

No. 43
STATE OF MICHIGAN
Journal of the Senate
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REGULAR SESSION OF 2018

Senate Chamber, Lansing, Wednesday, May 2, 2018.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Margaret E. O'Brien.

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

Ananich—present
Bieda—present
Booher—present
Brandenburg—present
Casperson—present
Colbeck—present
Conyers—present
Emmons—present
Green—present
Gregory—present
Hansen—present
Hertel—present
Hildenbrand—present

Hood—present
Hopgood—present
Horn—present
Hune—present
Jones—present
Knezek—present
Knollenberg—present
Kowall—present
MacGregor—present
Marleau—present
Meekhof—present
Nofs—present

O'Brien—present
Pavlov—present
Proos—present
Robertson—present
Rocca—present
Schmidt—present
Schuitmaker—present
Shirkey—present
Stamas—present
Warren—present
Young—present
Zorn—present

Pastor Bob Derheim of New Life Assembly of God of Escanaba offered the following invocation:

Heavenly Father, we honor You this morning. We acknowledge You, Your greatness, Your purposes, and Your creation. We know You have a plan and a purpose for all that You have created. So we're going to ask You for wisdom for all of these that make these laws and deal with issues, that they would have Your wisdom and Your understanding to go forward.

Each one of us that works in this area, each one of us is concerned about this state, Lord. We want Your help. We want You to forgive us for the many years that we've believed a lie that says it doesn't matter what you're like as long as you have talents and abilities. We've seen, Lord, the destruction of that policy. We've seen a lot of scandalous stuff, we've seen our nation taking wrong turns by people who are unethical, and it seems to be constant.

Sometimes we feel like the Prophet Elijah when he thought everybody, except him, was going down the wrong road, and he prayed, "Lord, take my life too." But You said, "No, I've got many who have not bowed their knee to greed or to finances or to special interests, who want to do the right thing." Be encouraged.

I believe, Lord, there are many in this room who want to do what is right. They're not influenced by the powers that drag us the wrong directions. I ask You, Lord, to help them to stand up and be counted for You. We'll not make all our decisions just what our caucus says, but what the word of God says. We'll not be influenced more by people or things or selfishness than we will be by pleasing You. So bless this session, Lord, bless these our legislators. We do love You, Lord. We thank You that You love us.

In Your precious name, Jesus, we pray this. Amen.

The Assistant President pro tempore, Senator O'Brien, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senators Green, Ananich and Hertel entered the Senate Chamber.

Senator Kowall moved that Senators Knollenberg and Pavlov be temporarily excused from today's session. The motion prevailed.

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

April 24, 2018

Enclosed is a copy of the following report:

- Follow-up report of the State Surplus, Logistics and Operations Support Division, Office of Support Services, DTMB (071-0139-14F).

Sincerely,
Doug Ringler
Auditor General

The audit report was referred to the Committee on Government Operations.

The following communication was received:
Office of the Attorney General

April 30, 2018

Pursuant to MCL 752.974(i), attached please find the Michigan Human Trafficking Commission's 2017 Report to the Governor and Legislature.

I am pleased with the progress the Commission has made over the last year, and I am committed to continuing to work with the Commission to eradicate this form of modern-day slavery.

Please do not hesitate to contact me if you have any questions.

Sincerely,
Bill Schuette
Attorney General

The communication was referred to the Secretary for record.

The following communication was received:
Office of Senator Hoon-Yung Hopgood

May 1, 2018

I would like to provide you with my voting intentions for Thursday, April 26, 2018. If I had been present I would have voted "Aye" for Roll Call Numbers 232, 233, 234, 235, 236, 237, 238, and 239.

Thank you.

The communication was referred to the Secretary for record.

The following communication was received:
Office of Senator Ken Horn

May 1, 2018

I respectfully request that I be added as a co-sponsor of Senate Bill 969, introduced by Senator Rick Jones. Please take steps to formally process my addition as soon as possible.

Thank you for your assistance in this matter.

Sincerely,
Ken Horn
State Senator
32nd District

The communication was referred to the Secretary for record.

Senators Knollenberg and Pavlov entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of
General Orders

Senator Kowall moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the Assistant President pro tempore, Senator O'Brien, designated Senator Stamas as Chairperson.

After some time spent therein, the Committee arose; and the Assistant President pro tempore, Senator O'Brien, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 5259, entitled

A bill to amend 2016 PA 345, entitled "Limousine, taxicab, and transportation network company act," by amending section 11 (MCL 257.2111).

The bill was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of
Messages from the House

Senator Kowall moved that consideration of the following bills be postponed for today:

Senate Bill No. 35

Senate Bill No. 551

The motion prevailed.

Senate Bill No. 297, entitled

A bill to amend 2016 PA 407, entitled "Skilled trades regulation act," by amending sections 201, 701, 713, and 731 (MCL 339.5201, 339.5701, 339.5713, and 339.5731).

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.

Senate Bill No. 815, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2017 PA 238.

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.

Third Reading of Bills

Senator Kowall moved that the following bills be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 845

Senate Bill No. 916

House Bill No. 4667

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 845, entitled

A bill to amend 1976 PA 223, entitled “An act to create an agency concerned with crime victim services; to prescribe its powers and duties; to provide compensation to certain victims of crimes; to provide for the promulgation of rules; and to provide for penalties,” by amending section 10 (MCL 18.360), as amended by 2008 PA 390.

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. 243

Yeas—37

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey
Colbeck	Horn	Nofs	Stamas
Conyers	Hune	O’Brien	Warren
Emmons	Jones	Pavlov	Young
Green	Knezek	Proos	Zorn
Gregory			

Nays—0

Excused—0

Not Voting—0

In The Chair: O’Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 916, entitled

A bill to amend 1917 PA 350, entitled “An act to regulate and license second hand dealers and junk dealers; and to prescribe penalties for the violation of the provisions of this act,” by amending sections 1, 2, 3, 4, and 5 (MCL 445.401, 445.402, 445.403, 445.404, and 445.405), sections 1 and 2 as amended by 2008 PA 432, section 3 as amended by 2006 PA 675, and sections 4 and 5 as amended by 2008 PA 428.

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. 244**Yeas—34**

Ananich
Bieda
Booher
Brandenburg
Casperson
Conyers
Emmons
Green
Gregory

Hansen
Hertel
Hildenbrand
Hood
Hopgood
Horn
Hune
Jones
Knezek

Knollenberg
Kowall
MacGregor
Marleau
Meekhof
Nofs
O'Brien
Pavlov

Proos
Robertson
Rocca
Schmidt
Stamas
Warren
Young
Zorn

Nays—3

Colbeck

Schuitmaker

Shirkey

Excused—0**Not Voting—0**

In The Chair: O'Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4667, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 303 (MCL 436.1303).

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. 245**Yeas—37**

Ananich
Bieda
Booher
Brandenburg
Casperson
Colbeck
Conyers
Emmons
Green
Gregory

Hansen
Hertel
Hildenbrand
Hood
Hopgood
Horn
Hune
Jones
Knezek

Knollenberg
Kowall
MacGregor
Marleau
Meekhof
Nofs
O'Brien
Pavlov
Proos

Robertson
Rocca
Schmidt
Schuitmaker
Shirkey
Stamas
Warren
Young
Zorn

Nays—0**Excused—0****Not Voting—0**

In The Chair: O'Brien

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Concurrent Resolution No. 10

Senate Resolution No. 30

Senate Resolution No. 105

Senate Concurrent Resolution No. 20

Senate Concurrent Resolution No. 21

Senate Resolution No. 153

The motion prevailed.

Senators Hopgood, Hood, Gregory, Knezek, Young, Hertel, Bieda, Ananich, Warren, Kowall and Knollenberg offered the following resolution:

Senate Resolution No. 162.

A resolution recognizing May 2018 as Asian Pacific American Heritage Month.

Whereas, Michigan is fortunate to be home to more than 300,000 residents of Asian and Pacific Island descent; and

Whereas, Asian Pacific Americans comprise one of the fastest growing populations in both the state and the nation. In fact, it is the largest growing population in Michigan according to the 2010 U.S. Census; and

Whereas, The Asian and Pacific Island regions are tremendously diverse with more than thirty countries, sixteen major ethnic groups, nine languages, and numerous belief systems bringing their culture to Michigan; and

Whereas, Citizens of Asian and Pacific Island descent, in each generation—from the laborers who connected our coasts one-and-a-half centuries ago, to the patriots who fought overseas while their families were interned at home—these patriotic Americans have enhanced our culture, quality of life, and economic vitality through leadership, commitments to knowledge and advancement, and dedication to their communities; and

Whereas, The state of Michigan and the United States of America have been enriched by the contributions of Asian Pacific Americans in all facets of life, including the arts, sciences, business, education, and philanthropy. Michigan has recognized the contribution Asian Pacific Americans and other immigrants make to our economy with the establishment of the Michigan Office for New Americans; and

Whereas, The culture and contributions of our Asian and Pacific Island residents will continue to grow in significance as more Asian Pacific Americans choose to make Michigan their home and as our economy becomes increasingly intertwined with the economies throughout Asia; and

Whereas, Asian Pacific Americans, through advocating issues of justice and equality, continue to break down the barriers of discrimination, indifference, and intolerance, thereby opening doors for all Asian Pacific Americans; and

Whereas, Asian Pacific American residents are proudly served in Michigan by many dedicated organizations, including the Michigan Asian Pacific American Affairs Commission, the Asian Pacific American Chamber of Commerce, the Council of Asian Pacific Americans, Asian American Citizens for Justice, Asian Center Southeast Michigan and, the West Michigan Asian Pacific American Association, APIA-Vote-Michigan and the Michigan Asian Pacific American Bar Association; and

Whereas, Michigan takes pride in its cultural diversity and welcomes the opportunity to honor our Asian Pacific American residents for their lasting and expanding imprint upon our state; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize May 2018 as Asian Pacific American Heritage Month; and be it further

Resolved, That we encourage all citizens to celebrate the individual and collective contributions of Asian Pacific Americans to this state and to this country.

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

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

The resolution was adopted.

Senators Booher, Brandenburg, Colbeck, Hansen, Proos and Zorn were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators Hood, Hansen, Gregory, Ananich and Hopgood introduced

Senate Bill No. 970, entitled

A bill to amend 1971 PA 227, entitled “An act to prescribe the rights and duties of parties to home solicitation sales; to regulate certain telephone solicitation; to provide for the powers and duties of certain state officers and entities; and to prescribe penalties and remedies,” by amending section 1b (MCL 445.111b), as added by 2002 PA 612.

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

Senators Hood, Gregory and Ananich introduced

Senate Bill No. 971, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 653a (MCL 257.653a), as added by 2000 PA 458.

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

Senator Knezek introduced

Senate Bill No. 972, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 2105, 2111, and 2151 (MCL 500.2105, 500.2111, and 500.2151), section 2111 as amended by 2012 PA 441 and section 2151 as added by 2012 PA 165.

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

House Bill No. 5391, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 33, 657, 658, 660, and 662 (MCL 257.33, 257.657, 257.658, 257.660, and 257.662), sections 33 and 657 as amended by 2017 PA 139, section 658 as amended by 2012 PA 589, and sections 660 and 662 as amended by 2015 PA 126, and by adding section 13f.

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 Transportation.

House Bill No. 5504, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 636 (MCL 257.636).

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 Transportation.

House Bill No. 5662, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 81133 (MCL 324.81133), as amended by 2016 PA 288.

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 Transportation.

House Bill No. 5672, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 3b.

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 Transportation.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 1:

House Bill Nos. 5391 5504 5662 5672

The Secretary announced that the following bills were printed and filed on Tuesday, May 1, and are available at the Michigan Legislature website:

Senate Bill Nos. 966 967 968 969

**House Bill Nos. 5900 5901 5902 5903 5904 5905 5906 5907 5908 5909 5910 5911 5912 5913
5914 5915 5916 5917**

Committee Reports

The Committee on Health Policy reported

House Bill No. 5439, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," (MCL 330.1001 to 330.2106) by adding section 151.

With the recommendation that the bill pass.

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

Mike Shirkey
Chairperson

To Report Out:

Yeas: Senators Shirkey, Hune, O'Brien, Jones, Hertel and Hopgood

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Tuesday, May 1, 2018, at 12:30 p.m., Room 1100, Binsfeld Office Building

Present: Senators Shirkey (C), Hune, O'Brien, Marleau, Jones, Stamas, Hertel, Knezek and Hopgood

Excused: Senator Robertson

The Committee on Education reported

Senate Bill No. 888, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 5 and 124 (MCL 38.1305 and 38.1424), section 5 as amended by 2017 PA 92 and section 124 as amended by 2012 PA 300.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Knollenberg, Booher and Hopgood

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 Education submitted the following:

Meeting held on Tuesday, May 1, 2018, at 12:00 noon, Room 1300, Binsfeld Office Building

Present: Senators Pavlov (C), Knollenberg, Booher, Hune and Hopgood

The Committee on Judiciary reported

House Bill No. 5402, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2163a (MCL 600.2163a), as amended by 2012 PA 170.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca, Emmons and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5403, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 17b of chapter XIIA (MCL 712A.17b), as amended by 2002 PA 625.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca, Emmons and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, May 1, 2018, at 3:00 p.m., Room 1300, Binsfeld Office Building

Present: Senators Jones (C), Schuitmaker, Rocca, Emmons and Bieda

Scheduled Meetings

Economic Development and International Investment - Thursday, May 3, 1:30 p.m., Room 1200, Binsfeld Office Building (373-5323) (CANCELED)

Transportation - Thursday, May 3, 8:30 a.m., Room 1100, Binsfeld Office Building (373-5312)

Senator Kowall moved that the Senate adjourn.

The motion prevailed, the time being 10:33 a.m.

The Assistant President pro tempore, Senator O'Brien, declared the Senate adjourned until Thursday, May 3, 2018, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate

