

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

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Senate Chamber, Lansing, Wednesday, October 23, 2019.

10:00 a.m.

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

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—excused  
Wojno—present  
Zorn—present

Senator Marshall Bullock II of the 4th District offered the following invocation:

Supreme Legislator of the universe, almighty God, we thank You for our lives, our health, and our strength. We thank You, heavenly Father, as You have allowed each of us to wake up to see the wonder of Your creation. We thank You, Father, as grateful citizens and representatives of this great state of Michigan that we are proud to call home, but also as humble people of faith who simply yet sincerely confess that it is in You that we put our collective trust.

We pray for the Governor, Lieutenant Governor, and each of these distinguished legislators and staff throughout both chambers as we ask that You touch each of our hearts with the gift of compassion and understanding. Touch our minds so that You may grant each of us with the wisdom only You can bestow, a reclaiming of the honor and nobility of public service and a sensitivity to those in need. A reminder that every human being is valuable and has worth, that each of us has rights that You have given and that no man can remove. We declare You as our creator who unites us; the eternal lawgiver who has given us the kernel of truth, which grows into fields of justice and the realization and belief that we are our best selves when we sacrifice our own will and agenda for that of the greater good. Please bless this august body of ours and give us the sensibility to do what is righteous in Your most perfect will and way.

May all we do, dream, and decide here, heavenly Father, be what You have ordained, when we stand before You to give account to You—the omnipotent lawgiver, the supreme judge—who lives and reigns forever and ever. Let the chamber all say: Amen.

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

### Motions and Communications

Senator MacGregor moved that Senator Shirkey be temporarily excused from today’s session. The motion prevailed.

Senator MacGregor moved that Senator Victory be excused from today’s session. The motion prevailed.

Senator Chang moved that Senators Ananich and Hertel be temporarily excused from today’s session. The motion prevailed.

The following communication was received and read:  
Office of the Auditor General

October 18, 2019

Enclosed is a copy of the following report:

- Investigative audit report on the Michigan Department of Transportation’s Procurement of the Michigan Aggregates Market Study (919-MDOT-02).

Sincerely,  
Doug Ringle  
Auditor General

The audit report was referred to the Committee on Oversight.

By unanimous consent the Senate proceeded to the order of

### Messages from the House

#### Senate Bill No. 257, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 4a of chapter IX (MCL 769.4a), as amended by 2013 PA 222.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

Senator Ananich entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators Barrett, Hollier, Bayer, Alexander and Irwin introduced

**Senate Bill No. 596, entitled**

A bill to amend 2008 PA 295, entitled “Clean and renewable energy and energy waste reduction act,” by amending sections 5, 7, 9, 13, 173, 175, 177, and 179 (MCL 460.1005, 460.1007, 460.1009, 460.1013, 460.1173, 460.1175, 460.1177, and 460.1179), as amended by 2016 PA 342; and to repeal acts and parts of acts.

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

Senators McBroom, Bayer, Alexander, Irwin and Hollier introduced

**Senate Bill No. 597, entitled**

A bill to amend 2008 PA 295, entitled “Clean and renewable energy and energy waste reduction act,” by amending sections 7, 173, and 177 (MCL 460.1007, 460.1173, and 460.1177), as amended by 2016 PA 342.

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

Senators Irwin, Bayer and Alexander introduced

**Senate Bill No. 598, entitled**

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the powers and duties of certain state governmental officers and entities; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” by amending section 6a (MCL 460.6a), as amended by 2016 PA 341.

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

**Recess**

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

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

10:41 a.m.

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

During the recess, Senators Shirkey and Hertel entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

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

**Senate Bill No. 434**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 434, entitled**

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending sections 1201, 1203, 1203b, 1204, 1205, 1211, 1217, and 1218 (MCL 339.1201, 339.1203, 339.1203b, 339.1204, 339.1205, 339.1211, 339.1217, and 339.1218), sections 1201, 1205, 1211, 1217, and 1218 as amended and section 1203b as added by 1997 PA 97 and section 1204 as amended by 2003 PA 57, and by adding section 1205a; and to repeal acts and parts of acts.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 276**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Victory

**Not Voting—0**

In The Chair: Nesbitt

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

**General Orders**

Senator MacGregor 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 Nesbitt, designated Senator Bayer as Chairperson.

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

**Senate Bill No. 179, entitled**

A bill to amend 1965 PA 232, entitled “Agricultural commodities marketing act,” by amending section 2 (MCL 290.652), as amended by 2002 PA 601.

**Senate Bill No. 180, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 12m of chapter XVII (MCL 777.12m), as amended by 2015 PA 213.

**Senate Bill No. 183, entitled**

A bill to amend 2000 PA 246, entitled “Wolf-dog cross act,” by amending section 2 (MCL 287.1002), as amended by 2016 PA 299.

**Senate Bill No. 361, entitled**

A bill to amend 2011 PA 256, entitled “Michigan fireworks safety act,” by amending section 12 (MCL 28.462), as amended by 2018 PA 634.

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. 174, entitled**

A bill to amend 1988 PA 466, entitled “Animal industry act,” by amending the title and sections 1, 3, 7, 9, 11b, 12, 14, 19, 20, 22, 31, 39, 40, 43, and 44 (MCL 287.701, 287.703, 287.707, 287.709, 287.711b, 287.712, 287.714, 287.719, 287.720, 287.722, 287.731, 287.739, 287.740, 287.743, and 287.744), the title and section 43 as amended by 1996 PA 369, sections 1, 20, 39, and 40 as amended by 2000 PA 323, sections 3, 9, 11b, 14, 19, 22, and 44 as amended by 2002 PA 458, section 7 as amended by 1994 PA 41, and sections 12 and 31 as amended by 2003 PA 271, and by adding sections 3a, 3b, 12a, 12b, 14a, 17b, 17c, 17d, 40a, 40b, and 43a; and to repeal acts and parts of acts.

Substitute (S-2)

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

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

**Senate Bill No. 181, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 50 and 50b (MCL 750.50 and 750.50b), as amended by 2018 PA 452.

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. 182, entitled**

A bill to amend 2012 PA 487, entitled “Wildlife deprecations indemnification act,” by amending sections 2 and 3 (MCL 285.362 and 285.363).

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.

**Announcements of Printing and Enrollment**

The Secretary announced that the following bills were printed and filed on Tuesday, October 22, and are available on the Michigan Legislature website:

**Senate Bill Nos. 594 595**

**House Bill Nos. 5133 5134 5135 5136 5137 5138**

### Committee Reports

The Committee on Environmental Quality reported

**Senate Bill No. 402, entitled**

A bill to establish the Michigan PFAS action response team and provide for its powers and duties; and to prescribe the powers and duties of certain state and local agencies and officials.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Rick Outman  
Chairperson

To Report Out:

Yeas: Senators Outman, Daley, Johnson, VanderWall, McBroom and Brinks

Nays: Senator Bayer

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Environmental Quality reported

**Senate Bill No. 403, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 60108 (MCL 324.60108), as amended by 2011 PA 167.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Rick Outman  
Chairperson

To Report Out:

Yeas: Senators Outman, Daley, Johnson, VanderWall and McBroom

Nays: Senator Bayer

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

### COMMITTEE ATTENDANCE REPORT

The Committee on Environmental Quality submitted the following:

Meeting held on Tuesday, October 22, 2019, at 1:00 p.m., Room 1200, Binsfeld Office Building

Present: Senators Outman (C), Daley, Johnson, VanderWall, McBroom, Bayer and Brinks

The Committee on Oversight reported

**House Bill No. 4444, entitled**

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 11 (MCL 15.241), as amended by 2014 PA 563.

With the recommendation that the bill pass.

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

Ed McBroom  
Chairperson

To Report Out:

Yeas: Senators McBroom, Lucido, Theis, MacDonald and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Oversight reported

**House Bill No. 4445, entitled**

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 4 (MCL 15.234), as amended by 2018 PA 523.

With the recommendation that the bill pass.

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

Ed McBroom  
Chairperson

To Report Out:

Yeas: Senators McBroom, Lucido, Theis, MacDonald and Irwin  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Oversight reported

**House Bill No. 4468, entitled**

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 5 (MCL 15.235), as amended by 2018 PA 105.

With the recommendation that the bill pass.

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

Ed McBroom  
Chairperson

To Report Out:

Yeas: Senators McBroom, Lucido, Theis, MacDonald and Irwin  
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 Tuesday, October 22, 2019, at 2:00 p.m., Room 1300, Binsfeld Office Building  
Present: Senators McBroom (C), Lucido, Theis, MacDonald and Irwin

COMMITTEE ATTENDANCE REPORT

The Committee on Regulatory Reform submitted the following:

Meeting held on Tuesday, October 22, 2019, at 3:00 p.m., Room 1200, Binsfeld Office Building  
Present: Senators Nesbitt (C), Theis, Johnson, Lauwers, Moss, Polehanki and Wojno  
Excused: Senators VanderWall and Zorn

**Scheduled Meetings**

**Advice and Consent** - Thursday, October 24, 12:00 noon, Room 1300, Binsfeld Office Building (517) 373-5312

**Appropriations -**

**Subcommittees -**

**Community Health/Human Services** - Wednesday, October 30, 1:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

**Community Health/Human Services and Health Policy and Human Services** - Thursday, October 31, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-2768

**Economic and Small Business Development** - Thursday, October 24, 12:00 noon, Room 1200, Binsfeld Office Building (517) 373-1721

**Finance** - Wednesday, October 30, 12:30 p.m., Room 1200, Binsfeld Office Building (517) 373-5312

**Health Policy and Human Services** - Thursday, October 24, 1:00 p.m., Room 1100, Binsfeld Office Building (517) 373-5323

**Health Policy and Human Services and Community Health/Human Services Appropriations Subcommittee** - Thursday, October 31, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-5323

**Judiciary and Public Safety** - Thursday, October 24, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-5312

Senator MacGregor moved that the Senate adjourn.  
The motion prevailed, the time being 11:12 a.m.

The President pro tempore, Senator Nesbitt, declared the Senate adjourned until Thursday, October 24, 2019, at 10:00 a.m.

MARGARET O'BRIEN  
Secretary of the Senate