

No. 11
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2020

Senate Chamber, Lansing, Thursday, January 30, 2020.

10:00 a.m.

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

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

Bishop Theresa Lee of New Birth International Church of Pontiac offered the following invocation:

Our Lord God and Savior Jesus Christ, we give You adoration and praise, thanking You for our government officials and the works that You have entrusted into their hands. Before time was time You had predestined this day—January 30, 2020—that our government officials would stand before You asking for guidance and giving You praise.

Lord, as we come before You today in this session, these are Your servants that have taken an oath to stand at the brink of such great events beyond mere commonplaces. Lord we ask in Your name above all names, that You would pour out Your wisdom, knowledge, and understanding over our state government officials. We pray that our leaders would work together in the spirit of unity.

For we know that there are new horizons to be conquered. But Your wisdom, knowledge, and understanding will give us the victory in the name of Jesus. Lord we thank You for unusual and uncommon favor to be released over the state of Michigan.

Father God, we live in the shelter of You, the Most High. We find rest in the shadow of Your Almighty Father. You alone will rescue us from every trap and protect our state leaders from any deadly, deceitful conspiracy disease. God, cover our state government officials with Your feathers. God, shelter them with Your wings.

Lord, You said that You will rescue those who love You. You will protect those who trust in Your name. When they call on You, You will answer. You said that, “I will be with them in trouble.” You will rescue and honor them. You will reward them with a long life and give them Your salvation. Amen

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

Motions and Communications

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

Senator Lauwers moved that Senator Shirkey be temporarily excused from today’s session. The motion prevailed.

Recess

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

11:01 a.m.

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

During the recess, Senators Hertel and Ananich entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Nesbitt, designated Senator Bizon as Chairperson.

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

Senate Bill No. 281, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16238 (MCL 333.16238), as added by 1993 PA 79, and by adding section 16240.

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

By unanimous consent the Senate proceeded to the order of
Resolutions

Senator Lauwers moved that rule 3.204 be suspended to permit immediate consideration of the following resolution:

Senate Resolution No. 94

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

Senator Outman offered the following resolution:

Senate Resolution No. 94.

A resolution to commemorate February 1, 2020, as Blue Star Mother's Day.

Whereas, Blue Star Mothers of America, Inc., is a national organization of mothers whose sons and daughters serve honorably in the nation's armed forces; and

Whereas, Blue Star Mothers of America, Inc., was founded in Flint, Michigan in 1942; and

Whereas, The purposes and activities of Blue Star Mothers of America, Inc., include all of the following:

- Perpetuating the memory of the men and women who have served our country as members of the armed forces;

- Welcoming home returning veterans;
- Visiting wounded veterans in hospitals and rehabilitation centers;
- Assisting in veterans ceremonies;
- Attending patriotic rallies and meetings;
- Maintaining true allegiance to the government of the United States;
- Upholding the American institutions of freedom, justice, and equal rights;
- Caring for the unsupported mothers who gave their sons and daughters to the service of the nation; and
- Providing moral support for members; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate February 1, 2020, as Blue Star Mother's Day; and be it further

Resolved, That we recognize the contributions that Blue Star Mothers of America, Inc., has made to our state and nation.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Brinks and Polehanki were named co-sponsors of the resolution.

Senator VanderWall offered the following resolution:

Senate Resolution No. 95.

A resolution to recognize February 2020 as Children's Dental Health Month.

Whereas, Dental health problems can cause children to experience pain, trouble sleeping, poor performance at school, difficulty eating, self-esteem issues, and other impediments to success; and

Whereas, Poor oral hygiene can affect overall health. Dental decay is largely preventable with proper dental care, good eating habits, and proper oral hygiene; and

Whereas, Children's Dental Health Month brings together health care providers, community health organizations, educators, and other stakeholders to promote the importance of children's dental health and help reduce the incidence of dental disease among children; now, therefore, be it

Resolved by the Senate, That we recognize February 2020 as Children's Dental Health Month; and be it further

Resolved, That we encourage Michigan residents to take action to ensure that children receive the dental care that they need to achieve optimum health.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator Lauwers moved that the rule be suspended.

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

The resolution was adopted.

Senators Brinks and Polehanki were named co-sponsors of the resolution.

Senators Hollier, Wojno, McMorrow, Polehanki, McCann, Chang and Alexander offered the following resolution:

Senate Resolution No. 96.

A resolution to recognize January 2020 as School Board Recognition Month.

Whereas, Michigan is home to more than 600 boards of education that work hard to enrich the lives of Michigan's students through education and who directly influence instruction in Michigan's public schools; and

Whereas, Article VII, Section 2, of the Michigan Constitution of 1963 states that providing for the education of Michigan's children is a fundamental duty of state government; and

Whereas, Our state's public education system is designed to meet the educational needs of all children and to empower them to become competent, productive contributors to society in an ever-changing world; and

Whereas, Members of local school boards are dedicated to children, learning, and their communities, while devoting many hours of service to elementary and secondary public education as they continually strive for improvement, excellence, and progress in education; and

Whereas, Local school boards recognize that all children can be successful learners, especially when education is tailored to individual needs of the child; and

Whereas, Members of local school boards are exceptional people who have committed themselves to this duty by governing school districts and advancing student achievement in the schools and communities in which they serve; and

Whereas, During this month, we join the Michigan Association of School Boards, Michigan Department of Education, local school districts, and community organizations to recognize and raise awareness of the countless efforts and contributions of school boards and school board members throughout Michigan; now, therefore, be it

Resolved by the Senate, That we recognize January 2020 as School Board Recognition Month; and be it further

Resolved, That we urge all citizens to observe this momentous occasion.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator Lauwers moved that the rule be suspended.

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

The resolution was adopted.

Senator Brinks was named co-sponsor of the resolution.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Chang, Bayer, Geiss, Wojno, Polehanki, Irwin, Alexander, Bullock, Moss and Hollier introduced **Senate Bill No. 763, entitled**

A bill to amend 2008 PA 295, entitled "Clean and renewable energy and energy waste reduction act," by amending sections 22, 28, and 45 (MCL 460.1022, 460.1028, and 460.1045), sections 22 and 28 as added and section 45 as amended by 2016 PA 342, and by adding section 32.

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

Statements

Senator Chang asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Chang's statement is as follows:

Today communities across the country are celebrating Fred Korematsu Day. Fred Korematsu was born to Japanese immigrant parents in Oakland, California on January 30, 1919. Following President Franklin D. Roosevelt's Executive Order 9066—that authorized the Secretary of War to require all Americans of Japanese ancestry to be placed in internment camps—Mr. Korematsu was arrested and incarcerated for refusing to report himself to an assembly center and moved to an internment camp on May 30, 1942.

He took his case to the courts in *Korematsu v. United States*. Ultimately, his conviction was overturned and the court declared that his incarceration was unjustified and unconstitutional. This was a huge victory for civil liberties in our country, so today we remember Fred Korematsu for his bravery, strength, and tenacity in fighting for what he believed and what was just.

Recess

Senator Lauwers moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 11:13 a.m.

11:26 a.m.

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

During the recess, Senator Shirkey entered the Senate Chamber.

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

Senator Lauwers moved that the Senate proceed to consideration of the following bill:
Senate Bill No. 714
The motion prevailed.

The following bill was read a third time:

Senate Bill No. 714, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 32312, 32312a, and 32510 (MCL 324.32312, 324.32312a, and 324.32510), section 32312 as amended by 2019 PA 84, section 32312a as added by 1997 PA 126, and section 32510 as added by 1995 PA 59, and by adding sections 32312c and 32517.

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. 32

Yeas—22

Barrett	LaSata	Nesbitt	Stamas
Bizon	Lauwers	Outman	Theis
Bumstead	Lucido	Runestad	VanderWall
Daley	MacDonald	Schmidt	Victory
Horn	MacGregor	Shirkey	Zorn
Johnson	McBroom		

Nays—16

Alexander	Bullock	Hollier	Moss
Ananich	Chang	Irwin	Polehanki
Bayer	Geiss	McCann	Santana
Brinks	Hertel	McMorrow	Wojno

Excused—0

Not Voting—0

In The Chair: Nesbitt

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 384, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 464b.

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. 33

Yeas—28

Alexander	Daley	Lucido	Polehanki
Ananich	Geiss	MacDonald	Runestad
Barrett	Horn	McBroom	Santana
Bayer	Irwin	McMorrow	Shirkey
Bizon	Johnson	Moss	Stamas
Bullock	LaSata	Nesbitt	Theis
Bumstead	Lauwers	Outman	Victory

Nays—10

Brinks	Hollier	Schmidt	Wojno
Chang	MacGregor	VanderWall	Zorn
Hertel	McCann		

Excused—0

Not Voting—0

In The Chair: Nesbitt

The Senate agreed to the title of the bill.

Recess

Senator Lauwers moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 11:30 a.m.

11:58 a.m.

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

The following bill was read a third time:

Senate Bill No. 385, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 465 (MCL 750.465).

The question being on the passage of the bill,

Senator Barrett offered the following substitute:

Substitute (S-1).

The question being on the adoption of the substitute,
 Senator Stamas offered the following amendment to the substitute:

1. Amend page 5, following line 22, by inserting:

“(7) A ticket seller that engages in a sale under subsection (5)(c) must inform the purchaser if the ticket seller does not have possession of the purchased ticket not less than 48 hours before the event for which the ticket was purchased is scheduled to occur, unless waived by the purchaser prior to 48 hours before the event.” and renumbering the remaining subsections.

The amendment to the substitute was adopted.

The substitute as amended was adopted, a majority of the members serving voting therefor.

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. 34

Yeas—28

Alexander	Daley	Lucido	Polehanki
Ananich	Geiss	MacDonald	Runestad
Barrett	Horn	McBroom	Santana
Bayer	Irwin	McMorrow	Shirkey
Bizon	Johnson	Moss	Stamas
Bullock	LaSata	Nesbitt	Theis
Bumstead	Lauwers	Outman	Victory

Nays—10

Brinks	Hollier	Schmidt	Wojno
Chang	MacGregor	VanderWall	Zorn
Hertel	McCann		

Excused—0

Not Voting—0

In The Chair: Nesbitt

The Senate agreed to the title of the bill.

Announcements of Printing and Enrollment

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

Senate Bill Nos. 760 761 762

Committee Reports

The Committee on Finance reported

House Bill No. 4203, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 1a (MCL 205.51a), as amended by 2017 PA 221, and by adding section 4ff.

With the recommendation that the bill pass.

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

Jim Runestad
Chairperson

To Report Out:

Yeas: Senators Runestad, Daley, Bumstead, VanderWall, Chang and Alexander

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 4204, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 2b (MCL 205.92b), as amended by 2017 PA 220, and by adding section 4ff.

With the recommendation that the bill pass.

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

Jim Runestad
Chairperson

To Report Out:

Yeas: Senators Runestad, Daley, Bumstead, VanderWall, Chang and Alexander

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, January 29, 2020, at 12:30 p.m., Room 1200, Binsfeld Office Building

Present: Senators Runestad (C), Daley, Bumstead, VanderWall, Chang and Alexander

Excused: Senator Nesbitt

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Infrastructure submitted the following:

Meeting held on Wednesday, January 29, 2020, at 9:00 a.m., Room 1100, Binsfeld Office Building

Present: Senators Barrett (C), LaSata, McBroom, Outman, Lauwers, Geiss, Bullock and Hollier

Excused: Senator Victory

COMMITTEE ATTENDANCE REPORT

The Committee on Elections submitted the following:

Meeting held on Wednesday, January 29, 2020, at 2:00 p.m., Room 1200, Binsfeld Office Building

Present: Senators Johnson (C), McBroom, Lucido, VanderWall and Wojno

Scheduled Meetings

Appropriations -

Subcommittees -

Agriculture and Rural Development - Thursday, February 20, 3:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

Community Health/Human Services - Wednesday, February 5, 12:30 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Justice and Public Safety - Thursdays, February 13, February 20 and February 27, 1:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

K-12 and Michigan Department of Education - Thursday, February 13, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Labor and Economic Opportunity/MEDC - Tuesdays, February 11, February 18, February 25 and March 3, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Economic and Small Business Development - Thursday, February 6, 12:00 noon, Room 1200, Binsfeld Office Building (517) 373-1721

Senator MacGregor moved that the Senate adjourn.
The motion prevailed, the time being 12:05 p.m.

The President pro tempore, Senator Nesbitt, declared the Senate adjourned until Tuesday, February 4, 2020, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

