

No. 32
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2019

Senate Chamber, Lansing, Wednesday, April 10, 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—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—present
Wojno—present
Zorn—present

Pastor Tim Christoson of Bible Baptist Church of Howell offered the following invocation:

Heavenly Father, we come to You with gratitude for the many ways You have blessed our state and met so many needs as only You can. Thank You for the people You have appointed to serve us in the Senate. We also come to You with humility, aware of our great need for Your grace, Your mercy, Your strength, and Your guidance. We come to you seeking—seeking Your blessing and guidance for our state and for this assembly.

We ask for Your safety for our service members and first responders, and we ask that You would give a special measure of wisdom to those who lead us and serve us at every level of our government. Please bless today’s Senate session to serve Your purposes and to help our neighbors. Bless the lives and the loved ones of those who will participate in this session, as well as their staffs.

We ask for these things in the wonderful name of Jesus, Your Son. Amen.

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

Motions and Communications

Senator Shirkey entered the Senate Chamber.

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

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

The following communication was received:
Office of Senator Jeff Irwin

April 2, 2019

I request to be added as a co-sponsor to Senator Tom Barrett’s Senate Bill 47.
If you have any questions, please feel free to contact my office.

Sincerely,
Jeff Irwin
State Senator – District 18

The communication was referred to the Secretary for record.

Senator Ananich entered the Senate Chamber.

Recess

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

10:44 a.m.

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

During the recess, Senator McBroom entered the Senate Chamber.

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, Lieutenant Governor Gilchrist, designated Senator Barrett as Chairperson.

After some time spent therein, the Committee arose; and the Assistant President pro tempore, Senator Theis, having assumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

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.

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. 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.

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. 122, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1249 (MCL 380.1249), as amended by 2018 PA 235.

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. 202, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1249b (MCL 380.1249b), as added by 2015 PA 173.

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.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 42, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811d (MCL 257.811d), as amended by 2006 PA 562, and by adding section 811gg.

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. 17

Yeas—37

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

Nays—1

Bumstead

Excused—0

Not Voting—0

In The Chair: Theis

The Senate agreed to the title of the bill.

Senator MacGregor moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage at the head of the Third Reading of Bills calendar:

Senate Bill No. 122

Senate Bill No. 202

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

The following bill was read a third time:

Senate Bill No. 122, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1249 (MCL 380.1249), as amended by 2018 PA 235.

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. 18

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Theis

Senator MacGregor moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 202, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1249b (MCL 380.1249b), as added by 2015 PA 173.

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. 19

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

Senator MacGregor moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senators Runestad, Bizon, Lucido, Alexander, Bayer, Stamas, Chang and Ananich offered the following resolution:

Senate Resolution No. 31.

A resolution to oppose the mass deportation of Iraqi nationals residing in Michigan and the United States. Whereas, In June 2017, the U.S. Immigration and Customs Enforcement (ICE) arrested dozens of Michigan Chaldean Iraqis and threatened them with deportation. Nationwide, approximately 1,400 Iraqi nationals have been targeted by ICE; and

Whereas, Recognizing the grave danger these individuals face if removed, a U.S. district court ordered a temporary stay of removal in 2017. The stay of removal was reversed in December 2018, and an estimated 1,000 individuals are now at immediate risk of deportation with many more at risk in future months; and

Whereas, Forcibly removing these individuals from their homes and communities will put their lives in danger. Many Iraqi nationals came to the United States as refugees, fleeing perilous conditions in Iraq. Some are members of religious minorities and will face grievous persecution in Iraq, not just for their religious beliefs, but for being Americanized; and

Whereas, Iraqi nationals complement our American society with a proven history of contributing to the economic and social well-being of this nation. Metro Detroit has the largest concentration of Chaldeans outside of Iraq, a population of business owners, employees, and families that is indispensable to the local economy. They have lived legally in the U.S. for decades and know no home except for America; now, therefore, be it

Resolved by the Senate, That we oppose the mass deportation of Iraqi nationals residing in Michigan and the United States; and be it further

Resolved, That copies of this resolution be transmitted to the Acting Director of the U.S. Immigration and Customs Enforcement and the members of the Michigan congressional delegation.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senators Hollier, Irwin, Moss, Santana and Wojno were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senator LaSata introduced

Senate Bill No. 255, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5505 (MCL 324.5505), as amended by 2005 PA 57.

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

Senators MacDonald, Daley, Barrett and Lucido introduced

Senate Bill No. 256, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1204c (MCL 500.1204c), as amended by 2017 PA 67.

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

Senator Chang introduced

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

House Bill No. 4014, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," (MCL 15.231 to 15.246) by adding section 25.

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 Oversight.

House Bill No. 4102, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 49 (MCL 750.49), as amended by 2018 PA 461.

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. 4103, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 157m (MCL 750.157m), as amended by 1988 PA 335.

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. 4104, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 159g (MCL 750.159g), as amended by 2014 PA 300.

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. 4105, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 174 (MCL 750.174), as amended by 2006 PA 573.

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. 4106, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 248 (MCL 750.248), as amended by 2011 PA 206.

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. 4107, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 411j (MCL 750.411j), as amended by 2009 PA 82.

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. 4185, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 377b (MCL 750.377b).

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.

Statements

Senators Polehanki and Runestad asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Polehanki’s statement is as follows:

I was happy to support Senate Bill Nos. 122 and 202 today which amend the teacher and administrator evaluation criteria so that the student-growth portion of year-end evaluations remains at 25 percent and is not increased to 40 percent for the current school year.

However, it is imperative that this is the beginning and not the end of addressing this issue. The impact of the classroom teacher cannot be fairly evaluated using state prescribed weights for putting student growth into teachers’ ratings for the following reasons.

No. 1. For teachers who work with high-scoring students, it is difficult to show significant growth over time because these students’ scores are already about as high as they can go. Conversely, teachers who work with low-scoring students, many of whom tend to be at-risk students, are affected by factors beyond their control that can affect student performance on any given test day, like homelessness, hunger, or the chronic stress that can go hand-in-hand with being poor.

No. 2. Teachers in non-tested subjects like art and music are often evaluated on a school-wide growth measure in unrelated subjects such as English and math.

No. 3. Outside of the SAT in grade 11, which factors heavily into college acceptance, students have little motivation to perform optimally on tests like the Michigan test—the M-STEP. So, many teachers must rely on a student’s intrinsic motivation to do well on a test that can affect teachers’ and administrators’ livelihoods.

No. 4, and lastly, for some teachers half of the student growth component of their evaluation must come from the M-STEP, but not only are the M-STEP scores not available prior to a teacher’s year-end evaluation, the M-STEP cannot measure student growth by itself.

For these reasons and others not mentioned here I look forward to working with my colleagues on a long term solution to the way we currently evaluate teachers so that we can best support our students.

Senator Runestad’s statement is as follows:

Today I rise to speak to Senate Resolution No. 31, my resolution opposing the mass deportation of Iraqi nationals residing in Michigan and around the United States.

Last year, a group of Iraqi nationals was rounded up for deportation—deportation to a country where religious minorities are targets of a terrible genocide committed by Islamic extremists. Although having prior criminal records from their youth, these people are here legally with papers and many of them have lived here for decades. This deportation was stayed by U.S. District Judge Mark Goldsmith; however, the stay has been lifted by the Sixth Circuit Court of Appeals.

The majority of those who now face deportation this week are Chaldeans in southeastern Michigan. They have been living here legally for decades. Many of these individuals lived in Michigan their entire lives, having been brought here by their parents five decades ago from a war-torn Iraq. They were placed in Detroit as children decades ago and lured into a culture of crime. These individuals were charged, convicted, sentenced, and served their time. Most worked their way up from the bottom to become business leaders and to start families of their own. America is the only country they have called home, and many have paid back their debts and then some in service to their communities and leadership in the business community.

Having atoned and paid the price for these crimes, there is no benefit to sending these residents back to an ancestral home they will not remember or recognize. If they were to be returned to the country of their birth, it should have been facilitated decades ago when they first committed their crimes and not at this point. However, many of these Iraqi nationals identify completely as Americans and have no familiarity with the language of their childhood.

This group of Iraqi nationals and Christians facing possible deportation would arrive in Iraq as foreigners, likely to be greeted with torture and death in a land not of their home. Discernment should weigh in the process and whether justice would be properly served by the consequences. Each of these cases should be reviewed and evaluated on the life the individual has lived, the age they were when they were brought to the United States, and whether sending them back as foreigners warrants a possible death sentence.

Forcibly removing citizens who have redeemed themselves from our community and sending them back to a nation that will likely persecute them for their faith and for their identity as Americans will result in family heartbreak and will provide no benefit to our communities. In the Middle East, entire communities have been slaughtered for their religious beliefs and this violates all basic principles of humanity. We cannot be silent when genocide hangs in the balance for these individuals, many of whom we have come to call neighbors and some as friends.

I do not support sending these individuals living in this country back to the country of their birth to face possible torture and high probability of death due to their religion, race, creed, ethnicity, gender, or any other factor.

Thank you to those who have co-sponsored and support this resolution to oppose the mass deportation of these Iraqi nationals.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, April 9:

House Bill Nos. 4014 4102 4103 4104 4105 4106 4107 4185

The Secretary announced that the following bills and resolution were printed and filed on Tuesday, April 9, and are available on the Michigan Legislature website:

Senate Bill Nos. 250 251 252 253 254

Senate Resolution No. 30

**House Bill Nos. 4425 4426 4427 4428 4429 4430 4431 4432 4433 4434 4435 4436 4437
4438 4439 4440**

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submitted the following:

Meeting held on Tuesday, April 9, 2019, at 12:00 noon, Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Schmidt (C), Victory, MacGregor, MacDonald, Zorn, Hollier and Bayer

COMMITTEE ATTENDANCE REPORT

The Committee on Environmental Quality submitted the following:

Meeting held on Tuesday, April 9, 2019 at 1:00 p.m., Room 1200, Binsfeld Office Building
Present: Senators Outman (C), Daley, Johnson, VanderWall, McBroom, Bayer and Brinks

COMMITTEE ATTENDANCE REPORT

The Committee on Oversight submitted the following:

Meeting held on Tuesday, April 9, 2019, at 2:00 p.m., Room 1300, Binsfeld Office Building
Present: Senators McBroom (C), Lucido, Theis, MacDonald and Irwin

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Talent and Economic Development/MEDC submitted the following:

Meeting held on Tuesday, April 9, 2019, at 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Horn (C), Hollier and Schmidt

COMMITTEE ATTENDANCE REPORT

The Committee on Insurance and Banking submitted the following:

Meeting held on Wednesday, April 10, 2019, at 8:30 a.m., Room 1100, Binsfeld Office Building
Present: Senators Theis (C), Lauwers, LaSata, Nesbitt, Daley, Barrett, Horn, Geiss, Bullock and McMorrow

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources submitted the following:

Meeting held on Wednesday, April 10, 2019 at 8:30 a.m., Room 1300, Binsfeld Office Building
Present: Senators McBroom (C), Bumstead, Outman, Schmidt and McCann

Scheduled Meetings

Administrative Rules - Thursday, April 11, 3:00 p.m., Room 326, Anderson House Office Building (517) 373-5630

Appropriations –**Subcommittees –**

Agriculture and Rural Development - Thursdays, April 11 and April 18, 3:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

Capital Outlay - Wednesday, April 17, 4:00 p.m. or later after committees are given leave by the House to meet, Room 519, Anderson House Office Building (517) 373-2768

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

Justice and Public Safety - Thursdays, April 11 and April 18, 1:30 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

K-12 and Michigan Department of Education - Thursday, April 11, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Licensing and Regulatory Affairs (LARA)/Department of Insurance and Financial Services (DIFS) - Thursday, April 11, 8:30 a.m., Room 1300, Binsfeld Office Building (517) 373-2768

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

Transportation - Tuesday, April 16, 12:00 noon, Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Health Policy and Human Services - Thursday, April 11, 1:00 p.m., Room 1100, Binsfeld Office Building (517) 373-5323

Judiciary and Public Safety - Thursday, April 11, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-5312

Local Government - Thursday, April 11, 1:30 p.m., Room 1200, Binsfeld Office Building (517) 373-1721

State Drug Treatment Court Advisory Committee - Tuesday, April 16, 10:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (517) 373-0212

Senator MacGregor moved that the Senate adjourn.
The motion prevailed, the time being 11:23 a.m.

The Assistant President pro tempore, Senator Theis, declared the Senate adjourned until Thursday, April 11, 2019, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate