

**No. 6**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**98th Legislature**  
**REGULAR SESSION OF 2015**

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Senate Chamber, Lansing, Wednesday, January 28, 2015.

10:00 a.m.

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

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

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

Hopgood—present  
Horn—present  
Hune—present  
Johnson—excused  
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  
Smith—excused  
Stamas—present  
Warren—present  
Young—excused  
Zorn—present

Senator Michael Green of the 31st District offered the following invocation:

Dear Heavenly Father, we are so thankful for this beautiful day and the sunshine You have given us. Thank You, Lord, for this gathering. I thank You, Lord, for the members who are here this morning and who have been elected by the people in their districts to represent them. But, Lord, there is another calling that You have given us through Your word, and that is that You are the one who picks the leaders, and it is up to us to do what we can do to represent You as a body and as an individual.

This morning, I know we don't have a lot on our agenda, but, Lord, I pray that each and every person who is here this morning will look to You for guidance in all that they do in the coming years, Lord, so that we can give You the glory in all that we do, and our country will be a great country again.

In Your name, we ask it all. Amen.

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

### Motions and Communications

Senator Horn entered the Senate chamber.

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

The following communications were received:

Department of State

#### Administrative Rules Notices of Filing

December 23, 2014

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rules - Emergency Extension #2014-072-TY-E (Secretary of State Filing #14-12-20) on this date at 11:50 a.m. for the Department of Treasury, entitled "Emergency Rules Millionaire Parties."

These rules take effect upon filing with the Secretary of State and shall remain in effect for 6 months.

December 23, 2014

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2013-070-LR (Secretary of State Filing #14-12-21) on this date at 4:11 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Gas Safety."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

December 23, 2014

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2013-096-LR (Secretary of State Filing #14-12-22) on this date at 4:11 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Board of Mechanical Rules - License Examination Procedures."

These rules take effect immediately upon filing with the Secretary of State.

December 23, 2014

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office

of Regulatory Reinvention filed Administrative Rule #2013-112-LR (Secretary of State Filing #14-12-24) on this date at 4:11 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Podiatric Medicine and Surgery - Continuing Education."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

December 23, 2014

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2014-003-HS (Secretary of State Filing #14-12-27) on this date at 4:12 p.m. for the Department of Human Services, entitled "Community Action Programs."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

December 23, 2014

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-120-LR (Secretary of State Filing #14-12-25) on this date at 4:12 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Health Care Facilities Fire Safety."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

December 23, 2014

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2013-002-LR (Secretary of State Filing #14-12-23) on this date at 4:12 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Podiatric Medicine and Surgery - General Rules."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

December 23, 2014

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2013-024-LR (Secretary of State Filing #14-12-26) on this date at 4:12 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Board of Nursing Home Administrators - General Rules."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,  
Ruth Johnson  
Secretary of State  
Robin L. Houston, Departmental Supervisor  
Office of the Great Seal

The communications were referred to the Secretary for record.

The Secretary announced that the following bills were printed and filed on Tuesday, January 27, and are available at the Michigan Legislature website:

**Senate Bill Nos. 34 35**

By unanimous consent the Senate proceeded to the order of  
**Resolutions**

Senators Proos, Pavlov, Booher, Horn, Nofs, Colbeck, MacGregor, Zorn, Hildenbrand, Green, Schuitmaker, Jones, Schmidt, Kowall, Emmons, Casperson, O'Brien, Brandenburg, Marleau, Meekhof, Robertson and Hansen offered the following concurrent resolution:

**Senate Concurrent Resolution No. 4.**

A concurrent resolution to memorialize the President of the United States and the U.S. Congress to support the continued and increased development and importation of oil derived from North American reserves and to urge the U.S. Secretary of State to approve the newly-routed Keystone XL pipeline application from TransCanada.

Whereas, The United States relies—and will continue to rely for many years—on gasoline, diesel, and jet fuel, as well as renewable and alternative sources of energy. In order to fuel our economy, the United States will need more oil and natural gas while also requiring additional alternative energy sources; and

Whereas, The United States accounts for around 20 percent of world energy consumption and is the world's largest petroleum consumer. The United States consumes more than 18 million barrels of oil each day, and forecasts suggest this will not change for decades. Current crude oil imports amount to about 8 million barrels each day, approximately 45 percent of U.S. requirements. Even with new technology, oil discoveries, alternative fuels, and conservation efforts, the United States will remain dependent on imported energy for decades to come. A secure supply of crude oil is not only needed for Americans to continue to heat their homes, cook their food, and drive their vehicles, but to allow the U.S. economy to thrive and grow free from the potential threats and disruptions of crude oil supply from less secure parts of the world; and

Whereas, The growing production of conflict-free oil from Canada's oil sands and the Bakken Formation in Saskatchewan, Montana, North Dakota, and South Dakota can replace crude imported from countries that do not share American values. However, additional pipeline capacity to refineries in the U.S. Midwest and Gulf Coast is required; and

Whereas, Increasing energy imports from Canada makes sense for the United States. Canada is a trusted neighbor with a stable democratic government, strong environmental standards—equal to that of the United States—and some of the most stringent human rights and worker protection laws in the world; and

Whereas, Improvements in production technology have reduced the carbon footprint of Canadian oil sands development by 26 percent on a per-barrel basis since 1990. Oil sands production accounts for 6.9 percent of Canada's greenhouse gas (GHG) emissions and 0.1 percent, or one-thousandth, of global GHG emissions. Total emissions from Canada's oil sands sector was 61 megatons in 2012, equivalent to about 0.9 percent of U.S. GHG emissions. Oil sands crude has similar carbon dioxide emissions to other heavy oils and is 9 percent more carbon-intensive than the average crude refined in the United States on a wells-to-wheels basis; and

Whereas, The 56 refineries in the Gulf Coast region provide a total refining capacity of approximately 9.2 million barrels per day (bpd), or half of U.S. refining capacity. In 2013, these refineries imported approximately 3.8 million bpd of crude oil from more than 30 countries, with the top three suppliers being Saudi Arabia (25 percent), Mexico (22 percent), and Venezuela (19 percent). Imports from Mexico and Venezuela are declining as production from these countries decreases and supply contracts expire. Once completed, TransCanada's Keystone XL and Gulf Coast Expansion projects could displace roughly 40 percent of the oil the United States currently imports from the Persian Gulf and Venezuela; and

Whereas, The Keystone XL pipeline project has been subject to the most thorough public consultation process of any proposed U.S. pipeline and the subject of multiple environmental impact statements and several U.S. Department of State studies. These analyses have concluded that it poses the least impact to the environment and is much safer than other modes of transporting crude oil; and

Whereas, Pipelines are the safest method for the transportation of petroleum products when compared to other methods of transportation. The Keystone XL pipeline will replace the equivalent of 200 ocean tankers per year. This will reduce greenhouse gas emissions by as much as 19 million tons, or the equivalent of taking almost 4 million cars off the road; and

Whereas, The original Keystone pipeline, which spans across the northern part of Missouri, supplies over 435,000 bpd of North American crude oil to American refineries in the Midwest. The Keystone XL pipeline will, when completed, have the capacity to carry over 800,000 bpd of North American crude oil to American refineries in the Gulf Coast region which will make its way back to Missouri in the form of gasoline, diesel, and jet fuel; and

Whereas, The Keystone XL project will create approximately 9,000 construction jobs. The Gulf Coast project is a \$2.3 billion project that will create approximately 4,000 construction jobs. Combined, they support yet another 7,000 manufacturing jobs. Seventy-five percent of the pipe used to build the Keystone XL application in the United States will come from North American mills, including half made by U.S. workers. Goods for the pipeline, valued at approximately \$800 million, have already been sourced from U.S. manufacturers; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we:

1. Support continued and increased development and delivery of oil derived from North American oil reserves to American refineries;

2. Urge the U.S. Congress to support continued and increased development and delivery of oil from Canada to the United States;

3. Urge the President of the United States to support the continued and increased importation of oil derived from the Bakken Formation in Montana, North Dakota, and South Dakota, as well as Canadian oil sands; and

4. Urge the U.S. Secretary of State to approve the newly-routed pipeline application from TransCanada to reduce dependence on unstable governments, create new jobs, improve our national security, and strengthen ties with an important ally; and be it further

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

Pending the order that, under rule 3.204, the concurrent 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 concurrent resolution,

Senator Kowall moved that the concurrent resolution be referred to the Committee on Energy and Technology.

The motion prevailed.

### Introduction and Referral of Bills

Senator Robertson introduced

**Senate Bill No. 44, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 613a (MCL 168.613a), as amended by 2011 PA 163.

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

Senator Robertson introduced

**Senate Bill No. 45, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 641 (MCL 168.641), as amended by 2005 PA 71.

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

Senator Hildenbrand introduced

**Senate Bill No. 46, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2014 PA 196 and section 17b as amended by 2007 PA 137.

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

Senator Hildenbrand introduced

**Senate Bill No. 47, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2015; and to provide for the expenditure of the appropriations.

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

Senators Smith and Hertel introduced

**Senate Bill No. 48, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 1114 (MCL 436.2114), as amended by 2011 PA 27, and by adding section 1116.

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

Senator Smith introduced

**Senate Bill No. 49, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by amending the heading of chapter XXA and by adding section 145s.

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

Senator Smith introduced

**Senate Bill No. 50, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2012 PA 195.

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

Senators Horn, Schuitmaker, Robertson, Jones, Marleau, Knollenberg, Knezek, Zorn, Booher, Hertel, Ananich, Proos and O'Brien introduced

**Senate Bill No. 51, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 4a.

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

Senators Stamas, Schmidt, Hildenbrand, MacGregor, Zorn, Knezek, Marleau, Hertel and Emmons introduced

**Senate Bill No. 52, entitled**

A bill to amend 2008 PA 176, entitled "Veterans welcome home act," by amending section 2 (MCL 35.1232).

The bill was read a first and second time by title and referred to the Committee on Veterans, Military Affairs and Homeland Security.

Senators Jones, Brandenburg, Robertson, Marleau, Horn, Knollenberg, Schmidt, Zorn, Booher, Hansen, Pavlov, Nofs and Proos introduced

**Senate Bill No. 53, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 1 and 5o (MCL 28.421 and 28.425o), section 1 as amended by 2014 PA 203 and section 5o as amended by 2014 PA 206.

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

Senators Casperson, Pavlov, Nofs, Zorn, Knezek, Marleau, Schmidt, Horn, Green and Booher introduced

**Senate Bill No. 54, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40104, 40112, and 48703a (MCL 324.40104, 324.40112, and 324.48703a), section 40104 as added by 1995 PA 57, section 40112 as amended by 1996 PA 316, and section 48703a as amended by 2014 PA 281.

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

Senators Pavlov, Casperson, Nofs, Zorn, Knezek, Marleau, Schmidt, Horn, Green and Booher introduced

**Senate Bill No. 55, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40111c (MCL 324.40111c), as added by 2008 PA 301.

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

Senators Jones, Bieda and Nofs introduced

**Senate Bill No. 56, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 304, 555, 821, and 8202 (MCL 600.304, 600.555, 600.821, and 600.8202), sections 304 and 555 as amended by 1996 PA 374, section 821 as amended by 2004 PA 492, and section 8202 as amended by 1996 PA 388.

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



### Statements

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

The motion prevailed.

Senator Warren's statement is as follows:

This year the Governor and our majority leadership have said that education is at the top of their agenda, and I could not agree more. There is no path to our state's economic revitalization that does not require a strong and robust education program from preschool through college. That said, I'm not sure that we would identify the same steps along the path to reach that goal, because, unfortunately, what improving education has meant over the last several years is a systematic defunding of the public schools in favor of unfettered new charter and cyber schools.

What many people don't know is that here in Michigan, close to 80 percent of those charter schools are operated by private, for-profit education management organizations. This is by far the largest number of any state in the entire nation, and it means that the vast majority of our charter schools are by definition in the business of making money off of our kids' education without the same accountability and transparency requirements that we seem to be endlessly piling on to our traditional public schools.

What's more, these schools have proven to be no more successful than traditional public schools that we are failing to support at adequate levels. In fact, studies have shown that charter schools perform similarly to demographically-matched traditional public schools on standardized tests. That phrase "demographically-matched" is important, because only one-quarter of charter schools have student populations similar to local school districts in terms of ethnic composition and the proportion of low-income students. To add insult to injury, many of these large education management organizations are located in other states, so we are not even supporting Michigan businesses or residents with these profits.

That is why today I am reintroducing my joint resolution to amend Michigan's Constitution to prohibit the operation of a public school on a for-profit basis. I think that we can all agree that we have a lot of work to do here to ensure that our students get the education they need to be successful, and we need to think outside the box together—all of us. But our kids cannot be part of an untested business venture or a grand corporate experiment. Our students are not widgets, and I am not sure how we can legitimately expect that we will move any closer to meeting our critical education outcomes by continuing to allow someone else's bottom line to drive the process.

As we begin yet another session, I hope you will join me in partnering with our educators, our school board members, and our parents to put the emphasis back on teaching and learning, and back it up with sufficient resources that recognize that some kids are simply going to need more, because, unfortunately, they come to school with so much less. Let's take the dollars away from out-of-state CEOs, and put them back into the classroom. I hope my colleagues will join me.

### Scheduled Meetings

#### Appropriations -

##### Subcommittees -

**Agriculture and Rural Development** - Tuesdays, February 17, March 10, March 17, and March 24, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**General Government and Economic Development** - Thursday, January 29, 1:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5312) (CANCELED)

**Human Services** - Thursday, January 29, 2:00 p.m., Room 100, Farnum Building (373-2768)

**State Police and Military Affairs** - Thursdays, January 29 (CANCELED), February 19 (CANCELED), February 26 (CANCELED), March 5 (CANCELED), March 12 (CANCELED), and March 26 (CANCELED), 1:00 p.m.; Tuesdays, February 3, February 17, February 24, March 3, March 10, and March 24, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2768)

**Economic Development and General Government Appropriations Subcommittee** - Thursday, January 29, 1:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5312) (CANCELED)

**Transportation** - Thursday, January 29, 8:30 a.m., Room 210, Farnum Building (373-5323)

**Veterans, Military Affairs and Homeland Security** - Thursday, January 29, 2:00 p.m., Room 110, Farnum Building (373-5314)

Senator Kowall moved that the Senate adjourn.  
The motion prevailed, the time being 10:15 a.m.

The Assistant President pro tempore, Senator O'Brien, declared the Senate adjourned until Thursday, January 29, 2015, at 10:00 a.m.

JEFFREY F. COBB  
Secretary of the Senate