

No. 28
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2019

Senate Chamber, Lansing, Tuesday, March 19, 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—excused
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—excused
Shirkey—present
Stamas—present
Theis—present
VanderWall—present
Victory—present
Wojno—present
Zorn—excused

Senator Sylvia Santana of the 3rd District offered the following invocation:

Dear heavenly Father, we humbly thank You for allowing us to convene in this Senate Chamber today. We pray, Lord God, for unity—unity for the people who we represent, unity for us in this body who represent ten million people across the state of Michigan. We pray, Lord God, for progress—progress for those who are poor and who are suffering, Lord God. We pray that the decisions that we make will help them, to uplift them and, Lord God, for those of us who do have the means to do more, Lord God, we pray that You will help us to have a giving heart and a giving spirit.

We pray, Lord God, for understanding—understanding for all of us who pray to You, Lord God, no matter what or how we pray, what our religious beliefs are. We pray, Lord God, that You give us understanding, Lord, so that we can continue to move forward and serve You.

Father, thank You so much for having this opportunity. I pray, dear heavenly Father, that every decision we make in this Capitol, that it be for the benefit of the people who You have given us the ability to lead. Thank You, Lord God, for this Senate. Thank You for each and every member here, Lord God, let their families be blessed while they serve the people.

Amen.

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

Motions and Communications

Senator Lauwers moved that Senators Schmidt and Zorn be excused from today’s session. The motion prevailed.

Senator Chang moved that Senator Bayer be excused from today’s session. The motion prevailed.

The following communications were received and read:
Office of the Auditor General

March 13, 2019

Enclosed is a copy of the following report:

- Follow-up report on the performance audit of Oversight of Health Professions, Bureau of Health Care Services, Department of Licensing and Regulatory Affairs (641-0430-14F).

March 14, 2019

Enclosed is a copy of the following report:

- Performance audit report on the Automobile Theft Prevention Authority, Michigan Department of State Police (551-0108-18).

Sincerely,
Doug Ringle
Auditor General

The audit reports were referred to the Committee on Oversight.

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

January 4, 2019

In accordance with the requirements 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 Office of Regulatory Reinvention filed Administrative Rule #2018-020-LR (Secretary of State Filing #19-01-11) on this date at 3:36 p.m. for the Department of Licensing and Regulatory Affairs entitled, “Pharmacy - Controlled Substances.”

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 4, 2019

In accordance with the requirements 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 Office of Regulatory Reinvention filed Administrative Rule #2017-019-LR (Secretary of State Filing #19-01-12) on this date at 3:36 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Veterinary Medicine - General Rules."

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 4, 2019

In accordance with the requirements 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 Office of Regulatory Reinvention filed Administrative Rule #2017-020-LR (Secretary of State Filing #19-01-13) on this date at 3:36 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Veterinary Technician Licensure."

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 4, 2019

In accordance with the requirements 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 Office of Regulatory Reinvention filed Administrative Rule #2017-001-LR (Secretary of State Filing #19-01-14) on this date at 3:36 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Construction Code - Part 8. Electrical Code."

These rules take effect 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 4, 2019

In accordance with the requirements 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 Office of Regulatory Reinvention filed Administrative Rule #2017-087-LR (Secretary of State Filing #19-01-15) on this date at 3:36 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Residential Builders and Maintenance and Alteration Contractors."

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 7, 2019

In accordance with the requirements 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 Office of Regulatory Reinvention filed Administrative Rule #2018-015-LR (Secretary of State Filing #19-01-16) on this date at 3:59 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Audiology - General Rules."

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 7, 2019

In accordance with the requirements 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 Office of Regulatory Reinvention filed Administrative Rule #2018-016-LR (Secretary of State Filing #19-01-17) on this date at 3:58 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Chiropractic - General Rules."

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 7, 2019

In accordance with the requirements 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 Office of Regulatory Reinvention filed Administrative Rule #2018-019-LR (Secretary of State Filing #19-01-18) on this date at 3:58 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Behavior Analysts - General Rules."

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 7, 2019

In accordance with the requirements 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 Office of Regulatory Reinvention filed Administrative Rule #2018-024-LR (Secretary of State Filing #19-01-19) on this date at 3:58 p.m. for the Department of Licensing and Regulatory Affairs entitled, "General Rules - Public Health Code."

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,
Jocelyn Benson
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The following communications were received:
Office of Senator Paul Wojno

March 14, 2019

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bill 14 which was introduced on January 15, 2019, by Senator Brinks and is currently in the Senate Environmental Quality Committee.

March 14, 2019

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bill 41 which was introduced on January 22, 2019, by Senator Santana and is currently in the Senate Education and Career Readiness Committee.

Sincerely,
Paul Wojno
State Senator
9th District

The communications were referred to the Secretary for record.

Recess

Senator Lauwers moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:05 a.m.

10:54 a.m.

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

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Nesbitt offered the following resolution:

Senate Resolution No. 27.

A resolution to reject the extreme anti-life policies contained in New York’s Reproductive Health Act, to support President Trump’s call for an end to late-term abortions, and to encourage the U.S. Congress to pass the Born-Alive Abortion Survivors Protection Act.

Whereas, The New York State Legislature passed and New York Governor Andrew M. Cuomo signed into law the Reproductive Health Act on January 22, 2019. This law will allow abortions to occur virtually up to the time of natural birth and allow non-physicians to perform abortions; and

Whereas, This barbaric expansion of late-term abortions flies in the face of modern science and the basic demands of human decency. Thanks to advances in medicine, children may survive and thrive outside of the womb at earlier and earlier stages of pregnancy. It is unconscionable to reject these advances and deny the most vulnerable in our society a chance at life. It is further unconscionable that an insufficient number of United States Senators believe that babies who survive an abortion attempt should not be provided the utmost care and protection; and

Whereas, The state of Michigan has a long and unbroken history of protecting unborn children from abortion, with a law prohibiting abortion in place since 1846. The people of Michigan affirmed the prohibition of abortion in a 1972 statewide initiative vote rejecting a proposal to legalize abortion through 20 weeks of pregnancy. Since the *Roe v Wade* decision, Michigan has continued to protect unborn children within the limits of federal law; and

Whereas, New York's law represents a dramatic step backwards in the commitment to life. Every person regardless of age has an unalienable right to life. As a compassionate and caring society, we must embrace life, not celebrate the ending of it, and ensure the protection of unborn children as well as those who survive abortion; and

Whereas, Given laws like New York's, it is more important now than ever before to join President Trump in asking Congress to ban horrific late-term abortions and to strengthen protections for abortion survivors; now, therefore, be it

Resolved by the Senate, That we reject the extreme anti-life policies contained in New York's Reproductive Health Act, support President Trump's call for a federal ban on late-term abortions, and encourage the Congress of the United States to pass the Born-Alive Abortion Survivors Protection Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Lauwers 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 resolution,

Senator Lauwers moved that the resolution be referred to the Committee on Health Policy and Human Services.

The motion prevailed

Senators Barrett, Bizon, Bumstead, LaSata, Lucido, MacGregor and VanderWall were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators MacGregor and Schmidt introduced

Senate Bill No. 227, entitled

A bill to amend 1954 PA 188, entitled "An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds," by amending section 2 (MCL 41.722), as amended by 2002 PA 585.

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

Senators Runestad, Wojno, Lucido, Irwin, MacDonald, Johnson and Hollier introduced

Senate Bill No. 228, entitled

A bill to create a suicide prevention commission within the legislative council and to prescribe its powers and duties; and to prescribe the powers and duties of certain state officers and entities.

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

Senators Barrett, LaSata, Nesbitt, Victory, Bumstead, Daley, Horn, Stamas, MacDonald, Theis, Outman, McBroom, Lauwers, Lucido, Zorn, Bizon, Runestad, VanderWall and MacGregor introduced

Senate Bill No. 229, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 90h (MCL 750.90h), as added by 2011 PA 168.

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

Senators LaSata, Barrett, Nesbitt, Victory, Bumstead, Daley, Horn, Stamas, MacDonald, Theis, Outman, McBroom, Lauwers, Lucido, Zorn, Bizon, Runestad, VanderWall and MacGregor introduced

Senate Bill No. 230, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2016 PA 88.

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

Senators Runestad and Barrett introduced

Senate Bill No. 231, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 1910 (MCL 600.1910), as amended by 1994 PA 403.

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

Senator Runestad introduced

Senate Bill No. 232, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 3801, 3810, 3815, and 3825 (MCL 600.3801, 600.3810, 600.3815, and 600.3825), sections 3801, 3810, and 3825 as amended by 2014 PA 387 and section 3815 as amended by 2015 PA 153.

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

Announcements of Printing and Enrollment

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, March 14, for her approval the following bill:

Enrolled Senate Bill No. 87 at 10:55 a.m.

The Secretary announced that the following bills and resolutions were printed and filed on Thursday, March 14, and are available on the Michigan Legislature website:

Senate Bill Nos.	207	208	209	210	211	212	213	214	215	216	217	218	219
	220	221	222	223	224	225	226						
Senate Concurrent Resolution No.				6									
Senate Resolution Nos.		24	25	26									
House Bill Nos.	4363	4364	4365	4366	4367	4368	4369	4370	4371	4372	4373	4374	4375
	4376	4377	4378	4379	4380	4381	4382	4383	4384	4385			

Committee Reports

The Committee on Judiciary and Public Safety reported

Senate Bill No. 203, entitled

A bill to amend 2016 PA 281, entitled “Medical marihuana facilities licensing act,” by amending section 102 (MCL 333.27102), as amended by 2018 PA 648.

With the recommendation that the bill pass.

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

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Runestad, Chang and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary and Public Safety submitted the following:

Meeting held on Thursday, March 14, 2019, at 8:30 a.m., Room 1100, Binsfeld Office Building

Present: Senators Lucido (C), VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

The Committee on Health Policy and Human Services reported

Senate Bill No. 127, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 7303a (MCL 333.7303a), as amended by 2018 PA 101.

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.

Curtis S. VanderWall
Chairperson

To Report Out:

Yeas: Senators VanderWall, Bizon, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel and Wojno
Nays: None

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

The Committee on Health Policy and Human Services reported

Senate Bill No. 128, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7104 (MCL 333.7104), as amended by 2001 PA 233.

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.

Curtis S. VanderWall
Chairperson

To Report Out:

Yeas: Senators VanderWall, Bizon, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel and Wojno
Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy and Human Services submitted the following:

Meeting held on Thursday, March 14, 2019, at 1:00 p.m., Room 1100, Binsfeld Office Building

Present: Senators VanderWall (C), Bizon, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel and Wojno

Excused: Senator Santana

COMMITTEE ATTENDANCE REPORT

The Committee on Advice and Consent submitted the following:

Meeting held on Thursday, March 14, 2019, at 12:00 noon, Room 1300, Binsfeld Office Building

Present: Senators Lucido (C), LaSata, Nesbitt, McBroom and Hertel

COMMITTEE ATTENDANCE REPORT

The Committee on Local Government submitted the following:

Meeting held on Thursday, March 14, 2019, at 12:00 noon, Room 1200, Binsfeld Office Building

Present: Senators Zorn (C), Johnson, Daley, Alexander and Moss

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Health/Human Services submitted the following:

Meeting held on Thursday, March 14, 2019, at 1:30 p.m., Room 1200, Binsfeld Office Building

Present: Senators MacGregor (C), Bizon, Schmidt, LaSata, MacDonald, Barrett, Hertel and Irwin

Excused: Senator Santana

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Justice and Public Safety submitted the following:

Meeting held on Thursday, March 14, 2019, at 1:30 p.m., Room 1300, Binsfeld Office Building

Present: Senators Barrett (C), Runestad and Hollier

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture and Rural Development submitted the following:
Meeting held on Thursday, March 14, 2019, at 3:00 p.m., Room 1300, Binsfeld Office Building
Present: Senators Victory (C), Daley and McCann

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Universities and Community Colleges submitted the following:
Meeting held on Thursday, March 14, 2019, at 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building
Present: Senators LaSata (C), Horn, Bizon, MacDonald, Zorn, Irwin and Hertel

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Natural Resources and Environmental Quality submitted the following:
Meeting held on Tuesday, March 19, 2019, at 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Bumstead (C), Outman, Victory and McCann
Excused: Senator Bayer

Scheduled Meetings

Appropriations - Wednesday, March 20, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5307

Subcommittees -

Agriculture and Rural Development - Thursday, March 21, 3:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

Community Health/Human Services - Wednesday, March 20, 12:00 noon, Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building; and Thursday, March 21, 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-2768

General Government - Wednesdays, March 20, April 10, and April 17, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Justice and Public Safety - Thursday, March 21, 1:30 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

Talent and Economic Development/MEDC - Tuesdays, April 9, and April 16, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Universities and Community Colleges - Thursday, March 21, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Insurance and Banking - Wednesday, March 20, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-5314

Natural Resources - Wednesday, March 20, 8:30 a.m., Room 1300, Binsfeld Office Building (517) 373-5312

Transportation and Infrastructure - Wednesday, March 20, 10:30 a.m. or later immediately following session, Room 1100, Binsfeld Office Building (517) 373-5323

Senator Lauwers moved that the Senate adjourn.
The motion prevailed, the time being 10:58 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Wednesday, March 20, 2019, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate