

No. 50
STATE OF MICHIGAN
Journal of the Senate
98th Legislature
REGULAR SESSION OF 2016

Senate Chamber, Lansing, Thursday, May 19, 2016.

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—excused
Brandenburg—present
Casperson—present
Colbeck—present
Emmons—present
Green—excused
Gregory—present
Hansen—present
Hertel—present
Hildenbrand—present
Hood—present

Hopgood—excused
Horn—present
Hune—present
Johnson—excused
Jones—present
Knezek—present
Knollenberg—present
Kowall—present
MacGregor—present
Marleau—present
Meekhof—present
Nofs—present

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

Senator Goeffrey M. Hansen of the 34th District offered the following invocation:

Dear heavenly Father, thank You for bringing us together today. We are intent on doing good work. We ask for You to give us wisdom and courage to make the decisions that are right for each of our districts. We ask that our efforts be blessed with insight and guided by understanding and wisdom.

Lord, open our minds so that we may take inspiration from Your words, and find a civil and productive discourse in our session today. We seek to serve with respect and put partisanship in our past and put the people of Michigan first. We pray that we might always serve You by serving our fellow citizens, and we give You thanks for putting us in this place of humble servitude.

In the name our Savior, Amen.

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

Motions and Communications

Senator Brandenburg entered the Senate Chamber.

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

Senator Kowall moved that Senators Green, Booher and O'Brien be excused from today's session.
The motion prevailed.

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

The following communication was received:
Department of State

Administrative Rules Notice of Filing

May 18, 2016

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 #2014-033-EQ (Secretary of State Filing #16-05-01) on this date at 1:33 p.m. for the Department of Environmental Quality entitled, "Ionizing Radiation Rules for Radioactive Material."

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 communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 18:
House Bill Nos. 4338 5401

The Secretary announced that the following bills were printed and filed on Wednesday, May 18, and are available at the Michigan Legislature website:

Senate Bill Nos. 963 964 965 966 967 968 969 970 971 972 973

Senator Kowall moved that rule 3.902 be suspended to allow the guests of Senators Hertel, Knezek and Schmidt admittance to the Senate floor.

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

Senator Marleau entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of
General Orders

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

The motion prevailed, and the President, Lieutenant Governor Calley, designated Senator Hildenbrand as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Calley, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 707, entitled

A bill to amend 1969 PA 200, entitled "An act to regulate driveways, banners, events, and parades upon and over highways; to provide for the promulgation of rules; to prescribe requirements for the issuance of permits; and to provide for the issuance of those permits," by amending section 7 (MCL 247.327).

Senate Bill No. 708, entitled

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 19b of chapter IV (MCL 224.19b), as added by 1980 PA 212.

Senate Bill No. 899, entitled

A bill to amend 1939 PA 141, entitled "Grain dealers act," by amending sections 3 and 9 (MCL 285.63 and 285.69), as amended by 2002 PA 80, and by adding section 26a; and to repeal acts and parts of acts.

Senate Bill No. 900, entitled

A bill to amend 2003 PA 198, entitled "Farm produce insurance act," by amending sections 7, 9, 11, and 15 (MCL 285.317, 285.319, 285.321, and 285.325), as amended by 2012 PA 149.

House Bill No. 5247, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 698 (MCL 257.698), as amended by 2012 PA 262.

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:

House Bill No. 5395, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5204e (MCL 324.5204e), as added by 2012 PA 511.

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. 706, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 725 (MCL 257.725), as amended by 1998 PA 247.

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

1. Amend page 4, line 23, after "ENACT" by striking out the balance of the line.

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.

During the Committee of the Whole, Senator Pavlov entered the Senate Chamber.

Resolutions

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

House Concurrent Resolution No. 3

Senate Resolution No. 76

Senate Resolution No. 75

The motion prevailed.

Senator Kowall offered the following resolution:

Senate Resolution No. 179.

A resolution supporting the signing of a bilateral investment agreement (BIA) between Taiwan and the United States.

Whereas, The Republic of China (Taiwan) shares the values of freedom, democracy, human rights, rule of law, peace, and prosperity with the United States and the state of Michigan; and

Whereas, The United States ranks as Taiwan's second-largest trading partner. Taiwan is the ninth-largest trading partner of the United States, and bilateral trade reached 66.6 billion in 2015; and

Whereas, Taiwan and the state of Michigan have long benefitted from this relationship. From 2012 to 2015, the trade between Taiwan and Michigan grew from \$833 million to \$1.11 billion, a 33 percent increase, making the outlook for joint economic and cultural growth in the future bright; and

Whereas, On January 16, 2016, Taiwan held its sixth direct presidential election, demonstrating again the strength and vitality of its democratic system and confirming that Taiwan is a beacon of democracy in the Asia-Pacific region and beyond; and

Whereas, Taiwan is seeking to contribute to greater regional integration in the Asia-Pacific region and promote bilateral investment and trade relations with the United States; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize and support Taiwan's mature and vital democracy and its continued efforts to participate significantly in international organizations which impact the health, safety, and well-being of its people; and be it further

Resolved, That we support the signing of a bilateral investment agreement (BIA) between Taiwan and the United States; and be it further

Resolved, That copies of this resolution be transmitted to the U.S. Secretary of State; the Taipei Economic and Cultural Office in Chicago, Illinois; 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 resolution was adopted.

Senators Bieda, Booher, Brandenburg, Hildenbrand, Horn, Jones, MacGregor, Proos and Schmidt were named co-sponsors of the resolution.

Senators Hune and Emmons offered the following resolution:

Senate Resolution No. 180.

A resolution of tribute honoring the 100th Anniversary of the Michigan Milk Producers Association.

Whereas, The Michigan Milk Producers Association (MMPA) was formed on May 23, 1916, when a small group of dairy farmers from Livingston County gathered at what was then the Michigan Agriculture College in East Lansing. They met to establish a stable, reliable market and price for their milk; and

Whereas, The principles established in 1916 of guaranteeing a market and payment for members' milk have laid the ground work for what is now an integral part of today's dairy industry and Michigan's economy; and

Whereas, The methods and technology of producing milk are vastly different today than in 1916. The strength of the Michigan Milk Producers Association is as strong as the desire of those forward-thinking dairy farmers from 100 years ago; and

Whereas, Through great leadership, the cooperative united a membership of independent-thinking dairy producers from Michigan and the surrounding states; and

Whereas, As the Michigan Milk Producers Association survived and thrived through wars, protests, high interest rates, changes in leadership, criticism from outsiders, and a volatile milk market, the members of the cooperative stood strong, backing their leadership and knowing they would be stronger together; and

Whereas, The leadership has been unparalleled, the dedication has been unequalled, and the result has been a century of trust, commitment, and strength; and

Whereas, For 100 years, the dairy farmer members of MMPA have worked together to provide premium quality milk and have supported our state's economy; now, therefore, be it

Resolved by the Senate, That we offer this expression of tribute in honor of the Michigan Milk Producers Association on the occasion of its 100th Anniversary of its founding on May 23, 1916. We want to congratulate the Michigan Milk Producers Association in its entirety—the members, their leaders, and the entire staff from office to office and plant to plant; and be it further

Resolved, That we wish them many more decades of success as they continue to work together toward tomorrow to feed and nourish a hungry state, a hungry country, and a hungry world; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Milk Producers Association as evidence of our esteem.

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 resolution was adopted.

Senators Bieda, Brandenburg, Hildenbrand, Horn, Kowall, Proos, Schmidt and Zorn were named co-sponsors of the resolution.

Senator Hertel offered the following resolution:

Senate Resolution No. 181.

A resolution to commemorate May 22-28, 2016, as Invisible Illness Awareness Week.

Whereas, An invisible illness is a chronic condition that is not easily observed by the general public and is often not readily detected by medical professionals. Examples include lupus, fibromyalgia, interstitial cystitis, rheumatoid arthritis, vasculitis, Crohn's disease, and Ehlers-Danlos syndrome, among others. These illnesses can be debilitating and prevent a person from performing traditional everyday activities; and

Whereas, Invisible illnesses aren't easily identified. A person with an invisible illness may feel judged by others or feel as though others simply do not understand what they are going through. A person with a chronic condition may be dealing with exhaustion, constant aches or pains, dizziness, or cognitive impairments, and yet may appear to be completely healthy on the outside; and

Whereas, Nearly 1 in 2 Americans has a chronic medical condition of one kind or another. Ninety-six percent of people with chronic medical conditions live with an ailment that is invisible. About a quarter of them have some type of activity limitation, ranging from mild to severe; and

Whereas, The onset or duration of an invisible illness can negatively affect a person's physical, emotional, economic, educational, and social well-being due to activity limitations; and

Whereas, There is a need for increased awareness about invisible illnesses to create a more accepting and understanding world for those who suffer; and

Whereas, The theme of this year's Invisible Illness Awareness Week is "Invisible Illnesses; Visible Hope," because of the widespread scope of the illnesses; and

Whereas, The purpose of Invisible Illness Awareness Week is to increase understanding of invisible illnesses among the general public and medical community, while reducing the stigma surrounding the illnesses, in order to create an environment in which there is better care, earlier and more accurate diagnosis, and knowledge that invisible illness patients can lead a healthy life; and

Whereas, We join with the many individuals who are afflicted by these disorders and support increased awareness of invisible illnesses; now, therefore, be it

Resolved by the Senate, That we hereby commemorate May 22-28, 2016, as Invisible Illness Awareness Week 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 resolution was adopted.

Senators Bieda, Brandenburg, Hildenbrand, Kowall, Proos and Schmidt were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Schmidt's statement is as follows:

I just want to say to my colleagues: I have had a number of you who have done this, and I know it isn't easy to do. I want to say thank you to a good friend of mine who will be leaving my staff. Jake Winder will be going over to one of my favorite departments, the MEDC.

Jake is leaving after almost one and a half years in our office. He started on the campaign team. It was a very fun and eventful 2014, as many of you recall my primary. Jake was right there to make sure that we got through it. He also made sure that we got through the general election, so that I could join all of you here.

More importantly, Jake for the first year and a half, as we set up the office, was very instrumental in making sure that I stayed on time and that I called my constituents back. In fact, we just got through that call-back list because tomorrow is Jake's last day.

It is such a pleasure to have Jake in our office. He is very friendly. We joked around a lot, and he got along well with all the staff. We will really miss him. We are excited that he is moving on to the MEDC. I think he will do a great job with Jeremy Hedges and Director Arwood.

With all of that, I just want to say thank you and present him with a token of appreciation for his year and a half in my office and all his campaigning.

Senator Hertel's statement is as follows:

I rise to speak in support of Senate Resolution No. 181. Nearly 1 in 2 Americans has a chronic medical condition of one kind or another. Ninety-six percent of people with chronic medical conditions live with an ailment that is invisible. An invisible illness is a chronic condition that is not easily observed by the general public, and it is often not readily detected by medical professionals. Some examples include lupus, fibromyalgia, rheumatoid arthritis, vasculitis, Crohn's disease, and Ehlers-Danlos syndrome. This is a resolution to commemorate May 22-28, 2016, as Invisible Illness Awareness Week in Michigan.

The purpose of Invisible Illness Awareness Week is to increase understanding of the invisible illnesses among the general public and medical community, while reducing the stigma surrounding those illnesses. We need to help create an environment in which there is better care earlier and more accurate diagnosis so that invisible illness patients can lead healthy lives. The theme of this year's Invisible Illness Awareness Week is "Invisible Illness; Visible Hope," because of the widespread scope of these illnesses.

Katie Jaskolski has been a strong advocate for individuals with invisible illness, and she joins me here today. Through her hard work with the Life as a Zebra Foundation, she is trying to advocate for those who have illnesses which are not easily identified. The phrase that she uses and that I have come to know is, "Just because you hear hoofbeats doesn't mean they came from horses. You have to be prepared for a zebra as well."

It is with great honor that we, as a legislative body, can take the time to recognize the hard work she and many like her have put in to help those with serious illnesses. We welcome you to the Senate today, and thank you for sharing your story.

Introduction and Referral of Bills

Senators Schuitmaker, Proos, Shirkey, Colbeck and Jones introduced

Senate Bill No. 974, entitled

A bill to amend 1988 PA 511, entitled "Community corrections act," by amending section 2 (MCL 791.402), as amended by 2014 PA 466.

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

Senators MacGregor, Proos, Shirkey, Colbeck and Jones introduced

Senate Bill No. 975, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1 of chapter I (MCL 761.1), as amended by 2007 PA 20.

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

Senator Nofs introduced

Senate Bill No. 976, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2015 PA 201.

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

Senators Bieda and Casperson introduced

Senate Bill No. 977, entitled

A bill to amend 2006 PA 384, entitled "Driver education provider and instructor act," by amending section 55 (MCL 256.675).

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

Senator Casperson introduced
Senate Bill No. 978, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 312j.
The bill was read a first and second time by title and referred to the Committee on Transportation.

House Bill No. 4338, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 125, 127, and 131a (MCL 38.1425, 38.1427, and 38.1431a), sections 125 and 127 as added by 2010 PA 75 and section 131a as added by 2012 PA 300.

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. 5401, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3702 and 5902 (MCL 324.3702 and 324.5902), as added by 1995 PA 60; 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 Finance.

Statements

Senators Knezek, Bieda, Hertel 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 Knezek's statement is as follows:

I have said many times that one of the downfalls of hiring such good staff is that sooner or later, someone is going to come along and try to take them away from you. Today, unfortunately, is another one of those cases where we're going to be losing a staffer in the 5th Senate District, Mr. Collin Mays. He is joined today by his father Cornell. Collin just received an offer, and he is going to be moving on to work for Wayne County. I wanted to make sure that I took at least a moment to recognize him on the Senate floor, and thank him for everything that he has done not just for me, but for all the constituents of the 5th Senate District.

Back in 2013, I received a phone call one day from Collin, and we didn't even really know each other. We just saw each other at Democratic events around town. He said, "Rep, you're in that 5th Senate seat and I think that you could have it. I want to be your guy. I want to make sure that you get that seat in the Michigan Senate." I said I would think about it. Truly, I kind of blew him off a little bit. A month later, I received another phone call, "Rep, you have to be thinking about that Senate seat. I'm telling you that seat has your name on it. You need to be thinking about it." I kind of blew him off again. He called me another month later and he said, "I'm tired of waiting. That seat is your seat if you want it. I'm your guy. Let's get this show on the road." So we brought Collin onboard, and he became the backbone and an integral piece of what got me into this chamber that we're standing in today.

It is such an incredibly profound weight that I think we carry on our shoulders as elected officials, knowing that for all intents and purposes we would not be here if not for the service and the sacrifice of other people. This is incredibly emotional for me to look at Collin and know that I would not be here, I would not be at that seat, if it wasn't for this man right here. We took his skills, we took his experience, and we tried to develop him into a better leader. The Collin I know today is light years ahead of the man he was just a couple years ago. He was outstanding then, but he is phenomenal today.

I am heartbroken that we are going to lose him, but I'm so excited about what the future holds for this bright young man. Day in and day out, he has been our voice, our presence, and our advocate in the community from Detroit to Dearborn Heights to Garden City to Inkster to Redford Township. I am struggling to find the words to express the sense of loss that I feel today. Again, that loss is overcome only by the emotions and the sense of pride and happiness that I feel knowing that he is going to go on, and he's going to continue to do bigger and better things.

I simply want to ask my colleagues in the Senate to join me in thanking Mr. Collin Mays for everything that he has done not just for me and the district, but for the entire state of Michigan.

Senator Bieda's statement is as follows;

Some of you may have seen the report from the Office of the Auditor General looking at Michigan's Integrated Data Automated System. In short, our unemployment system is an unmitigated disaster.

The Michigan Integrated Date Automated System, referred to as MiDAS, is an automated computer program that was fully implemented in October of 2013 in an effort to reduce fraud and improve customer service. Of the cases the system

identified as fraud, only 8 percent were legitimately fraudulent. In the meantime, the other 92 percent of the people wrongly identified as fraudsters suffered while the state essentially stole their money. The system garnished wages and federal and state income tax refunds without notifying claimants and without giving them the opportunity to explain their situation. Automatically passing judgment and imposing penalties without notice or due process is fundamentally un-American.

One of my constituents contacted my office and explained his encounter with MiDAS. When he lost his job, he tried to claim unemployment benefits. The computer system asked him to check a box to move to the next screen, but none of the options accurately described his situation. When he picked the best fit and moved on, the system flagged him for fraud, because the box he checked did not match the box his employer checked. When he tried to get a hold of someone at the agency, no one answered. That's the kind of thing that doesn't happen when real people are in charge.

Almost everyone in this chamber has worked with constituents suffering because of machine errors. If you haven't yet, you will soon. Claimants are bringing class-action lawsuits against the agency, and we're all going to be paying for it.

In trying to recoup the very small percent of benefits paid out as a result of fraud, a legal monster was created. The Legislature has been penny wise and pound foolish. We've seen time and time again that you can't cut your way to prosperity.

By depriving these people wages, unemployment benefits, and tax refunds, this computer system has created additional economic hardships for everyday people already down on their luck. People's lives are more than checkboxes and algorithms.

We need to work together to undo the damage caused by that 2013 decision. That means using certified mail to give proper notice of fraud accusations to citizens, and that means having a real person review and validate each fraud determination. Most importantly, that means treating unemployed Michiganders with respect.

It's time to make our citizens whole again.

Senator Hertel's statement is as follows:

You know, we have a lot of issues to deal with here in Lansing. People should be angry. They are paying more in taxes, their roads are crumbling, their schools are failing, and we have had 9,000 children poisoned in Flint. Yet the Speaker, whose party controls all three branches of Michigan government and hasn't been able to make meaningful progress on a number of crucial issues, proposes something that he knows he can't get done.

Speaker Cotter wants a constitutional amendment to make it easier to fire civil servants. This is the epitome of passing the buck. If the Speaker wants to make it easier to fire people and hold them accountable, I have some suggestions. He needs to address the employment protections for emergency managers in this state. He needs to not spend thousands of dollars to avoid his own deposition in a legal case in Lansing. He needs to have real hearings on what happened in Flint. Actions express priorities.

People have been poisoned, tax revenues are down, and we underfund education and infrastructure on the backs of hardworking Michigan families. The Speaker's only solution to solve Michigan's problems is to scapegoat hardworking civil servants.

Three hundred thirty six employees who fall under the Civil Service Commission were dismissed last year. In reality, the Civil Service Commission is far more effective than Speaker Cotter who didn't introduce a single policy bill last year. Who is really the one playing Candy Crush all day? These are the people who inspect our nursing homes, protect our foster kids, and keep our lakes and rivers clean. They are not the enemy. We should not sit in our ivory towers looking down and blame them for the ills in our state.

So what does it say about the Republican priorities when Speaker Cotter's big-ticket goal is ducking blame and deflecting it onto civil service? Instead of addressing the fact that infant mortality rates in some of our cities rival those in a third world nation; instead of taking meaningful steps to make college more affordable for the 62 percent of the students who have debt; instead of fixing our crumbling roads and bridges; instead of investigating why 1 in 10 children in Michigan have a parent who is incarcerated; instead of prioritizing the care of more than 600,000 veterans in our state; and instead of addressing the critical shortfalls in the Detroit Public Schools system, Speaker Cotter is only dropping this bill so that everyone forgets who is really responsible for the ills of our state.

Let's stop scapegoating those who work for us, and start remembering who we work for—the people of the state of Michigan.

Senator Colbeck's statement is as follows:

On May 13, President Obama, the Department of Education, and the Department of Justice teamed up to threaten to withhold what amounts to the milk money from our schools. Yet they didn't abide by the federal lesbian, gay, bigender, bisexual, transgender, questioning guidelines that they put forward.

First, let me be clear. The school districts should simply ignore these threats. The federal government uses as the basis of their threats Title IX. I want to be clear that Title IX clearly talks about sex, not gender identity which the Department of Justice sought to try to expand this year. In fact, here is what Title IX actually states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to the discrimination under any education program or activity receiving Federal financial assistance." Pretty clear. No mention of gender identity in that, unless Common Core is redefining definitions for us and I wasn't aware.

