

No. 27
STATE OF MICHIGAN
Journal of the Senate
99th Legislature
REGULAR SESSION OF 2018

Senate Chamber, Lansing, Tuesday, March 13, 2018.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Brian N. Calley.

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

Senator Michael L. Nofs of the 19th District offered the following invocation:

Our Heavenly Father, we thank You today for the opportunity to serve You. We are honored to answer Your call, today and every day. We humbly ask for Your wisdom in our actions. Lord, let us hear Your will for our lives and do our best in living up to those expectations.

This we pray in the name of Your Son, Jesus Christ, forever and ever. Amen.

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

Motions and Communications

Senators Hildenbrand, Booher and O'Brien entered the Senate Chamber.

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

March 8, 2018

Enclosed is a copy of the following report:

- Performance audit report on the Fisheries Division, Department of Natural Resources (751-0150-17).

Sincerely,
Doug Ringler
Auditor General

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

The following communication was received:
Office of Senator Jim Ananich

March 8, 2018

I respectfully request to be removed as the primary sponsor of SB 899 and instead listed as a co-sponsor of the bill. Senator Hertel will be submitting a letter requesting to be added as the primary sponsor of SB 899.

If you have any questions, please do not hesitate to contact my office at 517-373-0142.

Sincerely,
Senator Ananich
District 27

The communication was referred to the Secretary for record.

The following communication was received:
Office of Senator Curtis Hertel Jr.

March 8, 2018

I respectfully request to be removed as the co-sponsor of SB 899 and instead listed as the primary sponsor of the bill. Senator Ananich will be submitting a letter requesting to be removed as the primary sponsor of SB 899 and listed as a co-sponsor.

If you have any questions, please do not hesitate to contact my office at 517-373-1734.

Sincerely,
Curtis Hertel, Jr.
State Senator
District 23

The communications were referred to the Secretary for record.

The following communication was received:
Office of Senator Tonya Schuitmaker

March 13, 2018

I would like to take this opportunity to respectfully request that I be added as a co-sponsor of the following bills:

1. Senate Bill 873
2. Senate Bill 874
3. Senate Bill 875
4. Senate Bill 876
5. Senate Bill 877

6. Senate Bill 878
7. Senate Bill 879
8. Senate Bill 880

Thank you for your consideration of this request. If you have any questions or concerns, please do not hesitate to reach me at (517) 373-0793.

Sincerely,
Tonya Schuitmaker
Senate President Pro Tempore
District 26

The communication was referred to the Secretary for record.

Senator Kowall moved that Senator Casperson be temporarily excused from today's session.
The motion prevailed.

Senator Hood moved that Senator Ananich be temporarily excused from today's session.
The motion prevailed.

Senator Casperson entered the Senate Chamber.

Messages from the Governor

The following messages from the Governor were received and read:

February 22, 2018

I respectfully submit to the Senate the following appointment to office:

Michigan Board of Nursing Home Administrators

Cheryl Quinn Bray of N2299 Valley View Road, Norway, Michigan 49870, county of Dickinson, representing nursing home administrators, succeeding Patricia Lyden, is appointed for a term expiring June 30, 2021.

February 22, 2018

I respectfully submit to the Senate the following appointments to office:

Michigan Board of Social Work

Lawrence M. Herren of 32060 Marblehead Road, Farmington, Michigan 48336, county of Oakland, representing professionals, succeeding Kenneth Mazur, is appointed for a term expiring December 31, 2021.

Christine Nelson of 725 W. Seminary Street, Apt. 4, Charlotte, Michigan 48813, county of Eaton, representing the general public, succeeding Teresa Muscat, is appointed for a term expiring December 31, 2021.

March 5, 2018

I respectfully submit to the Senate the following appointments to office:

Chair - Michigan Consortium of Advanced Networks

David DeVries of 596 Maple Creek Drive, Holland, Michigan 49423, county of Holland, Director of the Department of Technology, Management & Budget, is appointed for a term expiring at the pleasure of the Governor.

Michigan Consortium of Advanced Networks

Bonnie S. Alfonso of 7172 Hilltop Avenue, Traverse City, Michigan 49686, county of Grand Traverse, is appointed for a term expiring at the pleasure of the Governor.

Daniel R. Dundas of 2320 Marguerite Avenue, Apt. #2, Lansing, Michigan 48912, county of Ingham, is appointed for a term expiring at the pleasure of the Governor.

Seth N. Earl of 5688 Barnhart Road, Ludington, Michigan 49431, county of Mason, is appointed for a term expiring at the pleasure of the Governor.

Linglong He of 30925 Franklin Oaks Trail, Franklin, Michigan 48025, county of Oakland, is appointed for a term expiring at the pleasure of the Governor.

Robert Gavin Leach of 1401 Presque Isle Avenue, Marquette, Michigan 49855, county of Marquette, is appointed for a term expiring at the pleasure of the Governor.

Daniel Williams of 149 Carlton Avenue, S.E., Grand Rapids, Michigan 49506, county of Kent, is appointed for a term expiring at the pleasure of the Governor.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

March 8, 2018

Due to an error on the letter dated January 11, 2018, and filed with your office on February 16, 2018, please be advised of the following corrections appearing in **bold print**:

Child Lead Exposure Elimination Commission

Christine M. Callahan of 13098 Speckledwood Drive, DeWitt, Michigan 48820, county of Clinton, representing a member with a background in early childhood education and development, succeeding herself, is reappointed for a term expiring December 15, **2021**.

William Ridella of 13124 E. Outer Drive, Detroit, Michigan 48224, county of Wayne, representing a local health department, succeeding himself, is reappointed for a term expiring December 15, **2021**.

March 8, 2018

Due to an error on the letter dated February 16, 2018, and filed with your office on February 23, 2018, please be advised of the following correction appearing in **bold print**:

Child Lead Exposure Elimination Commission

Trina Townsend of 6227 Woodridge Lane, Grand Blanc, Michigan 48439, county of Genesee, representing a member with a background in child and family support, succeeding Mary Challiss, is appointed for a term expiring December 15, **2021**.

Sincerely,
Rick Snyder
Governor

The messages were referred to the Committee on Government Operations.

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

The motion prevailed.

Senators Emmons, O'Brien, Warren and Schuitmaker offered the following resolution:

Senate Resolution No. 140.

A resolution to recognize March 19, 2018, as Celebrating Women in Public Office Day.

Whereas, The month of March is Women's History Month which celebrates the significant contributions of women of all races, ethnicities, and backgrounds have made to the world; and

Whereas, Women play a critical role in the vitality and diversity of our communities and are essential to ensuring Michigan is well-represented; and

Whereas, While the 20th century was a pivotal time of growth for women entering politics, women remained underrepresented in male-dominated fields, and therefore, providing opportunities to support women in public office is imperative; and

Whereas, The recognition of women in public office will bring awareness to the fundamental necessity of their work and will inspire other young women to serve their communities; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize March 19, 2018, as Celebrating Women in Public Office Day; and be it further

Resolved, That we call upon the citizens of Michigan to unite in support of the successes of women in public office and observe this day with appropriate activities, events, and programs.

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 Ananich, Bieda, Booher, Brandenburg, Colbeck, Hansen, Hood, Hopgood, Jones, Knollenberg, Kowall, Proos and Zorn were named co-sponsors of the resolution.

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

Senate Resolution No. 141.

A resolution to urge the Congress of the United States to lift the existing prohibition against publicly funded scientific research on the causes of gun violence and its effects on public health and to appropriate funds for the purpose of conducting such research.

Whereas, Firearm violence wreaks havoc on our everyday lives and constitutes a tragic and considerable public health burden on our society. Often synonymous with mass shootings, firearm violence also includes suicide, violent conflicts and disputes, unintentional deaths and injuries, and violent criminal acts; and

Whereas, Firearms pose inherent risks that gun policies seek to reduce. However, it is unclear which gun policies might have the greatest positive social outcomes due to a lack of research on firearm violence. Without viable research, public health professionals struggle to define the problems associated with gun violence and develop preventive interventions; and

Whereas, For over two decades, Congress has blocked any appropriations for gun violence research citing a 1996 law that bars public funds from being used to advocate or promote gun control. Although not specifically prohibited, the language has been interpreted as a ban on research funding; and

Whereas, Scientific research stands outside of politics. Providing funding for gun violence research will allow for the development of meaningful interventions and the advancement of public health as our understanding of gun violence expands; now, therefore, be it

Resolved by the Senate, That we urge the Congress of the United States to lift the existing prohibition against publicly funded scientific research on the causes of gun violence and its effects on public health and to appropriate funds for the purpose of conducting such research; and be it further

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

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

Introduction and Referral of Bills

Senator Ananich entered the Senate Chamber.

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.

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.

House Bill No. 5403, entitled

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

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.

House Bill No. 5407, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 15, 43, and 75 (MCL 780.765, 780.793, and 780.825), as amended by 2000 PA 503.

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.

House Bill No. 5463, entitled

A bill to amend 1967 PA 119, entitled "An act to regulate the sale, distribution, and use of certain chemical agents and devices containing certain chemical agents; and to provide penalties," by amending section 2a (MCL 752.272a), as added by 2000 PA 299.

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.

House Bill No. 5464, entitled

A bill to amend 1967 PA 119, entitled "An act to regulate the sale, distribution, and use of certain chemical agents and devices containing certain chemical agents; and to provide penalties," (MCL 752.271 to 752.273) by amending the title, as amended by 2000 PA 299, and by adding section 2b.

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.

House Bill No. 5530, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 520o. 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.

House Bill No. 5531, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1311 (MCL 380.1311), as amended by 2016 PA 364.

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.

House Bill No. 5532, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2950 and 2950a (MCL 600.2950 and 600.2950a), as amended by 2016 PA 296.

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.

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:09 a.m.

12:09 p.m.

The Senate was called to order by the President pro tempore, Senator Schuitmaker.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, March 8:
House Bill Nos. 5402 5403 5407 5463 5464 5530 5531 5532

The Secretary announced the enrollment printing and presentation to the Governor on Monday, March 12, for his approval the following bill:

Enrolled Senate Bill No. 596 at 11:13 a.m.

The Secretary announced that the following bills were printed and filed on Thursday, March 8, and are available at the Michigan Legislature website:

Senate Bill Nos. 895 896 897 898 899 900 901
House Bill Nos. 5698 5699 5700 5701 5702 5703 5704 5705 5706 5707

Committee Reports

The Committee on Transportation reported

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.

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

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Horn, Pavlov and Marleau
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

House Bill No. 4922, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 217c (MCL 257.217c), as amended by 2016 PA 369.

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.

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Horn, Pavlov and Marleau
Nays: None
The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Transportation reported

House Bill No. 5100, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 225 (MCL 257.225), as amended by 2014 PA 26.

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

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Pavlov, Marleau and Conyers
Nays: None
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Thursday, March 8, 2018, at 8:30 a.m., Room 1100, Binsfeld Office Building

Present: Senators Casperson (C), Horn, Pavlov, Marleau and Conyers

The Committee on Elections and Government Reform reported

Senate Bill No. 425, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 509ii.

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

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Emmons, Shirkey, Brandenburg and Hood
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Elections and Government Reform reported

Senate Bill No. 426, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 509m (MCL 168.509m), as amended by 2005 PA 71.

With the recommendation that the bill pass.

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

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Emmons, Shirkey, Brandenburg and Hood

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Elections and Government Reform reported

Senate Bill No. 427, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 509v (MCL 168.509v), as added by 1994 PA 441.

With the recommendation that the bill pass.

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

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Emmons, Shirkey, Brandenburg and Hood

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Elections and Government Reform reported

Senate Bill No. 428, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 509t (MCL 168.509t), as amended by 2004 PA 92.

With the recommendation that the bill pass.

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

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Emmons, Shirkey, Brandenburg and Hood

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Elections and Government Reform reported

Senate Bill No. 429, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 509x (MCL 168.509x), as added by 1994 PA 441.

With the recommendation that the bill pass.

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

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Emmons, Shirkey, Brandenburg and Hood

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Elections and Government Reform reported

Senate Bill No. 822, entitled

A bill to clarify certain powers of the governor; and to impose certain duties on certain state officials.

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.

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Emmons, Shirkey, Brandenburg and Hood

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 Elections and Government Reform submitted the following:

Meeting held on Thursday, March 8, 2018, at 9:00 a.m., Room 1200, Binsfeld Office Building

Present: Senators Robertson (C), Emmons, Shirkey, Brandenburg and Hood

The Committee on Energy and Technology reported

Senate Bill No. 637, entitled

A bill to provide for the regulation by state or local authorities of the activities of wireless infrastructure providers and wireless services providers and of wireless facilities, wireless support structures, and utility poles; to regulate rates and fees concerning wireless facilities, wireless support structures, communication service provider pole attachments, and utility poles charged by state or local authorities and certain electric utilities; to provide for collocation of wireless facilities and of communications service provider pole attachments; to provide for use of rights-of-way; to regulate certain permitting processes and zoning reviews; to prohibit certain commercially discriminatory actions by state or local authorities and certain electric utilities; and to prohibit certain indemnification or insurance requirements.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Michael L. Nofs
Chairperson

To Report Out:

Yeas: Senators Nofs, Proos, Horn, Hune, Shirkey, Zorn, Hopgood, Knezek and Conyers

Nays: Senator Schuitmaker

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

The Committee on Energy and Technology reported

Senate Bill No. 894, entitled

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending section 205 (MCL 125.3205), as amended by 2012 PA 389, and by adding section 515.

With the recommendation that the bill pass.

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

Michael L. Nofs
Chairperson

To Report Out:

Yeas: Senators Nofs, Proos, Horn, Hune, Shirkey, Zorn, Hopgood, Knezek and Conyers

Nays: Senator Schuitmaker

The bill was referred to the Committee of the Whole.

The Committee on Energy and Technology reported

House Bill No. 5097, 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 19b of chapter IV (MCL 224.19b), as amended by 2016 PA 456.

With the recommendation that the bill pass.

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

Michael L. Nofs
Chairperson

To Report Out:

Yeas: Senators Nofs, Proos, Horn, Schuitmaker, Hune, Shirkey, Zorn, Hopgood, Knezek and Conyers

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Thursday, March 8, 2018, at 12:30 p.m., Room 1100, Binsfeld Office Building

Present: Senators Nofs (C), Proos, Horn, Schuitmaker, Hune, Shirkey, Zorn, Hopgood, Knezek and Conyers

Scheduled Meetings**Appropriations -****Subcommittees -**

Agriculture and Rural Development - Tuesday, March 20, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Capital Outlay - Wednesday, March 14, 3:30 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Corrections - Wednesday, March 14, 3:30 p.m., Room 1100, Binsfeld Office Building (373-2768)

General Government - Thursdays, March 15 and March 22, 8:30 a.m., Room 1300, Binsfeld Office Building (373-2768)

Higher Education - Thursday, March 15, 1:45 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

K-12, School Aid, Education - Wednesday, March 14, 8:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building; and Wednesday, March 21, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police and Military Affairs - Wednesday, March 14 (CANCELED); and Tuesday, March 20, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2768)

Energy and Technology - Thursday, March 15, 12:30 p.m., Room 1100, Binsfeld Office Building (373-1721)

Government Operations - Wednesday, March 14, 3:30 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-5307)

Natural Resources - Wednesday, March 14, 12:30 p.m., Room 1300, Binsfeld Office Building (373-5312)

Regulatory Reform - Wednesday, March 14, 1:00 p.m., Room 1100, Binsfeld Office Building (373-5314)

Transportation - Thursday, March 15, 8:30 a.m., Room 1100, Binsfeld Office Building (373-5312)

Senator Kowall moved that the Senate adjourn.

The motion prevailed, the time being 12:10 p.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Wednesday, March 14, 2018, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate