

No. 47
STATE OF MICHIGAN
Journal of the Senate
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REGULAR SESSION OF 2015

Senate Chamber, Lansing, Tuesday, May 19, 2015.

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
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—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—present
Zorn—present

Chaplain Bob Dennis of Grand Rapids Home for Veterans of Grand Rapids offered the following invocation:

Lord God of heaven and earth, we thank You for Your benefits which we see beyond measure. We look down at the green grass and up into the heavens, and we realize Your creation is a benefit for not only our subsistence, but our happiness and joy. Our state of Michigan surely is as beautiful as any place on earth. So it is, Lord, that we start the prayer of every day with a spirit of thanksgiving for Your love and care for us.

Lord, we wish to be good stewards of our state and good stewards of the leadership positions that have been placed on our shoulders. We pray that all the decisions that we make in this session will fall inside of Your master plan.

Lord, we also pray for Your protection during this gathering time. We realize the madness of evil that comes our way and the fact that they would destroy our way of life if they had the opportunity; that they would extremely grab measures to take our lives from us. Lord, please keep us safe.

Lord, please protect us from the evil assaults that come against our minds when we don't fully trust in You. Please help us to be strong in our faith and trust in You to guard our minds and our souls from any doubts and any fears.

Finally, Lord, we pray for the gift that You gave to Solomon. We pray earnestly for wisdom—wisdom in our personal lives and wisdom in our leadership responsibilities. Help us to see with the eyes of our heart what really counts in this life and in this leadership. Amen.

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

Motions and Communications

Senator Kowall moved that Senators Hildenbrand and Meekhof be temporarily excused from today's session. The motion prevailed.

Senator Hood moved that Senators Hopgood and Young be temporarily excused from today's session. The motion prevailed.

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

Senator Kowall moved that rule 3.902 be suspended to allow the guests of Senators Jones and Schuitmaker admittance to the Senate floor.

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

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:06 a.m.

11:11 a.m.

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

During the recess, Senators Meekhof, Hildenbrand, Young and Hopgood entered the Senate Chamber.

The following communications were received and read:
Office of the Auditor General

May 13, 2015

Enclosed is a copy of the following audit report:
Follow-up Report on the Performance audit of the Families First of Michigan Program, Michigan Department of Health and Human Services.

May 14, 2015

Enclosed is a copy of the following audit report:
Performance audit report on the Michigan Youth Challenge Academy, Department of Military and Veterans Affairs.

Sincerely,
Doug Ringer
Auditor General

The audit reports were referred to the Committee on Government Operations.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, May 14:
House Bill Nos. 4101 4203 4204 4205 4265

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, May 14, for his approval the following bills:

Enrolled Senate Bill No. 99 at 3:54 p.m.

Enrolled Senate Bill No. 52 at 3:56 p.m.

The Secretary announced that the following bills were printed and filed on Thursday, May 14, and are available at the Michigan Legislature website:

Senate Bill No. 330

House Bill Nos. 4588 4589 4590 4591 4592 4593 4594 4595 4596 4597

The Secretary announced that the following bills were printed and filed on Friday, May 15, and are available at the Michigan Legislature website:

Senate Bill Nos. 331 332 333 334 335 336 337

**House Bill Nos. 4598 4599 4600 4601 4602 4603 4604 4605 4606 4607 4608 4609 4610 4611
4612 4613 4614 4615 4616**

Senator Kowall moved that the following bill, now on the order of General Orders, be referred to the Committee on Judiciary:

Senate Bill No. 302, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 916a.

The motion prevailed.

Senator Kowall moved that a respectful message be sent to the House of Representatives requesting the return of the following bill:

House Bill No. 4075

The motion prevailed.

Senator Kowall moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 329

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

Messages from the Governor

The following message from the Governor was received:

Date: May 18, 2015

Time: 8:52 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 99 (Public Act No. 30), being

An act to amend 2001 PA 142, entitled "An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions," (MCL 250.1001 to 250.2080) by adding section 89a.

(Filed with the Secretary of State on May 18, 2015, at 10:45 a.m.)

Respectfully,
 Rick Snyder
 Governor

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 Robertson 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. 213, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending section 61 (MCL 408.1061), as amended by 1996 PA 437.

Senate Bill No. 231, entitled

A bill to amend 1915 PA 31, entitled "Youth tobacco act," by amending the title and sections 1, 2, and 4 (MCL 722.641, 722.642, and 722.644), as amended by 2006 PA 236.

Senate Bill No. 240, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 914a.

Senate Bill No. 329, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 644f (MCL 168.644f), as amended by 2012 PA 276.

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. 103, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1249 and 1249a (MCL 380.1249 and 380.1249a), section 1249 as amended by 2014 PA 257 and section 1249a as added by 2011 PA 102, and by adding sections 1249b and 1531j; and to repeal acts and parts of acts.

Substitute (S-4).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 4, line 6, after "**LEAST**" by striking out "**50%**" and inserting "**40%**".
2. Amend page 7, line 23, after "**30**" by striking out "**SCHOOL**".
3. Amend page 7, line 25, after "**30**" by striking out "**SCHOOL**".
4. Amend page 26, line 18, by striking out all of subdivision (C).

The Senate agreed to the substitute as amended recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

Senator Kowall moved that Senator Nofs be excused from the balance of today's session.

The motion prevailed.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 139, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1272b (MCL 380.1272b).

Substitute (H-2).

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

Senator Gregory offered the following amendments to the substitute:

1. Amend page 2, line 25, after "**THAN**" by striking out "**2 FUND-RAISING ACTIVITIES**" and inserting "**1 FUND-RAISING ACTIVITY**".

2. Amend page 3, following line 2, by inserting:

"(3) IF A PUBLIC SCHOOL ALLOWS A FUND-RAISING ACTIVITY TO TAKE PLACE AS DESCRIBED IN SUBSECTION (2), THE PERSON OR GROUP CONDUCTING THE FUND-RAISING ACTIVITY SHALL ENSURE THAT NOTIFICATION OF THE ACTIVITY IS MADE TO THE PARENTS AND LEGAL GUARDIANS OF PUPILS ENROLLED IN THE PUBLIC SCHOOL AT LEAST 1 WEEK BEFORE THE DATE OF THE ACTIVITY. THE NOTICE SHALL INCLUDE AT LEAST THE DATE AND TIME PERIODS FOR THE ACTIVITY, NOTIFICATION THAT THE ACTIVITY WILL INCLUDE THE SALE OR AVAILABILITY OF

FOOD OR BEVERAGES THAT DO NOT MEET THE NUTRITIONAL STANDARDS, AND A DESCRIPTION OF THE PRODUCTS TO BE SOLD AT THE ACTIVITY.”.

The amendments to the substitute were not adopted.

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. 192

Yeas—33

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

Nays—3

Gregory	Johnson	Warren
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Excused—2

Nofs	Smith
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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 full title.

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

Protest

Senator Gregory, under his constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute for Senate Bill No. 139 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Gregory’s statement is as follows:

I rise in opposition to Senate Bill No. 139 which will allow unhealthy foods in our schools during school hours. With so many of our kids today struggling with obesity and unhealthy eating habits, I feel it is wrong to be overexposing them to bad foods. Many children consume at least half of their meals at our schools, and for many children, food served at school may be the only food they regularly eat.

As a many of you know, the federal nutritional guidelines were revised in 2012, and states have the option to allow for exemptions. Currently, there are 28 states that have zero exemptions. They believe that the federal government’s guidelines

are appropriate, and they are helping their children. Here in the state of Michigan, we say that the federal government is overextending itself and shouldn't be involved in this. But what about our children? In Illinois, they have the highest number of fundraisers per year—36. When this bill passes, Michigan will beat that by twice that number—72. On top of that, in the state of Illinois, only the high schools have these exemptions. Here in Michigan, our middle schools and high schools will all have the ability to have 72 fundraisers a year, and yet these children, 1 in 8 are obese; not just overweight, but obese.

So in Michigan, what we are saying is it's OK for you to continue with this obesity, with these problems with your health, because we believe that the federal guidelines are inappropriate to be applied to us. We should allow our children to get as big as you want to get without any problems.

According to the Michigan Department of Health and Human Services—and I've said this before—almost 1 in 8 youths in the state of Michigan ages 10 to 17 are obese. They certainly have the risk of cancer, obesity, and childhood diseases. I don't understand, as a state, as a parent, as a grandparent, as an aunt, and as an uncle, why we wouldn't want to do the best for our children. We want to make sure our kids go to school. It is our obligation to make sure that they have healthy foods while they are in school. So we're saying that you're in school, but you can have whatever you want to have even though we know that we have this obesity problem in the state of Michigan.

I will be voting "no" on this bill. I'm asking my colleagues to reconsider your vote from the last time, and consider the health and welfare of the children of this state.

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

The motion prevailed.

Senator Gregory's statement is as follows:

Colleagues, I rise to offer an amendment to Senate Bill No. 139 that allows for unhealthy foods in our schools. Since this bill has come back from the House with changes, we have another chance to make this legislation better, and I want to take this opportunity to do so. My amendment would require that if these fundraisers in our schools are going to be held where our children are offered unhealthy foods, we should at least be notifying the parents. This notification would be one week in advance and include the date and time of the event and notification that nonnutritional food or beverages will be sold there. I disagree with using unhealthy foods to take advantage of our kids, but the parents of the students at these schools need to be prepared.

In addition, my amendment would also enable the Michigan Department of Education to lower the cap on these fundraising activities to one per week at each school. By lowering the number of fundraisers per week that the department must allow, we can give those who are experts in the field of childhood nutrition and how that impacts learning more authority of this vital statewide health concern.

According to the Michigan Department of Health and Human Services, almost 1 in 8 youth between the ages of 10 and 17 are obese—not just overweight, but obese—putting them at risk for a number of chronic diseases, as well as certain types of cancer. With so many kids struggling with obesity and unhealthy eating habits today, we should not be overexposing them to bad foods. While 28 other states have zero exemptions for unhealthy food fundraisers, the most allowed in the country is in the state of Illinois, allowing 36 fundraisers per year in high schools only.

I ask for your support of my amendment.

Senator Colbeck's statement is as follows:

I would like to remind my colleagues this passed 36-1 out of our chamber previously. Most of you recognize that this has nothing to do with obesity. This is about federal control versus local control. I urge everybody to provide a "yes" vote in favor of local control for this overall bill.

Third Reading of Bills

Senator Kowall moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 329

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

Senator Kowall moved that the following bills be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 144

House Bill No. 4017

Senate Bill No. 329

The motion prevailed.

Colbeck
Emmons
Green
Gregory

Horn
Hune
Johnson
Jones

Meekhof
O'Brien
Pavlov
Proos

Stamas
Warren
Zorn

Nays—1

Young

Excused—2

Nofs

Smith

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 codify the licensure and regulation of certain persons engaged in processing, manufacturing, production, packing, preparing, repacking, canning, preserving, freezing, fabricating, storing, selling, serving, or offering for sale food or drink for human consumption; to prescribe powers and duties of the department of agriculture; to provide for delegation of certain powers and duties to certain local units of government; to provide exemptions; to regulate the labeling, manufacture, distribution, and sale of food for protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration, manufacture, distribution, and sale of foods in violation of this act; to provide standards for food products and food establishments; to provide for enforcement of the act; to provide penalties and remedies for violation of the act; to provide for fees; to provide for promulgation of rules; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 329, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 644f (MCL 168.644f), as amended by 2012 PA 276.

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. 195

Yeas—34

Ananich
Bieda
Booher
Brandenburg
Casperson
Colbeck
Emmons
Gregory
Hertel

Hildenbrand
Hood
Hopgood
Horn
Hune
Johnson
Jones
Knezek
Knollenberg

Kowall
MacGregor
Marleau
Meekhof
O'Brien
Pavlov
Proos
Robertson

Rocca
Schmidt
Schuitmaker
Shirkey
Stamas
Warren
Young
Zorn

Senator Casperson offered the following resolution:

Senate Resolution No. 58.

A resolution to urge the President and Congress of the United States to take action to halt the illegal dumping of foreign steel into the U.S. market.

Whereas, Steel is the backbone of the modern economy, and it contributes to every level of daily life. It supports our bridges, takes our buildings to new heights, and can be found in the everyday appliances in our homes. Michigan's strong manufacturing sector, particularly our automotive industry, relies extensively on the metal, as does the energy sector's domestic oil and gas extraction efforts. In fact, in 2014, Michigan and Minnesota shipped 93 percent of usable iron ore products in the United States; and

Whereas, Iron ore mining and manufacturing has been significantly undermined by low-price steel imports from foreign nations. Companies in places like China, South Korea, India, the Philippines, Vietnam, Thailand, Taiwan, and Saudi Arabia are selling their products in the United States at predatory prices. Some estimates state that certain Chinese steel firms retail their products in the United States at 75 percent of the domestic cost of production. A South Korean firm recently retailed its products even lower at 48 percent of the domestic cost of production. This unfair trade puts American mills, and the mines that feed them, at risk; and

Whereas, The economic consequences of steel dumping have begun and will have a lasting detrimental impact on the Michigan economy and the entire nation. Across the Midwest, thousands of steelworkers have already been laid off in recent years, and as mills continue to operate well below their operational capacity, more steelworkers and miners are at risk. As the percentage of foreign steel used in the United States increases, the impacts on American manufacturing will only increase. This could lead to the erosion of enterprises that are critical to our economy and national defense; and

Whereas, The dumping of foreign steel into the United States is a violation of international trade agreements and must be halted. Article VI of the General Agreement on Tariffs and Trade 1994 states that products from another country shall not be introduced into the commerce of another country at a value less than the product's normal price in the destination country. The Department of Commerce has used the provisions of this article to investigate and take anti-dumping measures against nations in the past. However, this process is slow. So, while nations and companies are being identified, investigated, and punished, American workers are being laid off. Action must be taken to more aggressively identify those violating international trade agreements and punish them accordingly; now, therefore, be it

Resolved by the Senate, That we urge the President and Congress of the United States to take action to halt the illegal dumping of foreign steel into the U.S. market; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, 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 Economic Development and International Investment.

The motion prevailed.

Senators Booher, Emmons, Horn, Kowall, MacGregor, Marleau, O'Brien and Proos were named co-sponsors of the resolution.

Senator Green offered the following resolution:

Senate Resolution No. 59.

A resolution to urge the United States Congress to enact legislation that requires uniform and science-based food labeling nationwide.

Whereas, In the absence of a federal genetically modified organism (GMO) labeling standard, some states and localities have developed a patchwork of labeling proposals that can be confusing and misleading to consumers. Multiple local regulations increase agriculture and food production costs, requiring food companies operating in Michigan to create separate supply chains to be developed for each state; and

Whereas, GMOs are found in 70 to 80 percent of the foods we eat and play a vital role in maintaining Michigan's agriculture, food processing, and other industries. In 2014, 100 percent of all sugar beets, 93 percent of all corn, and 91 percent of all soybeans grown in Michigan were genetically modified; and

Whereas, A maze of regulations would cripple interstate commerce throughout the food supply and distribution chain and ultimately increase grocery prices for consumers by hundreds of dollars each year. A Cornell University study found that a patchwork of state labeling laws would increase food costs for a family by an average of \$500 per year; and

Whereas, On March 25, 2015, Congressman Pompeo (R-KS) and Congressman Butterfield (D-NC) introduced bipartisan legislation—the Safe and Accurate Food Labeling Act (H.R. 1599)—to avoid this patchwork of regulations and the costly challenges it creates. This legislation has been jointly referred to the House Agriculture Committee and the House Energy and Commerce Committee; and

Whereas, Passage of H.R. 1599 will allow consumers to have access to accurate and consistent information on products that contain GMOs by ensuring that labeling is national, uniform, and science-based. The bill also establishes a United States Department of Agriculture (USDA)-administered certification and labeling program, modeled after the USDA National Organic Program, for non-GMO, organic foods; now, therefore, be it

Resolved by the Senate, That we urge the United States Congress to enact legislation that requires uniform and science-based food labeling nationwide; 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 Agriculture.

The motion prevailed.

Senators Booher, Brandenburg, Emmons, Kowall, Marleau and Robertson were named co-sponsors of the resolution.

House Concurrent Resolution No. 11.

A concurrent resolution to urge the United States Supreme Court to recognize its limited historic role in a federal system and to urge the states to become proactive in defending their sovereignty against federal overreach.

Whereas, The Founders of our republic established a federalist system, characterized by a clear division of powers defined by a written constitution, whereby the powers of the general government were clearly limited, and the existing, retained powers of the states clearly established; and

Whereas, The powers of the federal government were explained by James Madison in Federalist No. 45, to be “few and defined,” and touching mainly on international issues of “war, peace, negotiation, and foreign commerce.” In contrast the powers “which are to remain in the State governments are numerous and indefinite” and pertain to domestic affairs which “will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State”; and

Whereas, A majority of the states, in ratifying the U.S. Constitution from 1787 to 1790, demanded that the proposed constitution be amended to clearly define the existing, retained powers of the states. The new federal government responded by proposing to the states the Bill of Rights which recognized the existing, retained powers of the states and provided strict limitations on the powers of the new federal government; and

Whereas, The Tenth Amendment to the U.S. Constitution was adopted to ensure that the balance of power between the federal government and state governments remained in perpetuity; and

Whereas, This arrangement of federalism best meets the needs of the states which often vary in customs and values and which are in a position to best understand the needs and desires of their own citizens. Altering wrongs on the part of government is much more easily accomplished at the state level than at the federal level; and

Whereas, Nothing has changed in the U.S. Constitution since the adoption of the Bill of Rights which would alter that balance of power between the federal government and the states; and

Whereas, Generations after the Fourteenth Amendment was ratified, the United States Supreme Court began to embrace novel legal doctrines, most notably the Incorporation Doctrine which, contrary to prior court precedent, redefines the Fourteenth Amendment to be a constitutional watershed, one which makes every state and local law or custom subject to federal oversight, thereby proclaiming unto itself an authority never granted to it by the people. Beginning in the mid-1900s, the courts began to use the Fourteenth Amendment as a pretext for subsuming the long existing powers of the states, shaping society according to their own philosophies, and in the process, destroying federalism and rendering the Tenth Amendment all but meaningless; and

Whereas, A court which recognizes no proper boundary to its own power, particularly the boundaries established by the Tenth Amendment to the U.S. Constitution, has great potential for precipitating irreparable harm to the republic, as illustrated by the 1857 *Dred Scott v. Sandford* decision, and as stated by President Abraham Lincoln in his first inaugural address, referring to that infamous case, “...if the policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court the instant they are made...the people will have ceased to be their own rulers, having to that extent practically resigned their government into the hands of that eminent tribunal...”; and

Whereas, It is the responsibility of the states to defend the powers they retained under the U.S. Constitution. Chief Justice John Roberts wrote in *NFIB v. Sebelius*, “In the typical case we look to the States to defend their prerogatives by adopting ‘the simple expedient of not yielding’ to federal blandishments when they do not want to embrace the federal policies as their own... The States are separate and independent sovereigns. Sometimes they have to act like it.”; and

Whereas, This resolution is part of our sworn duty to defend both the Michigan Constitution and the U.S. Constitution. Every state legislator from the state of Michigan swears an oath that he or she will support these constitutions; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the United States Supreme Court to recognize its limited historic role in a federal system in which powers are separated among the branches of government and, most importantly, between the federal government and the state governments, and to recognize that it is the right of the individual states under the Tenth Amendment to determine certain domestic state issues; and be it further

Resolved, That we urge our fellow states to proactively defend their sovereignty from federal overreach; and be it further

Resolved, That copies of this resolution be transmitted to the Justices of the United States Supreme Court, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the legislatures of the other forty-nine states.

The House of Representatives has adopted the concurrent resolution.

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 Elections and Government Reform.

The motion prevailed.

Senators Booher, Brandenburg, Casperson, Colbeck, Emmons, Green, Horn, Kowall, Pavlov, Proos and Shirkey were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senators Proos, Brandenburg, Booher, Horn and Gregory introduced

Senate Bill No. 338, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 21334 and 21736.

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

Senator Bieda introduced

Senate Bill No. 339, entitled

A bill to amend 1969 PA 287, entitled "An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies," by amending sections 1, 2, 5a, 6, 7, and 9 (MCL 287.331, 287.332, 287.335a, 287.336, 287.337, and 287.339), sections 1, 6, 7, and 9 as amended by 1997 PA 7 and section 5a as added by 1980 PA 214, and by adding section 9c.

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

Senator Bieda introduced

Senate Bill No. 340, entitled

A bill to amend 1915 PA 31, entitled "Youth tobacco act," by amending sections 1 and 2 (MCL 722.641 and 722.642), as amended by 2006 PA 236.

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

Senator Shirkey introduced

Senate Bill No. 341, entitled

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending sections 22, 40, 53, 63, 151, 152, 153, 154, and 155 (MCL 207.1022, 207.1040, 207.1053, 207.1063, 207.1151, 207.1152, 207.1153, 207.1154, and 207.1155).

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

Senator Shirkey introduced

Senate Bill No. 342, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2012 PA 498.

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

House Bill No. 4101, 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 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 Appropriations.

House Bill No. 4203, entitled

A bill to amend 1931 PA 327, entitled "An act to provide for the organization, regulation and classification of corporations; to provide their rights, powers and immunities; to prescribe the conditions on which corporations may exercise their powers; to provide for the inclusion of certain existing corporations within the provisions of this act; to prescribe the terms and conditions upon which foreign corporations may be admitted to do business within this state; to require certain annual reports to be filed by corporations; to prescribe penalties for the violations of the provisions of this act; and to repeal certain acts and parts of acts relating to corporations," by amending section 157 (MCL 450.157).

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 Health Policy.

House Bill No. 4204, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 55 (MCL 400.55), as amended by 1998 PA 516.

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 Health Policy.

House Bill No. 4205, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending the heading of part 58 and sections 5801, 5805, 5815, 5817, 5821, 5823, 5825, 5828, 5831, 5835, 5841, 5843, 5847, 5863, 5871, 5874, and 5879 (MCL 333.5801, 333.5805, 333.5815, 333.5817, 333.5821, 333.5823, 333.5825, 333.5828, 333.5831, 333.5835, 333.5841, 333.5843, 333.5847, 333.5863, 333.5871, 333.5874, and 333.5879), section 5805 as amended by 1988 PA 236 and section 5817 as amended by 1998 PA 88; and to repeal acts and parts of acts.

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 Health Policy.

House Bill No. 4265, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 11, 21, 31, 34, 34a, 41, 51, 52, 54, 61, 82, 85, and 111 (MCL 389.11, 389.21, 389.31, 389.34, 389.34a, 389.41, 389.51, 389.52, 389.54, 389.61, 389.82, 389.85, and 389.111), section 21 as amended by 2013 PA 53, sections 34, 34a, 51, 52, and 54 as amended by 2003 PA 306, section 41 as amended by 2004 PA 446, section 61 as amended and section 85 as added by 2000 PA 488, section 82 as amended by 1992 PA 20, and section 111 as amended by 1997 PA 135.

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 Education.

Committee Reports

The Committee on Transportation reported

Senate Bill No. 186, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding sections 811cc, 811dd, 811ee, 811ff, and 811gg.

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, Marleau and Hopgood

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 Transportation submitted the following:

Meeting held on Thursday, May 14, 2015, at 8:30 a.m., Room 210, Farnum Building

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

The Committee on Elections and Government Reform reported

Senate Bill No. 329, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 644f (MCL 168.644f), as amended by 2012 PA 276.

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, Colbeck, Emmons, Shirkey and Hood

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Elections and Government Reform submitted the following:

Meeting held on Thursday, May 14, 2015, at 9:00 a.m., Rooms 402 and 403, Capitol Building

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

The Committee on Veterans, Military Affairs and Homeland Security reported

House Bill No. 4060, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1896) by adding section 275b.

With the recommendation that the bill pass.

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

Margaret E. O'Brien
Chairperson

To Report Out:

Yeas: Senators O'Brien, Emmons, Zorn, Colbeck and Knezek

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Veterans, Military Affairs and Homeland Security submitted the following:

Meeting held on Thursday, May 14, 2015, at 2:00 p.m., Room 110, Farnum Building

Present: Senators O'Brien (C), Emmons, Zorn, Colbeck and Knezek

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development and International Investment submitted the following:

Meeting held on Thursday, May 14, 2015, at 1:30 p.m., Room 210, Farnum Building

Present: Senators Horn (C), Schmidt, Brandenburg, Emmons, Warren and Bieda

Excused: Senator Stamas

Scheduled Meetings**Appropriations -****Subcommittee -**

K-12, School Aid, Education and House School Aid Appropriations Subcommittee - Wednesday, June 3, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Commerce - Wednesday, May 20, 8:30 a.m., Room 210, Farnum Building (373-5312)

Criminal Justice Policy Commission - Wednesday, June 3, 10:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Families, Seniors and Human Services - Wednesday, May 20, 3:00 p.m., Room 210, Farnum Building (373-5323)

Regulatory Reform - Wednesday, May 20, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5323)

Senate Fiscal Agency Board of Governors - Thursday, June 11, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Transportation - Thursday, May 21, 8:30 a.m., Room 210, Farnum Building (373-5323)

Senator Kowall moved that the Senate adjourn.
The motion prevailed, the time being 12:01 p.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Wednesday, May 20, 2015, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate

