

No. 38
STATE OF MICHIGAN
Journal of the Senate
101st Legislature
REGULAR SESSION OF 2021

Senate Chamber, Lansing, Tuesday, May 4, 2021.

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

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 Sean McCann of the 20th District offered the following invocation:

Let us know peace. For as long as the moon shall rise, for as long as the rivers shall flow, for as long as the sun shall shine, for as long as the grass shall grow. Let us know peace.

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

Senator Schmidt entered the Senate Chamber.

Motions and Communications

Senator Santana entered the Senate Chamber.

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

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

Senator Lauwers moved that Senators LaSata and Zorn be temporarily excused from today's session. The motion prevailed.

Senator Lauwers moved that Senators McBroom and Nesbitt be excused from today's session. The motion prevailed.

Senator Geiss entered the Senate Chamber.

Senator Lauwers 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. 400

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

Messages from the Governor

The following message from the Governor was received and read:

April 30, 2021

I respectfully submit to the Senate the following appointment to office pursuant to Executive Order No. 2002-06, MCL 256.571:

Governor's Traffic Safety Advisory Commission

Mr. William A. Miller, III of 31621 Lamar Drive, Farmington, Michigan 48336, county of Oakland, succeeding Hank Kelley whose term expires May 27, 2021, appointed to represent local units of government, for a term commencing May 28, 2021 and expiring May 27, 2024.

Respectfully,
Gretchen Whitmer
Governor

The appointment was referred to the Committee on Advice and Consent.

Senator LaSata entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Messages from the House

Senator Ananich entered the Senate Chamber.

Senate Bill No. 118, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 163 (MCL 388.1763), as amended by 2020 PA 165.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Lauwers 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, Lieutenant Governor Gilchrist, designated Senator Barrett as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Gilchrist, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 116, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 1108 (MCL 339.1108), as amended by 2014 PA 136.

Senate Bill No. 354, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2444 (MCL 333.2444).

Senate Bill No. 400, entitled

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties," by amending section 1d (MCL 780.621d), as added by 2020 PA 190.

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. 128, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 14 (MCL 257.14), as amended by 2012 PA 498.

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. 353, entitled

A bill to amend 2000 PA 92, entitled "Food law," by amending sections 3119, 4111, and 4115 (MCL 289.3119, 289.4111, and 289.4115), section 3119 as amended by 2018 PA 92 and section 4111 as amended by 2016 PA 188.

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.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senate Concurrent Resolution No. 15.

A concurrent resolution of tribute offered as a memorial for Tom Casperson, former member of the House of Representatives and the Senate.

(For text of resolution, see Senate Journal No. 37, p. 568.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Theis introduced

Senate Bill No. 407, entitled

A bill to amend 1897 PA 230, entitled “An act to provide for the formation of corporations for the purpose of owning, maintaining and improving lands and other property kept for the purposes of summer resorts or for ornament, recreation or amusement, and to repeal all laws or parts of laws in conflict herewith; and to impose certain duties on the department of commerce,” by amending the title and section 10 (MCL 455.10), the title as amended by 1982 PA 117.

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

Senators Victory and Runestad introduced

Senate Bill No. 408, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 309a.

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

Senators Johnson, Runestad, Santana, Bullock, LaSata, MacDonald and Wojno introduced

Senate Bill No. 409, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 320a, 602b, 602c, and 732 (MCL 257.320a, 257.602b, 257.602c, and 257.732), section 320a as amended by 2018 PA 349, section 602b as amended by 2016 PA 332, section 602c as added by 2012 PA 592, and section 732 as amended by 2017 PA 160.

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

Senators Theis, LaSata, Barrett, Victory, Daley and Zorn introduced

Senate Bill No. 410, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 105c (MCL 388.1705c), as amended by 2020 PA 165.

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

Senator Zorn entered the Senate Chamber.

Senators LaSata, Theis, Barrett, Victory, Daley and Zorn introduced

Senate Bill No. 411, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1724a (MCL 380.1724a), as amended by 2004 PA 415.

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

Senators Hertel, Bullock, Wojno, Santana, Chang, Geiss, Bizon, MacDonald, Irwin, LaSata, Ananich and Schmidt introduced

Senate Bill No. 412, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 109h (MCL 400.109h), as added by 2004 PA 248.

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

Senators Alexander, Wojno, McCann, Geiss, Moss, Bullock, Chang and Polehanki introduced
Senate Bill No. 413, entitled

A bill to amend 1972 PA 348, entitled “An act to regulate relationships between landlords and tenants relative to rental agreements for rental units; to regulate the payment, repayment, use and investment of security deposits; to provide for commencement and termination inventories of rental units; to provide for termination arrangements relative to rental units; to provide for legal remedies; and to provide penalties,” (MCL 554.601 to 554.616) by adding section 1c.

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

Senators Alexander, Wojno, McCann, Geiss, Moss, Bullock, Chang and Polehanki introduced
Senate Bill No. 414, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1164.

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

Senators Alexander, Wojno, McCann, Geiss, Moss, Bullock and Polehanki introduced
Senate Bill No. 415, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 3 (MCL 722.623), as amended by 2016 PA 35.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors, and Veterans.

House Bill No. 4089, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 7212 (MCL 333.7212), as amended by 2013 PA 268.

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 and Public Safety.

House Bill No. 4138, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 82113 (MCL 324.82113), as amended by 1998 PA 297.

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 and Public Safety.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, April 29:
House Bill Nos. 4089 4138

The Secretary announced the enrollment printing and presentation to the Governor on Monday, May 3, for her approval the following bills:

Enrolled Senate Bill No. 46 at 9:08 a.m.

The Secretary announced that the following bills and resolutions were printed and filed on Thursday, April 29, and are available on the Michigan Legislature website:

Senate Bill Nos. 404 405 406

Senate Concurrent Resolution No. 15

Senate Resolution Nos. 44 45 46

**House Bill Nos. 4728 4729 4730 4731 4732 4733 4734 4735 4736 4737 4738 4739 4740
 4741 4742 4743 4744 4745 4746 4747 4748 4749 4750 4751 4752 4753
 4754 4755 4756 4757 4758 4759 4760 4761 4762**

Committee Reports

The Committee on Judiciary and Public Safety reported

Senate Bill No. 400, entitled

A bill to amend 1965 PA 213, entitled “An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties,” by amending section 1d (MCL 780.621d), as added by 2020 PA 190.

With the recommendation that the bill pass.

Roger Victory
Chairperson

To Report Out:

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

Nays: Senator Johnson

The bill was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

House Bill No. 4219, entitled

A bill to amend 1965 PA 213, entitled “An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties,” by amending section 1 (MCL 780.621) as amended by 2020 PA 191.

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

Roger Victory
Chairperson

To Report Out:

Yeas: Senators Victory, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

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

The Committee on Judiciary and Public Safety reported

House Bill No. 4220, entitled

A bill to amend 1965 PA 213, entitled “An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties,” by amending section 1c (MCL 780.621c), as added by 2020 PA 187.

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

Roger Victory
Chairperson

To Report Out:

Yeas: Senators Victory, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

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

The Committee on Judiciary and Public Safety reported

House Bill No. 4308, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 625, 625a, 625g, and 625m (MCL 257.625, 257.625a, 257.625g, and 257.625m), section 625 as amended by 2020 PA 383 and sections 625a, 625g, and 625m as amended by 2017 PA 153.

With the recommendation that the bill pass.

Roger Victory
Chairperson

To Report Out:

Yeas: Senators Victory, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

House Bill No. 4309, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 33 and 48 of chapter XVII (MCL 777.33 and 777.48), as amended by 2017 PA 152.

With the recommendation that the bill pass.

Roger Victory
Chairperson

To Report Out:

Yeas: Senators Victory, VanderWall, Barrett, Johnson, 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, April 29, 2021, at 8:30 a.m., Room 403, 4th Floor, Capitol Building

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

The Committee on Local Government reported

Senate Bill No. 242, entitled

A bill to amend 1966 PA 261, entitled “An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 10 and 12 (MCL 46.410 and 46.412), section 12 as amended by 2013 PA 84.

With the recommendation that the bill pass.

Dale W. Zorn
Chairperson

To Report Out:

Yeas: Senators Zorn, Johnson, Daley, Alexander and Moss

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local Government reported

Senate Bill No. 245, entitled

A bill to amend 1966 PA 293, entitled “An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies,” by amending section 14 (MCL 45.514), as amended by 2017 PA 210.

With the recommendation that the bill pass.

Dale W. Zorn
Chairperson

To Report Out:

Yeas: Senators Zorn, Johnson, Daley, Alexander and Moss

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Local Government submitted the following:

Meeting held on Thursday, April 29, 2021, at 2:00 p.m., Room 403, 4th Floor, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Advice and Consent submitted the following:

Meeting held on Thursday, April 29, 2021, at 12:00 noon, Room 1100, Binsfeld Office Building

Present: Senators Nesbitt (C), Bumstead, McBroom and Hertel

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Thursday, April 29, 2021, at 1:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Lauwers (C), Horn, Barrett, Bizon, Schmidt, McCann, McMorrow and Bullock

Excused: Senators LaSata, Nesbitt, Bumstead and Brinks

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, April 29, 2021, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

Excused: Senators Hertel and Santana

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture submitted the following:

Meeting held on Thursday, April 29, 2021, at 3:30 p.m., Room 1100, Binsfeld Office Building

Present: Senators Daley (C), Victory, Lauwers and Brinks

Excused: Senator Polehanki

Scheduled Meetings

Appropriations – Wednesday, May 5, and Thursday, May 6, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-5307

Elections – Wednesday, May 5, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5323

Senator Lauwers moved that the Senate adjourn.

The motion prevailed, the time being 10:18 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Wednesday, May 5, 2021, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate