

**No. 3**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**99th Legislature**  
**REGULAR SESSION OF 2018**

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Senate Chamber, Lansing, Tuesday, January 16, 2018.

10:00 a.m.

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

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

Ananich—excused  
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  
Johnson—present  
Jones—present  
Knezek—present  
Knollenberg—present  
Kowall—present  
MacGregor—present  
Marleau—present  
Meekhof—present  
Nofs—excused

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

Senator John M. Proos of the 21st District offered the following invocation:

Father in heaven, You have given each of us a mind to know You, a will to serve You, and a heart to love You. Give each of us the grace and strength to embrace Your holy will and to fill our hearts with Your love, and that all of these intentions and actions may in fact be pleasing to You. Give us the grace to be charitable in all thought, kind in deed, and loving in speech to all. In Jesus' name we all pray. Amen.

The President pro tempore, Senator Schuitmaker, led the members of the Senate in recital of the *Pledge of Allegiance*.

### Motions and Communications

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

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

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

Senator Hood moved that Senators Ananich, Warren and Young be excused from today's session. The motion prevailed.

### Messages from the Governor

The following messages from the Governor were received and read:

December 18, 2017

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

**State Boundary Commission**

Michael A. Rice of 314 Turner Road, Williamston, Michigan 48895, county of Ingham, succeeding himself, is reappointed for a term expiring November 15, 2020.

December 18, 2017

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

**Michigan Statewide Independent Living Council**

Lisa Cook-Gordon of 225 W. Burns Line Road, Melvin, Michigan 48454, county of Sanilac, representing parents or guardians of individuals with disabilities, succeeding herself, is reappointed for a term expiring December 31, 2020.

Sara E. Grivetti of 3939 E. Old Pine Trail, Midland, Michigan 48642, county of Midland, representing individuals with disabilities, succeeding herself, is reappointed for a term expiring December 31, 2020.

December 18, 2017

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

**State 9-1-1 Committee**

Walter John Bawol of 6855 Lakeview Boulevard, Saint Helen, Michigan 48656, county of Roscommon, representing the general public, succeeding himself, is reappointed for a term expiring December 31, 2019.

Steven L. Berenbaum of 375 S. Eton Street, Birmingham, Michigan 48009, county of Oakland, representing commercial mobile radio service, succeeding Yvette Collins, is appointed for a term expiring December 31, 2019.

December 18, 2017

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

**Workers' Compensation Board of Magistrates**

John Merle Sims of 316 Lyon Lake Road, Marshall, Michigan 49068, county of Calhoun, succeeding David M. Kurtz, is appointed for a term commencing January 14, 2018 and expiring January 26, 2021.

January 8, 2018

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

**Co-Chair - Pipeline Safety Advisory Board**

Keith Creagh of 525 W. Allegan, Lansing, Michigan 48909, county of Ingham, succeeding Valerie Brader, is appointed for a term commencing January 15, 2018 and expiring at the pleasure of the Governor.

January 9, 2018

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

**Executive Director - Michigan Administrative Hearing System**

Julie A. McMurtry of 755 Oakpoint Lane, Madison Heights, Michigan 48071, county of Oakland, is appointed for a term commencing January 14, 2018 and expiring at the pleasure of the Governor.

Sincerely,  
Rick Snyder  
Governor

The appointments were referred to the Committee on Government Operations.

**Recess**

Senator Kowall moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:04 a.m.

10:43 a.m.

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

During the recess, Senators Casperson, Bieda, Knollenberg and Hansen 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 President pro tempore, Senator Schuitmaker, designated Senator Stamas as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Schuitmaker, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

**Senate Bill No. 522, entitled**

A bill to amend 1929 PA 199, entitled "An act to authorize and empower villages and townships of this state having a population not exceeding 10,000 inhabitants, to levy a tax for the maintenance or the purchase of lands and maintenance of property for a community center for the benefit of the public, provided the question of such purchase or maintenance, or both purchase and maintenance, as the case may be, is submitted to the duly qualified voters of such villages or townships and is adopted by a majority vote of those participating in said election; and to prescribe penalties and provide remedies," by amending section 3 (MCL 123.43), as amended by 2000 PA 435.

**Senate Bill No. 440, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 221 and 543 (MCL 436.1221 and 436.1543), section 543 as amended by 2016 PA 434.

**House Bill No. 4849, entitled**

A bill to amend 1903 PA 81, entitled "An act to provide for the care and preservation of cemetery lots," by amending sections 2, 3, 5, and 6 (MCL 128.82, 128.83, 128.85, and 128.86) and by adding sections 1a, 9, and 10; and to repeal acts and parts of acts.

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. 439, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 303 (MCL 436.1303). 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 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. 316**

The motion prevailed.

**Senate Bill No. 207, entitled**

A bill to amend 1935 PA 59, entitled “An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929,” by amending section 6c (MCL 28.6c).

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

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 bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 525, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 511, 530, 545, 821, 8121, 8121a, 8122, 8123, and 8124 (MCL 600.511, 600.530, 600.545, 600.821, 600.8121, 600.8121a, 600.8122, 600.8123, and 600.8124), section 530 as amended by 2013 PA 33, section 821 as amended by 2016 PA 31, sections 8121, 8121a, and 8123 as amended by 2014 PA 58, section 8122 as amended by 2002 PA 681, and section 8124 as amended by 1984 PA 95.

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.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Kowall moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 1**

**Yeas—32**

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

**Nays—2**

Horn

Knezek

**Excused—4**

Ananich

Nofs

Warren

Young

**Not Voting—0**

In The Chair: Schuitmaker

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. 702, entitled**

A bill to amend 2017 PA 98, entitled "Educational instruction access act," by amending section 5 (MCL 123.1045); and to repeal acts and parts of acts.

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. 640****Senate Bill No. 672****House Bill No. 4940****House Bill No. 5144**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 640, entitled**

A bill to amend 1982 PA 432, entitled "Motor bus transportation act," by amending section 4 (MCL 474.104), as amended by 2016 PA 349.

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. 2****Yeas—34**

Bieda  
 Booher  
 Brandenburg  
 Casperson  
 Colbeck  
 Conyers  
 Emmons  
 Green  
 Gregory

Hansen  
 Hertel  
 Hildenbrand  
 Hood  
 Hopgood  
 Horn  
 Hune  
 Johnson  
 Jones

Knezek  
 Knollenberg  
 Kowall  
 MacGregor  
 Marleau  
 Meekhof  
 O'Brien  
 Pavlov

Proos  
 Robertson  
 Rocca  
 Schmidt  
 Schuitmaker  
 Shirkey  
 Stamas  
 Zorn

**Nays—0**

**Excused—4**

Ananich	Nofs	Warren	Young
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**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 672, entitled**

A bill to amend 1963 PA 181, entitled “Motor carrier safety act of 1963,” by amending section 5 (MCL 480.15), as amended by 2017 PA 116.

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. 3**

**Yeas—34**

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

**Nays—0**

**Excused—4**

Ananich	Nofs	Warren	Young
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**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4940, entitled**

A bill to amend 1965 PA 114, entitled “An act relating to dry, edible beans; to create a bean commission and prescribe its functions; to levy and collect assessments on bean production; and to provide penalties for violation of this act,” by amending sections 1, 2, 3, and 4 (MCL 290.551, 290.552, 290.553, and 290.554), as amended by 2000 PA 484.

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. 4**

**Yeas—34**

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

**Nays—0**

**Excused—4**

Ananich	Nofs	Warren	Young
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**Not Voting—0**

In The Chair: Schuitmaker

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 title of the bill.

The following bill was read a third time:

**House Bill No. 5144, entitled**

A bill to amend 2016 PA 281, entitled “Medical marihuana facilities licensing act,” by amending the title and sections 102, 201, 205, 206, 501, 502, 503, 504, 505, 602, and 801 (MCL 333.27102, 333.27201, 333.27205, 333.27206, 333.27501, 333.27502, 333.27503, 333.27504, 333.27505, 333.27602, and 333.27801).

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. 5**

**Yeas—27**

Bieda	Green	Hune	Marleau
Booher	Gregory	Johnson	Meekhof
Brandenburg	Hansen	Jones	O’Brien
Casperson	Hertel	Knezek	Schmidt

Colbeck  
Conyers  
Emmons

Hildenbrand  
Hood  
Hopgood

Knollenberg  
Kowall  
MacGregor

Shirkey  
Stamas

**Nays—7**

Horn  
Pavlov

Proos  
Robertson

Rocca  
Schuitmaker

Zorn

**Excused—4**

Ananich

Nofs

Warren

Young

**Not Voting—0**

In The Chair: Schuitmaker

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 license and regulate medical marihuana growers, processors, provisioning centers, secure transporters, and safety compliance facilities; to provide for the powers and duties of certain state and local governmental officers and entities; to create a medical marihuana licensing board; to provide for interaction with the statewide monitoring system for commercial marihuana transactions; to create an advisory panel; to provide immunity from prosecution for marihuana-related offenses for persons engaging in marihuana-related activities in compliance with this act; to prescribe civil fines and sanctions and provide remedies; to provide for forfeiture of contraband; to provide for taxes, fees, and assessments; and to require the promulgation of rules.”.

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**

The motion prevailed.

Senators Green, Schuitmaker, MacGregor, Emmons, Booher, Hildenbrand, Pavlov, Proos, Kowall, Jones, Zorn, Colbeck, Horn, Hansen, Robertson, Meekhof, Rocca, Brandenburg, Knollenberg, Stamas and Schmidt offered the following resolution:  
**Senate Resolution No. 118.**

A resolution to memorialize the Congress of the United States to enact legislation that provides the National Oceanic and Atmospheric Administration and regional management councils additional tools to manage our nation’s important saltwater recreational fisheries.

Whereas, U.S. saltwater fisheries are among the world’s largest and most sustainable, providing significant economic impact across the nation. The National Oceanic and Atmospheric Administration (NOAA) and regional management councils set catch limits, ensure compliance with fisheries regulations, and reduce unintended catches to provide continued economic and recreational opportunities; and

Whereas, Inaccurate and inconsistent data used to make decisions concerning saltwater fishing stocks, as well as a one-size-fits-all management approach, have led to curtailed recreational fishing opportunities, frustrating recreational



anglers and adversely impacting Michigan companies that manufacture recreational fisheries products. Michigan is home to several boat and fishing tackle manufacturers who sell their products nationwide. These companies employ thousands of skilled workers, having a substantial impact on Michigan's economy; and

Whereas, Improved data collection and implementing management tools more suitable for recreational fisheries will enhance public access to fish and continue to conserve our saltwater fisheries resources. Not only will recreational anglers benefit, but also thousands of fishing-related businesses that depend on reasonable angler access to healthy saltwater fisheries. The Modernizing Recreational Fisheries Management Act of 2017, S. 1520, would update federal fisheries management for recreational angling by allowing alternative management techniques, improve data collection, ensure periodic review of allocations in important mixed-use fisheries, and continue to rebuild overfished stocks, among other benefits, to anglers and the nation; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation that provides the National Oceanic and Atmospheric Administration and regional management councils additional tools to effectively and appropriately manage our nation's important saltwater recreational fisheries; 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.

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 question being on the adoption of the resolution,

Senator Kowall moved that the resolution be referred to the Committee on Outdoor Recreation and Tourism.

The motion prevailed.

### **Introduction and Referral of Bills**

Senators O'Brien and Brandenburg introduced

#### **Senate Bill No. 749, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding section 272a. The bill was read a first and second time by title and referred to the Committee on Finance.

Senators Knollenberg and Brandenburg introduced

#### **Senate Bill No. 750, entitled**

A bill to amend 1964 PA 284, entitled "City income tax act," by amending section 31 (MCL 141.631), as amended by 1988 PA 120.

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

#### **House Bill No. 4176, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 698 (MCL 257.698), as amended by 2017 PA 37.

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. 5112, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 16a.

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 Thursday, January 11:

**House Bill Nos. 4176 5112**

The Secretary announced that the following bills and joint resolution were printed and filed on Thursday, January 11, and are available at the Michigan Legislature website:

<b>Senate Bill Nos.</b>	<b>746</b>	<b>747</b>	<b>748</b>																
<b>House Bill Nos.</b>	<b>5394</b>	<b>5395</b>	<b>5396</b>	<b>5397</b>	<b>5398</b>	<b>5399</b>	<b>5400</b>	<b>5401</b>	<b>5402</b>	<b>5403</b>	<b>5404</b>	<b>5405</b>	<b>5406</b>	<b>5407</b>					
	<b>5408</b>	<b>5409</b>	<b>5410</b>																
<b>House Joint Resolution</b>	<b>AA</b>																		

### Committee Reports

#### COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development and International Investment submitted the following:  
 Meeting held on Thursday, January 11, 2018, at 1:30 p.m., Room 1200, Binsfeld Office Building  
 Present: Senators Horn (C), Schmidt, Stamas and MacGregor  
 Excused: Senators Brandenburg, Emmons, Warren, Conyers and Bieda

### Scheduled Meetings

**Appropriations** - Wednesday, January 17, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-5307)

#### Subcommittee -

**State Police and Military Affairs** - Tuesday, January 30, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2768)

**Commerce** - Wednesday, January 17, 8:30 a.m., Room 1200, Binsfeld Office Building (373-5312)

**Economic Development and International Investment** - Thursday, January 18, 1:30 p.m., Room 1200, Binsfeld Office Building (373-5323)

#### Education -

#### Subcommittee -

**Michigan Merit Curriculum** - Wednesday, January 24, 3:00 p.m., Room 1100, Binsfeld Office Building (373-5312)

**Families, Seniors and Human Services** - Wednesday, January 17, 3:00 p.m., Room 1300, Binsfeld Office Building (373-5314)

**Natural Resources** - Wednesday, January 17, 12:30 p.m., Room 1300, Binsfeld Office Building (373-5312)

**Oversight** - Thursday, January 18, 8:30 a.m., Room 1200, Binsfeld Office Building (373-5314)

**Senate Fiscal Agency Board of Governors** - Thursday, January 18, 9:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Transportation and House Transportation and Infrastructure** - Thursday, January 18, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5312)

**Veterans, Military Affairs and Homeland Security** - Thursday, January 18, 2:00 p.m., Room 1300, Binsfeld Office Building (373-5314)

Senator Kowall moved that the Senate adjourn.  
 The motion prevailed, the time being 11:07 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Wednesday, January 17, 2018, at 10:00 a.m.

JEFFREY F. COBB  
Secretary of the Senate

