

No. 4
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2019

Senate Chamber, Lansing, Wednesday, January 16, 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—excused
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

Pastor Chris Beard of First Baptist Church of Williamston offered the following invocation:

Lord, I believe You. Lord, I thank You that You've allowed us to come here today. Lord, we're unworthy and God, we realize that every good thing comes from You and Your graces. Lord, we are undeserving of Your mercy and Your favor. God, we pray for wisdom today as decisions are being made to help in the ruling and guiding of this nation and this state. We pray that, God, You would grant these ladies and gentlemen wisdom as they're carrying out the business and making decisions.

O, we can do nothing without You and we need You and we pray for Your help. In Jesus' name. Amen.

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

Motions and Communications

Senator Ananich entered the Senate Chamber.

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

Senator Chang moved that Senator Irwin be temporarily excused from today's session.
The motion prevailed.

By unanimous consent the Senate proceeded to the order of
Resolutions

Senator MacGregor moved that rule 3.204 be suspended to permit immediate consideration of the following resolutions:

Senate Resolution No. 3

Senate Resolution No. 4

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

Senator Hertel offered the following resolution:

Senate Resolution No. 3.

A resolution recognizing January 2019 as "Local School Board Recognition Month".

Whereas, Michigan is home to more than 600 Boards of Education that work hard to enrich the lives of Michigan's students through education and directly influence instruction in Michigan's public schools; and,

Whereas, Article VII, Section 2, of the Michigan Constitution of 1963 states that providing for the education of Michigan's children is a fundamental duty of state government; and

Whereas, Our state's public education system is designed to meet the educational needs of all children and to empower them to become competent, productive contributors to society and in an ever-changing world; and

Whereas, Members of local school boards are dedicated to children, learning, community, and devote many hours of service to elementary and secondary public education as they continually strive for improvement, excellence, and progress in education; and

Whereas, Local school boards recognize that all children can be successful learners, especially when education is tailored to individual needs of the child; and

Whereas, Members of local school boards are exceptional people who have committed themselves to this duty by governing school districts and advancing student achievement in the schools and communities in which they serve; and

Whereas, During this month, we join the Michigan Association of School Boards, Michigan Department of Education, local school districts and community organizations to recognize and raise awareness of the countless efforts and contributions of local school boards and school board members throughout Michigan; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize January 2019 as "Local School Board Recognition Month"; and be it further

Resolved, That we urge all citizens to observe this momentous occasion.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Hollier, Alexander, Polehanki, Moss, Ananich, McMorrow, Bullock, MacDonald, Wojno, Lucido, Santana and Brinks were named co-sponsors of the resolution.

Senator Shirkey offered the following resolution:

Senate Resolution No. 4.

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 2.103 of the Standing Rules of the Senate be hereby amended to read as follows:

2.103 STANDING COMMITTEES

The standing committees of the Senate shall be:

Advise and Consent (5 members)

Agriculture (5 members)

Appropriations (18 members)

Economic and Small Business Development (9 members)

Education and Career Readiness (7 members)

Elections (5 members)

Energy and Technology (10 members)

Environmental Quality (6 7 members)

Families, Seniors, and Veterans (7 members)

Finance (7 members)

Government Operations (5 members)

Health Policy and Human Services (10 members)

Insurance and Banking (10 members)

Judiciary and Public Safety (7 members)

Local Government (5 members)

Natural Resources (5 members)

Oversight (5 members)

Regulatory Reform (9 members)

Transportation and Infrastructure (9 members)

Statutory standing committees:

Administrative Rules (5 members) (see MCL 24.235)

Legislative Council (6 members and 3 alternates) (see MCL 4.1103)

Legislative Retirement Board of Trustees (2 members) (see MCL 38.1026)

Library of Michigan Board of Trustees (1 Member) (See MCL 397.17)

Michigan Commission on Uniform State Laws (2 Members) (See MCL 4.1301)

Michigan Council on Future Mobility (2 Members) (See MCL 257.665)

Michigan Law Revision Commission (2 Members) (See MCL 4.1401)

Senate Fiscal Agency Board of Governors (5 Members) (See MCL 4.1501).

The question being on the adoption of the resolution,

The resolution was adopted, a majority of the members serving voting therefor.

Senators Hollier, Alexander, Polehanki, Ananich, Runestad, McMorro, Bullock, MacDonald, Lucido and MacGregor were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators Polehanki, Bayer, McMorro, Brinks, McCann and Geiss introduced

Senate Joint Resolution C, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 11 of article IX, to revise the permissible uses for the state school aid fund.

The joint resolution was read a first and second time by title and referred to the Committee on Appropriations.

Senator Lucido introduced

Senate Bill No. 27, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for

the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 2018 PA 471, and by adding section 10f.

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

Senator Lucido introduced

Senate Bill No. 28, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 2018 PA 471, and by adding section 10i.

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

Senator Lucido introduced

Senate Bill No. 29, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 136b (MCL 750.136b), as amended by 2016 PA 488.

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. 30, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2018 PA 374.

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

Senator Victory introduced

Senate Bill No. 31, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 2001, 72302, 74101, 74116, 74117, 74120, 74122, 78101, 78105, and 83106 (MCL 324.2001, 324.72302, 324.74101, 324.74116, 324.74117, 324.74120, 324.74122, 324.78101, 324.78105, and 324.83106), section 2001 as amended by 2010 PA 32, section 72302 as added by 1995 PA 58, sections 74101 and 74122 as amended by 2010 PA 33, section 74116 as amended by 2016 PA 1, sections 74117, 74120, and 78105 as amended by 2013 PA 81, section 78101 as amended by 2010 PA 302, and section 83106 as amended by 2010 PA 34; 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 Natural Resources.

Senator Victory introduced

Senate Bill No. 32, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 805 (MCL 257.805), as amended by 2013 PA 82.

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

Senator Irwin entered the Senate Chamber.

Senator Victory introduced

Senate Bill No. 33, entitled

A bill to amend 1964 PA 170, entitled “An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts,” by amending section 2 (MCL 691.1402), as amended by 2012 PA 50.

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

Senator Victory introduced

Senate Bill No. 34, 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 21 (MCL 224.21), as amended by 1996 PA 23.

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

Senator VanderWall introduced

Senate Bill No. 35, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 43537a.

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

Senator VanderWall introduced

Senate Bill No. 36, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 43527a (MCL 324.43527a), as added by 2013 PA 108.

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

Senator VanderWall introduced

Senate Bill No. 37, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 40102 and 40111a (MCL 324.40102 and 324.40111a), section 40102 as amended by 2015 PA 24 and section 40111a as amended by 2015 PA 265.

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

Senator VanderWall introduced

Senate Bill No. 38, entitled

A bill to amend 1972 PA 239, entitled “McCauley-Traxler-Law-Bowman-McNeely lottery act,” by amending section 25 (MCL 432.25), as amended by 1998 PA 465.

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

Senator McBroom introduced

Senate Bill No. 39, entitled

A bill to amend 1973 PA 186, entitled “Tax tribunal act,” by amending section 3 (MCL 205.703), as amended by 2008 PA 125, and by adding section 38.

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

Announcements of Printing and Enrollment

The Secretary announced that the following bills, joint resolutions, and resolution were printed and filed on Tuesday, January 15, and are available on the Michigan Legislature website:

Senate Bill Nos.	1	2	3	4	5	6	7	8	9	10	11	12	13
	14	15	16	17	18	19	20	21	22	23	24	25	26
Senate Joint Resolutions	A		B										
Senate Resolution No.	2												
House Bill Nos.	4033	4034	4035	4036	4037	4038	4039	4040	4041	4042	4043	4044	4045
	4046												
House Joint Resolution	A												

Senator MacGregor moved that the Senate adjourn.

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

The President pro tempore, Senator Nesbitt, declared the Senate adjourned until Thursday, January 17, 2019, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate