutenant Governor Gilchrist.

During the recess, Senator Geiss presented the Michigan Little League District 5 Taylor Combined Juniors baseball team, 2019 Junior League World Series participants; and coaches Rick Thorning, Jerry Fottlander, and Chris Cannon; and presented them with a Special Tribute.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

Senate Bill No. 118

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 118, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 803e (MCL 257.803e), as amended by 2011 PA 46.

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. 169

Yeas—38

Alexander
Ananich

Geiss
Hertel

MacGregor
McBroom

Santana
Schmidt

Barrett	Hollier	McCann	Shirkey
Bayer	Horn	McMorrow	Stamas
Bizon	Irwin	Moss	Theis
Brinks	Johnson	Nesbitt	VanderWall
Bullock	LaSata	Outman	Victory
Bumstead	Lauwers	Polehanki	Wojno
Chang	Lucido	Runestad	Zorn
Daley	MacDonald		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 322, entitled

A bill to amend 1851 PA 156, entitled “An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act,” by amending section 11 (MCL 46.11), as amended by 2016 PA 77.

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. 170

Yeas—29

Alexander	Hertel	MacDonald	Shirkey
Barrett	Hollier	MacGregor	Stamas
Bayer	Horn	McMorrow	Theis
Bizon	Irwin	Moss	VanderWall
Bullock	LaSata	Nesbitt	Victory
Bumstead	Lauwers	Outman	Wojno
Chang	Lucido	Polehanki	Zorn
Daley			

Nays—9

Ananich	Johnson	McCann	Santana
Brinks	McBroom	Runestad	Schmidt
Geiss			

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 323, entitled

A bill to amend 1909 PA 283, entitled “An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies,” by amending section 6 of chapter IV (MCL 224.6), as amended by 2015 PA 237.

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. 171

Yeas—28

Alexander	Daley	MacDonald	Shirkey
Barrett	Hertel	MacGregor	Stamas
Bayer	Horn	McMorrow	Theis
Bizon	Irwin	Moss	VanderWall
Bullock	LaSata	Nesbitt	Victory
Bumstead	Lauwers	Outman	Wojno
Chang	Lucido	Polehanki	Zorn

Nays—10

Ananich	Hollier	McCann	Santana
Brinks	Johnson	Runestad	Schmidt
Geiss	McBroom		

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 298, entitled

A bill to amend 2008 PA 525, entitled “Fostering futures scholarship trust fund act,” by amending section 7b (MCL 722.1027b), as added by 2014 PA 530.

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. 172

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 30

Senate Resolution No. 38

Senate Resolution No. 49

The motion prevailed.

Senator Lauwers offered the following resolution:

Senate Resolution No. 69.

A resolution to designate August 19, 2019, as Michigan Water Trails Day.

Whereas, Michigan has more miles of Great Lakes coastline than any other state and thousands of miles of rivers and streams; and

Whereas, The use of waterways for transportation in Michigan is not new. Native Americans first used them for sustenance and trade, early European settlers used them to transport goods and timber water. Such resources were the foundation of Michigan’s earliest manufacturing and shipping industries; and

Whereas, Michigan has over 4,700 miles of water trails, traversing some of Michigan’s most remote and natural environments as well as some of the state’s most industrial and urban environments. These water trails exist along Michigan’s Great Lakes coastline, connecting to water trails in other states and provinces throughout the Great Lakes basin; and

Whereas, Water trails help support and promote environmental awareness and stewardship of Michigan’s waterways and water quality; and

Whereas, A water trail is a designated route on a navigable waterway such as a lake, river, canal, or bay, that is designed and managed to create a positive outdoor recreation experience for the user; and

Whereas, Water trails also feature well-developed access points, often near significant historical, environmental, or cultural points of interest, and often have nearby amenities like restaurants, hotels, and campgrounds; and

Whereas, Paddling Michigan’s waterways for recreation and other purposes has been a part of Michigan’s long history. Paddle sports are one of the fastest-growing outdoor activities in the nation, contributing more than \$140 million to Michigan’s economy; and

Whereas, A formal state water trail and designation program was recently established by the Michigan Department of Natural Resources working in conjunction with local paddle groups, local units of government, the Land and Information Access Association, the Michigan Trails and Greenways Alliance, and other non-profit partners to designate and support existing water trails and help solidify best practices and standards for future water trail development; and

Whereas, Eight waterways totaling 540-plus miles that flow through more than a dozen counties have been selected as the first state-designated water trails in Michigan, which include all of the following:

- Central River Raisin Water Trail, 11 miles in Monroe County;
- Chain of Lakes Water Trail, more than 80 miles in Antrim and Kalkaska counties;
- Huron River Water Trail, 104 miles in Livingston, Oakland, Washtenaw and Wayne counties;
- Island Loop Route, 10 miles in St. Clair County;
- Flint River Trail, 72 miles in Genesee and Lapeer counties;
- Middle Grand River Water Trail, 87 miles in Clinton, Eaton, Ingham and Ionia counties;
- Shiawassee River Trail, 88 miles in Genesee, Oakland, Saginaw and Shiawassee counties;
- Upper Grand River Water Trail, 91 miles in Eaton, Ingham and Jackson counties; and

Whereas, Outdoor recreation-based tourism is experiencing major growth right now. Designating these rivers as official water trails shines an even brighter light on our incredible natural resources; and

Whereas, Highlighting water trail opportunities in Michigan will encourage more outdoor recreation and healthier lifestyles and also serve as regional destinations that will give a boost to local economies; and

Whereas, With Michigan leading the nation in land-based trail mileage and the unmatched water resources we have, celebrating our water trails is another important step we can take to provide our citizens with a world-class trail system; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize and celebrate water trails as this new component of the nation’s leading trail program, while establishing August 19, 2019, as Michigan Water Trails Day.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator MacGregor moved that the rule be suspended.

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

The resolution was adopted.

Senators Ananich, Bayer, Bizon, Brinks, Bullock, Chang, Daley, Geiss, Horn, Johnson, LaSata, Lucido, MacDonald, McCann, McMorrow, Polehanki, Santana, Schmidt, VanderWall, Wojno and Zorn were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senator Lucido introduced

Senate Bill No. 454, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 310, 313, and 625g (MCL 257.310, 257.313, and 257.625g), section 310 as amended by 2018 PA 177, section 313 as amended by 2004 PA 362, and section 625g as amended by 2017 PA 153.

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

Senators Stamas and MacGregor introduced

Senate Bill No. 455, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7ff (MCL 211.7ff), as amended by 2005 PA 165.

The bill was read a first and second time by title and referred to the Committee on Economic and Small Business Development.

Senator Irwin introduced

Senate Bill No. 456, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.713) by adding section 280.

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

Senator Irwin introduced

Senate Bill No. 457, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2946 (MCL 600.2946), as amended by 1995 PA 249.

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

Senator Irwin introduced

Senate Bill No. 458, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by repealing section 944 (MCL 168.944), as amended by 1996 PA 583.

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

Senator Irwin introduced

Senate Bill No. 459, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 30 and 51 (MCL 206.30 and 206.51), section 30 as amended by 2018 PA 589 and section 51 as amended by 2018 PA 588.

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

Senator Nesbitt introduced

Senate Bill No. 460, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20904 and 20910 (MCL 333.20904 and 333.20910), section 20904 as amended by 2000 PA 375 and section 20910 as amended by 2006 PA 582.

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

Senator Geiss introduced

Senate Bill No. 461, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 367 (MCL 18.1367), as amended by 2018 PA 389, and by adding section 365.

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

Senator Ananich introduced

Senate Bill No. 462, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 2018 PA 182.

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

Senator Lucido introduced

Senate Bill No. 463, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 539g (MCL 750.539g), as amended by 1993 PA 227.

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

Senator Lucido introduced

Senate Bill No. 464, entitled

A bill to require financial institutions to report financial exploitation of their customers or members; to allow financial institutions to freeze customer or member transactions or assets under certain circumstances; to provide immunity from criminal, civil, or administrative liability to financial institutions for actions taken in good faith under this act; and to provide for the powers and duties of certain governmental officers and entities.

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

Senator Lucido introduced

Senate Bill No. 465, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 11b (MCL 400.11b), as amended by 2012 PA 175.

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

Statements

Pursuant to rule 3.507, Senator Geiss submitted a statement in writing for inclusion in today’s Journal.

Senator Geiss’ statement is as follows:

Thank you Mr. President and Madam Secretary for the opportunity for this special presentation to the Senate to recognize the best 13-14 year old little league baseball players in the state.

This summer, the Michigan Little League District 5 Taylor Combined Juniors team competed to earn a spot representing our state in the Junior League World Series.

Now, most people know about Williamsport and the Little League World Series which is the tournament that the 12-year-old Little League ball players play in annually.

What they may not know is that for 39 years, because of the efforts of Greg Bzura, Taylor has been home to the Junior League World Series, the Little League World Series’ “Big Brother,” and is played at Heritage Park.

This year, under the leadership of coaches Rick Thorning, Jerry Footlander, and Chris Cannon, this team—composed of Aiden Steele, No. 6; David Holmes, No. 8; Andrew Thorning, No. 13; David Roberts, No. 10; Jordan Footlander, No. 33; Blake Boike, No. 4; Dalton Vance, No. 24; Cole Loftis, No. 29; Cole Mucha, No. 26; Lucas Zelek, No. 3; Connor Felice, No. 5; Charlie Kurkowski, No. 9; Chris Cannon, No. 12; and Calbin “Papi” Gonzalez, No. 22—went on to represent Michigan in this tournament of the top players worldwide in their age group.

What is particularly special is that this team is a combination of three of our four ball clubs in Taylor. With members from Taylor North Central, Taylor Northeast, and Taylor Northwest Little Leagues managed by Doug and Sheri Cloutier, Nicole Honeycutt Underwood, and Eric Hall respectively, united, they represented our state with strength, resilience, hard work, fair play, outstanding team spirit, and excellent sportsmanship both on and off the field, and is a group of wonderful young men led by excellent coaches and parents who I am extremely proud of.

As representatives of our state in the JLWS and role models, we should all be proud of them and their accomplishments and for representing Michigan honorably this past season.

Thank you.

Announcements of Printing and Enrollment

The Secretary announced that the following bills were printed and filed on Tuesday, August 27, and are available on the Michigan Legislature website:

House Bill Nos. 4827 4828 4829 4830

Scheduled Meetings

Advice and Consent - Thursday, September 12, 12:00 noon, Room 1300, Binsfeld Office Building (517) 373-5312

Judiciary and Public Safety - Thursday, August 29, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-5312

Senate Fiscal Agency Board of Governors - Thursday, September 12, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Senator MacGregor moved that the Senate adjourn.

The motion prevailed, the time being 11:47 a.m.

In pursuance of the order previously made, the President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Thursday, August 29, 2019, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

