

No. 82  
STATE OF MICHIGAN  
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Senate Chamber, Lansing, Wednesday, September 16, 2015.

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  
Emmons—present  
Green—present  
Gregory—present  
Hansen—present  
Hertel—excused  
Hildenbrand—present  
Hood—excused

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

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

Father God, we gather today in this Senate Chamber thankful for the many blessings that You have freely given to each of us. Yet we know, Father, that in Your plan of salvation, we are to suffer, and those we serve are to suffer from the ills of our nation and our society. Father, give us the wisdom and strength to address these challenges with care, compassion, and without judgment.

In a special way, we pray for Senator Nofs and his family as they lay to rest their loved one. May peace and comfort be granted to his family and to all who grieve the loss of loved ones. All the while, Father, through our tears, we praise You in this ancient prayer:

“Thee, O God, we praise. We praise you. You are Lord and we acclaim you. You are the Eternal Father. All creation worships you. To you, all angels and all powers of heaven, cherubim and seraphim, sing in endless praise, ‘Holy, holy, holy, Lord, all the earth is full of your glory.’ The glorious company of apostles praise you. The fellowship of prophets praise you. The white-robed army of martyrs praise you. Throughout the world, the holy church acclaim you Father of majesty unbounded, your true and only Son worthy of all worship, and the Holy Spirit advocate and guide.

You, Christ, are the King of glory, the Eternal Son of the Father. When you became man to set us free, you did not spurn the virgin’s womb. You overcame the sting of death and opened the kingdom of heaven to all believers. You are seated at the right hand in glory. We believe that you will come and be our judge. Come then, Lord, and help your people. Bought with the price of your own blood, bring us with the saints to lasting glory.”

Amen.

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

### Motions and Communications

Senators Emmons, Brandenburg and Hopgood entered the Senate Chamber.

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

Senator Kowall moved that Senator Green 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.

### 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.

10:34 a.m.

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

During the recess, Senator Green entered the Senate Chamber.

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. 468**

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

The following communication was received:  
Office of Senator Mike Nofs

September 10, 2015

Pursuant to Senate Rule 1.110, I respectfully request that my name be added as a co-sponsor of SB 439.

Thank you for your attention to this request.

Sincerely,  
Mike Nofs  
State Senator  
19th District

The communication was referred to the Secretary for record.

The Secretary announced that the following bills and joint resolution were printed and filed on Thursday, September 10, and are available at the Michigan Legislature website:

<b>Senate Bill Nos.</b>	<b>439</b>	<b>440</b>	<b>441</b>	<b>442</b>	<b>443</b>	<b>444</b>	<b>445</b>	<b>446</b>	<b>447</b>	<b>448</b>	<b>450</b>	<b>451</b>	<b>452</b>	<b>453</b>
	<b>454</b>	<b>455</b>	<b>456</b>	<b>457</b>	<b>458</b>	<b>459</b>	<b>460</b>	<b>461</b>	<b>462</b>	<b>463</b>	<b>464</b>	<b>465</b>	<b>466</b>	<b>467</b>
<b>House Bill Nos.</b>	<b>4847</b>	<b>4848</b>	<b>4849</b>	<b>4850</b>	<b>4851</b>	<b>4852</b>	<b>4853</b>	<b>4854</b>	<b>4855</b>	<b>4856</b>	<b>4857</b>	<b>4858</b>	<b>4859</b>	
<b>House Joint Resolution</b>	<b>CC</b>													

The Secretary announced that the following bills were printed and filed on Friday, September 11, and are available at the Michigan Legislature website:

<b>Senate Bill Nos.</b>	<b>469</b>	<b>470</b>	<b>471</b>	<b>472</b>	<b>473</b>	<b>474</b>	<b>475</b>	<b>476</b>	<b>477</b>	<b>478</b>	<b>479</b>	<b>480</b>	<b>481</b>	<b>482</b>
	<b>483</b>	<b>484</b>	<b>485</b>	<b>486</b>	<b>487</b>	<b>488</b>	<b>489</b>	<b>490</b>						
<b>House Bill Nos.</b>	<b>4860</b>	<b>4861</b>	<b>4862</b>	<b>4863</b>	<b>4864</b>									

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 Hildenbrand 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 bill:

#### **Senate Bill No. 306, entitled**

A bill to enter into the compact for a balanced budget.

The bill was 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. 369, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4o (MCL 205.94o), as amended by 2012 PA 474. Substitute (S-2).

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

#### **Senate Bill No. 370, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4t (MCL 205.54t), as amended by 2010 PA 116.

Substitute (S-2).

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

#### **Senate Bill No. 91, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811dd.

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.

The Committee of the Whole reported back to the Senate, favorably and with amendment, the following bill:

**Senate Bill No. 468, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17739a, 17739b, and 17739c (MCL 333.17739a, 333.17739b, and 333.17739c), as added by 2014 PA 285.

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 5, following line 8, by inserting:

"Sec. 17748a. (1) ~~Beginning on the effective date of this section, SEPTEMBER 30, 2014,~~ an applicant for a new pharmacy license for a pharmacy that will provide compounding services for sterile pharmaceuticals shall submit verification of current accreditation through a national accrediting organization approved by the board or verify the pharmacy is in the accreditation process. The department shall not issue a license to a pharmacy described in this subsection that is not accredited unless the applicant demonstrates compliance with USP standards in a manner determined by the board.

(2) ~~By 1 year after the effective date of this section, SEPTEMBER 30, 2016,~~ a pharmacy that is licensed on the ~~effective date of this section SEPTEMBER 30, 2014~~ and that provides compounding services for sterile pharmaceuticals must be accredited by a national accrediting organization approved by the board, be verified by the board as being in the accreditation process, or be in compliance with USP standards in a manner determined by the board.

(3) Notwithstanding any provision of part 161 to the contrary, a pharmacy that provides compounding services for sterile pharmaceuticals shall submit with a license renewal application verification of current accreditation or compliance with USP standards, as applicable.

(4) A person that provides services consistent with an outsourcing facility shall comply with requirements of the FDA applicable to compounding services for sterile pharmaceuticals.

(5) A pharmacy shall notify the department of a complaint filed by another state in which the pharmacy is licensed for violations of that state's pharmacy laws, an investigation by federal authorities regarding violations of federal law, or an investigation by any agency into violations of accreditation standards regarding compounding activities within 30 days of knowledge of the complaint or investigation.

(6) Except for distribution within a hospital or another health care entity under common control when regulated by federal law, a pharmacist shall maintain a record of a compounded sterile pharmaceutical in the same manner and for the same retention period as prescribed in rules for other prescription records. The pharmacist shall include, but is not limited to including, all of the following information in the record required under this subsection:

(a) The name, strength, quantity, and dosage form of the compounded pharmaceutical.

(b) The formula to compound that includes mixing instructions, all ingredients and their quantities, and any additional information needed to prepare the compounded pharmaceutical.

(c) The prescription number or assigned internal identification number.

(d) The date of preparation.

(e) The manufacturer and lot number of each ingredient.

(f) The expiration or beyond-use date.

(g) The name of the person who prepared the compounded pharmaceutical.

(h) The name of the pharmacist who approved the compounded pharmaceutical.

(7) A pharmacist shall not offer excess compounded pharmaceuticals to other pharmacies for resale. A compounding pharmacy shall not distribute samples or complimentary starter doses of a compounded pharmaceutical to a health professional.

(8) A compounding pharmacy may advertise or otherwise promote the fact that they provide compounding services.

(9) Based on the existence of a health professional/patient relationship and the presentation of a valid prescription, or in anticipation of the receipt of a prescription based on routine, regularly observed prescription patterns, a pharmacist may compound for a patient a nonsterile or sterile pharmaceutical that is not commercially available in the marketplace.

(10) Notwithstanding any provision of this act to the contrary, a person shall not compound and manufacture drug products or allow the compounding and manufacturing of drug products at the same location.

(11) The department, in consultation with the board, may promulgate rules regarding conditions and facilities for the compounding of nonsterile and sterile pharmaceuticals."

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

### Resolutions

Senator Kowall moved that consideration of the following resolutions be postponed for today:

**House Concurrent Resolution No. 3**

**Senate Resolution No. 76**

The motion prevailed.

Senator Johnson offered the following resolution:

**Senate Resolution No. 89.**

A resolution to commemorate September 9, 2015, as Standing For Peace and Justice Day.

Whereas, According to the Centers for Disease Control and Prevention (CDC), in 2010, killers used guns to murder 11,000 people in the United States, the latest year for which statistics are available. The same year, 20,000 others used guns to commit suicide, and 73,000 were rushed to hospital emergency rooms for gunshot wounds. Gun violence has claimed the lives of more than 30,000 men, women, and children in recent years. Doctors and public health specialists say gun violence is at epidemic levels, calling it a major public health threat; and

Whereas, The Doctors for America organization, headquartered in Washington, D.C., has stated that every day 87 people die, and over 180 are injured due to gunshot wounds; and

Whereas, The above statistics may not even capture the number of inner-city youth who are killed daily. While homicide is the leading cause of death among young African-American males between 14-34 years of age, such information is rarely included in the national debate about the epidemic of gun violence in America; and

Whereas, According to a 2013 report by the Children's Defense Fund (CDF), in 2010, 2,694 children and teens died from guns in the United States—one child or teen every three hours and 15 minutes, seven every day, 51 every week for a year. In 2010, more than six times as many children and teens—18,270—suffered nonfatal gun injuries as gun deaths. This is equal to one child or teen every 30 minutes, 50 every day, and 351 children and teens every week; and

Whereas, State legislative bodies all across America have become stages for protest and wrenching testimony from families of people cut down by bullets, juxtaposed to lawmakers sparring over Second Amendment freedoms. All across this country, tens of thousands of voiceless parents have lost and are losing their children and loved ones to senseless violence, without our elected representatives proactively and responsibly addressing this issue; and

Whereas, In an effort to protect our citizens, including our children, from unnecessary harm and injury, in the 1970s, the federal government created the Consumer Product Safety Commission (CPSC). Products of all types must meet standards set by the CPSC, except guns. In 1976, an amendment to the Consumer Product Safety Act specifically stated that the Commission shall make no ruling or order that restricts the manufacture or sale of guns or gun ammunition. As a result, the CPSC can regulate teddy bears and toy guns, but not real guns, despite the fact that they are one of the most lethal consumer products; and

Whereas, America has laws that protect our children from products, activities, or situations that may cause them harm or injury before they reach a certain level of maturity—called the age of majority—which is, in most cases, 18 or 21 years of age. We make it illegal for them to purchase substances such as alcohol and tobacco. We limit activities such as driving, serving in the military, and even marriage without parental consent, but we haven't done enough to protect children, teens, and young adults from access to illegal guns; and

Whereas, For over 30 years, homicide—primarily gun violence—has been the leading cause of death among African-American boys and young men between the ages of 14-34 years and is the second-leading cause of death among Latino youth in the same age group; and

Whereas, Urban communities of color overwhelmingly bear the brunt of day-to-day gun violence in America, yet the U.S. Department of Justice's final report titled "Vision 21," calling for reform to the Victims of Crime Act (VOCA), clearly identifies African-American boys and men and their families as among the victims of crime populations in America who are underserved, encounter barriers to accessing services, and are most frequently denied services; and

Whereas, In February of 2014, President Barack Obama launched the My Brother's Keeper Initiative in response to "America's mass numbness" to the plight of young black boys and young men; and

Whereas, Congress allowed the 1994 ban on assault weapons to sunset in 2004, due to a drop in gun deaths and despite broad public support for the ban—71 percent of responders to a survey favored the ban; and

Whereas, The U.S. Congress has willfully and consistently blocked the effectiveness of the CDC by cutting and blocking funding to this agency to support research into the behavioral, mental health, and social-economic issues that contribute to the homicide and gun violence crisis in America. As well, Congress has consistently underfunded and instituted structural restrictions that prevent the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) from effectively and comprehensively carrying out its role of oversight of the firearms industry; and

Whereas, The Protection of Lawful Commerce in Arms Act was passed by Congress and signed into law on October 26, 2005, by President George W. Bush and became Public Law 109-92. This law effectively prevents victims of firearms violence in the United States from successfully suing manufacturers and dealers for negligence; thereby closing another avenue by which victims sought to get redress for suffering the senseless murders of their loved ones. The purpose of the act is to prevent firearms manufacturers and dealers from being held liable when crimes have been committed with their products; and

Whereas, For over 30 years, Congress has consistently blocked the passage of numerous bills that would constitute sensible gun laws to protect the American public—including our children—and significantly curtail the proliferation of and access to illegal guns in America. Such laws include:

- Requirement to report lost and stolen guns.
- Enactment of an assault weapons and high-capacity magazine ban.

- Closing the Gun Show Loophole by enacting S. 843 and H.R. 2324.
- Closing the Fire Sale Loophole by enacting H.R. 6664.
- Repeal of the Tiahrt Amendment which restricts access of state and local law enforcement to gun trace data.

; and

Whereas, In addition to the prevalence of individual murders, according to a report released by the Federal Bureau of Investigation (FBI) in 2014, from December 2000 to 2013, there were 160 active-shooter incidents, i.e., mass murders, in which 1,043 people in the U.S. were wounded or killed by active shooters attempting to kill people in confined and populated areas. The most deadly were the Virginia Tech massacre in 2007, in which 32 people were killed and 17 wounded; and the Aurora, Colorado, massacre in 2012, in which 12 people were killed and 58 wounded in a movie theater. These mass murder numbers include our national shame and anguish when 20 young children were massacred in 2012 at the Sandy Hook Elementary School in Connecticut; as well as the 2011 tragedy near Tucson, Arizona, when then-U.S. Representative Gabrielle Giffords was shot in the head, 12 other people were seriously wounded, and six people were murdered by a deranged gunman. These four mass shootings are only a small percentage of the precious lives that have been tragically interrupted or lost due to mass murders by assault weapons; and

Whereas, The National League of Cities (NLC), which represents and advocates for 19,000 cities, towns, and villages, representing more than 218 million Americans, has called upon Congress and the Administration to rethink public safety in our country. The NLC has also crafted a National Municipal Policy on Public Safety; and

Whereas, Cities United, launched by Philadelphia Mayor Michael Nutter and New Orleans Mayor Mitch Landrieu, is the crime prevention arm of the National League of Cities and, as such, has launched a national effort to reduce violent deaths among African-American males. Its vision is that mayors and other municipal leaders across the country will form partnerships with other local officials, community leaders, families, youth, funders, and other stakeholders within their respective cities to champion strategies that reduce violence and violence-related deaths among African-American boys and men; and

Whereas, The United States Congress has failed to enact measures that would protect the First Amendment rights of all American citizens—the right to life, liberty, and the pursuit of happiness; now, therefore, be it

Resolved by the Senate, That we commemorate September 9, 2015, as Standing For Peace and Justice Day; and be it further

Resolved, That we declare homicide in America as a national health crisis and demand that our duly-elected members of Congress come together in a bipartisan manner to address this crisis—to enact legislation and promote policies that protect the rights of all Americans to live in safe environments, free from random and needless gun violence.

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

Senators Bieda, Booher, Hertel, Smith, Warren, Gregory and Marleau were named co-sponsors of the resolution.

Senators Emmons, Booher, Schmidt, Hansen and Marleau offered the following resolution:

**Senate Resolution No. 90.**

A resolution to commemorate September 2015 as Kinship Care Month.

Whereas, Nationally, 2.7 million children are living with grandparents and other relatives in kinship care, of which over 183,000 of these young people reside in Michigan; and

Whereas, Michiganders join to honor famous kinship caregivers, such as President George Washington, and grandparents and relatives residing in urban, rural, and suburban households in every county of Michigan who step forward out of love and loyalty to care for relatives when a child's biological parents are no longer able to do so; and

Whereas, Michiganders join to honor famous youth who were raised in kinship care, such as Maya Angelou and Sandra Day O'Connor, as well as those children residing in urban, rural, and suburban households in every county of Michigan who, through the unconditional support of grandparents and other relatives, have successfully addressed the emotional trauma of losing their parents; and

Whereas, The public becomes increasingly aware of the challenges faced by children, grandparents, and other relatives in kinship care to work in partnership with the education, legal, social services, mental health, justice, and other systems to access services that can enable kinship youth to flourish in all facets of their lives; and

Whereas, One in eleven of all children will live within a kinship family sometime during their childhood. Kinship care provides the best opportunity to retain the child's cultural heritage and community ties; now, therefore, be it

Resolved by the Senate, That the members of this legislative body hereby commemorate September 2015 as Kinship Care Month in the state of Michigan.

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 Families, Seniors and Human Services.

The motion prevailed.

Senators Bieda and Gregory were named co-sponsors of the resolution.

**Introduction and Referral of Bills**

Senators Pavlov, Colbeck, Hansen, Booher, Proos, Shirkey and Knollenberg introduced

**Senate Bill No. 491, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1233b and 1531i (MCL 380.1233b and 380.1531i), section 1233b as amended by 1995 PA 289 and section 1531i as added by 2009 PA 202.

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

Senators Brandenburg, Smith, Proos, Colbeck, Green, Horn, Knollenberg, Hansen, Robertson and Stamas introduced

**Senate Bill No. 492, entitled**

A bill to amend 1974 PA 269, entitled "Franchise investment law," (MCL 445.1501 to 445.1546) by adding section 4b.

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

Senators Proos, Brandenburg, Colbeck, Horn, Knollenberg, Robertson and Stamas introduced

**Senate Bill No. 493, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," (MCL 418.101 to 418.941) by adding section 120.

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

Senators Emmons and Marleau introduced

**Senate Bill No. 494, entitled**

A bill to amend 1941 PA 207, entitled "Fire prevention code," (MCL 29.1 to 29.33) by adding section 3f.

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

Senators Warren, Gregory, Ananich, Hansen and Schuitmaker introduced

**Senate Bill No. 495, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3476 (MCL 500.3476), as added by 2012 PA 215.

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

Senators Jones, Booher, Marleau and Schmidt introduced

**Senate Bill No. 496, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 312a (MCL 257.312a), as amended by 2013 PA 177.

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

Senator Knezek introduced

**Senate Bill No. 497, entitled**

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending sections 14e and 14f (MCL 722.124e and 722.124f), as added by 2015 PA 53.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors and Human Services.

Senator Warren introduced

**Senate Bill No. 498, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 23g of chapter X (MCL 710.23g), as added by 2015 PA 54.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors and Human Services.

Senator Hertel introduced

**Senate Bill No. 499, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 5a (MCL 400.5a), as added by 2015 PA 55.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors and Human Services.

Senator Horn introduced

**Senate Bill No. 500, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 44 (MCL 421.44), as amended by 2011 PA 269.

The bill was read a first and second time by title and referred to the Committee on Economic Development and International Investment.

### Statements

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

The motion prevailed.

Senator Green’s statement is as follows:

I would like to read to the members and the public this morning a Senate resolution passed by Congress in 1863:

“Whereas, the Senate of the United States devoutly recognizing the Supreme Authority and just Government of Almighty God in all the affairs of men and of nations, has, by a resolution, requested the President to designate and set apart a day for national prayer and humiliation: And whereas, it is the duty of nations as well as of men to own their dependence upon the overruling power of God, to confess their sins and transgressions in humble sorrow yet with assured hope that genuine repentance will lead to mercy and pardon, and to recognize the sublime truth, announced in the Holy Scriptures and proven by all history: that those nations only are blessed whose God is the Lord.”

Senator Bieda’s statement is as follows:

Last week, I had the sad occasion of learning that a very young friend of mine passed away after his battle with cancer. Eric Berg of Southfield, son of Anne Berg and Robert Berg, Jr., was born October 7, 1982, in Chicago, Illinois. He died September 5 at the age of 32.

Eric served in the office of former Representative Paul Condino in 2003-2004 as a legislative staffer policy intern. At the time, he was a U of M student, and we had interesting discussions about his course in life and what he wanted to do. He became very involved in the process, especially with developing school funding policy for schools distressed by the impacts of Proposal A, including the Southfield School District.

Eric overcame many obstacles in life and did it with humor, charm, and a witty personality. Highly social, he enjoyed spending time with family and friends and was an avid poker player—never on state time—and a voracious reader. He loved animals and shared companionship with his four dachshunds Aces, Jack, Sandy, and Oliver. He volunteered his time for many social justice causes: legal aid for youth aging out of the foster care system, fighting for marriage equality, and connecting the legal community to Detroit’s underserved areas through pro bono, educational, and charitable efforts. He invested a considerable amount of time with pro bono work with the Transition to Independence Program at Wayne State University dedicated to increasing college access and improving the graduation rates of foster care youth in Southeast Michigan. He also was passionate about assisting with the work of Detroit Dog Rescue, Detroit’s first no-kill shelter.

Eric was educated at the Southfield Public Schools. He graduated in 2001 from Southfield-Lathrup High School, where he earned varsity letters in swimming and golf and was an active member of the class of 2001. In middle and high school, he was a member of Boy Scout Troup 1677, where he enjoyed many activities. He ultimately earned the rank of Eagle Scout, the highest rank in scouting.

Eric studied political science at the University of Michigan - Ann Arbor and graduated with a Bachelor of Arts with distinction in 2005. He then served for two years with Teach for America in Miami as a social studies teacher at Jose de Diego Middle School. He then earned his law degree from Wayne State University in 2011 and, after graduation, served as a clerk at the United States District Court for the Eastern District of Michigan for Judge Avern Cohn. He was an attorney with two law firms before opening his own practice earlier this year.

Eric is survived by his parents Anne and Robert Berg; brother Justin, wife Jessica; twin brother Andrew, wife Margarita; sisters Laura, husband José Rodriguez; and Jacqueline, husband Tracy; his girlfriend Melissa Graybosch; and seven nieces and nephews, including his godson Oscar. He also leaves behind many aunts, uncles, cousins, and countless friends.



I have known Eric for many years and have had the occasion to get work done outside my district. I would go to a coffee shop I called my undisclosed location, and I would always see Eric there. We kept in touch through law school and through the trials and tribulations of the bar exam and, after that, as he began his private practice. He was very passionate about many things and very involved in the community, so it's very difficult for me and many of his friends to realize that he is gone.

I chatted with Eric several weeks ago, and he was going through chemotherapy, but he seemed confident in the future. That's the way I'd like to remember him, full of life, secure in his dreams for what should have been a much longer life.

A moment of silence was observed in memory of Southfield resident Eric Berg.

### Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:53 a.m.

11:12 a.m.

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

By unanimous consent the Senate returned to the order of  
**Motions and Communications**

Senator Kowall moved that the Committee on Education be discharged from further consideration of the following bill:  
**House Bill No. 4517, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 863 (MCL 380.863).

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Kowall moved that the bill be referred to the Committee on Appropriations.

The motion prevailed.

### Committee Reports

The Committee on Health Policy reported

#### **Senate Bill No. 468, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17739a, 17739b, and 17739c (MCL 333.17739a, 333.17739b, and 333.17739c), as added by 2014 PA 285.

With the recommendation that the bill pass.

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

Mike Shirkey

Chairperson

To Report Out:

Yeas: Senators Shirkey, Hune, O'Brien, Marleau, Jones, Stamas, Robertson, Hertel, Knezek and Hopgood

Nays: None

The bill was referred to the Committee of the Whole.

### COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Thursday, September 10, 2015, at 9:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Shirkey (C), Hune, O'Brien, Marleau, Jones, Stamas, Robertson, Hertel, Knezek and Hopgood

The Committee on Energy and Technology reported

**Senate Resolution No. 84.**

A resolution of tribute offered to honor Greg White upon the completion of his term on the Michigan Public Service Commission.

(For text of resolution, see Senate Journal No. 80, p. 1437.)

With the recommendation that the resolution be adopted.

Mike Nofs  
Chairperson

To Report Out:

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

Nays: None

The resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Thursday, September 10, 2015, at 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:

Joint meeting held on Wednesday, September 16, 2015, at 8:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Hansen (C), Pavlov and Hopgood

**Scheduled Meetings**

**Agriculture** - Thursday, September 17, 9:00 a.m., Room 110, Farnum Building (373-5312)

**Appropriations -**

**Subcommittees -**

**Higher Education and House Higher Education Appropriations Subcommittee** - Thursday, September 24, 3:00 p.m. or later after committees are given leave by the House to meet, House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**State Police and Military Affairs** - Tuesday, October 6, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2768)

**Economic Development and International Investment** - Thursday, September 17, 1:30 p.m., Room 210, Farnum Building (373-5323)

**Energy and Technology** - Thursday, September 17, 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-1721)

**Finance** - Tuesdays, September 22 (CANCELED) and September 29, 2:30 p.m., Room 210, Farnum Building (373-5323)

**Judiciary** - Tuesday, September 22, 3:00 p.m., Room 110, Farnum Building (373-1721)

**Senate Fiscal Agency Board of Governors** - Thursday, September 24, 11:00 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Veterans, Military Affairs and Homeland Security** - Thursday, September 17, 2:00 p.m., Room 110, Farnum Building (373-5314)

Senator Kowall moved that the Senate adjourn.  
The motion prevailed, the time being 11:13 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, September 17, 2015, at 10:00 a.m.

JEFFREY F. COBB  
Secretary of the Senate