The federal Department of Justice and Department of Education are actually seeking to change the statutory language of Title IX to include transgender students without legislative action. This is clearly beyond their constitutional authority. The President doesn't have the right to change laws unilaterally, even though he has done it many different times, including with his landmark legislation Obamacare. He doesn't have the power to do that without the consent of Congress. There is also a federal court in South Carolina doing the same thing—trying to legislate from the bench. People need to understand that all legislative authority under Article I, Section 1 of the U.S. Constitution is vested in the Congress, not in the President or our court system.

Given that only 50 percent of the our third-graders in Michigan can read, it is clear that more energy should be focused on helping students learn, not emphasizing guidelines that distract teachers and students from the education process.

In the final analysis, the federal government has no constitutional authority to dictate to or threaten our schools. Proponents of the LGBT policies such as those proposed by the federal government or even our own Michigan Board of Education claim that their policies seek to promote a safe and supportive environment. My friends, this is simply not true.

It is clear who the real bully is in this discussion—it's President Obama. Our message to this bully should be very simple and clear—pound sand.

Committee Reports

The Committee on Outdoor Recreation and Tourism reported

House Bill No. 5275, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 72101, 72115, and 81133 (MCL 324.72101, 324.72115, and 324.81133), section 72101 as amended by 2014 PA 211, section 72115 as amended by 2014 PA 213, and section 81133 as amended by 2014 PA 147, and by adding section 72117; and to repeal acts and parts of acts.

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.

Goeffrey M. Hansen
Chairperson

To Report Out:

Yeas: Senators Hansen, Zorn, Schmidt and Green

Nays: Senator Johnson

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Outdoor Recreation and Tourism submitted the following:

Meeting held on Wednesday, May 18, 2016, at 12:30 p.m., Room 110, Farnum Building

Present: Senators Hansen (C), Zorn, Schmidt, Green and Johnson

The Committee on Regulatory Reform reported

Senate Bill No. 448, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 233 (MCL 436.1233).

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.

Tory Rocca
Chairperson

To Report Out:

Yeas: Senators Rocca, Jones, Knollenberg, Kowall, MacGregor, Hune, Warren and Hertel

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Regulatory Reform reported

Senate Bill No. 954, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2001, 2004, and 2012 (MCL 339.2001, 339.2004, and 339.2012), section 2001 as amended by 1998 PA 218, section 2004 as amended by 2009 PA 143, and section 2012 as amended by 2002 PA 495; and to repeal acts and parts of acts.

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

Tory Rocca
Chairperson

To Report Out:

Yeas: Senators Rocca, Jones, Knollenberg, Kowall, MacGregor, Hune, Warren and Hertel
Nays: None
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Regulatory Reform submitted the following:
Meeting held on Wednesday, May 18, 2016, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower
Present: Senators Rocca (C), Jones, Knollenberg, Kowall, MacGregor, Hune, Warren and Hertel
Excused: Senator Johnson

The Committee on Appropriations reported

Senate Bill No. 895, entitled

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending sections 2 and 9 (MCL 12.252 and 12.259), section 2 as amended and section 9 as added by 2005 PA 232, and by adding section 11.

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.

David S. Hildenbrand
Chairperson

To Report Out:

Yeas: Senators Hildenbrand, Hansen, Stamas, Knollenberg, Shirkey, Nofs, Green, Gregory, Hopgood, Hertel, Knezek and Young

Nays: Senators Schuitmaker, Booher and Proos

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 956, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending section 12 (MCL 205.432), as amended by 2014 PA 272.

With the recommendation that the bill pass.

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

David S. Hildenbrand
Chairperson

To Report Out:

Yeas: Senators Hildenbrand, MacGregor, Hansen, Stamas, Schuitmaker, Knollenberg, Booher, Shirkey, Proos, Nofs, Green, Marleau, Gregory, Hopgood, Hertel, Knezek and Young

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 957, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20161 (MCL 333.20161), as amended by 2015 PA 104.

With the recommendation that the bill pass.

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

David S. Hildenbrand
Chairperson

To Report Out:

Yeas: Senators Hildenbrand, MacGregor, Hansen, Stamas, Schuitmaker, Knollenberg, Booher, Shirkey, Proos, Nofs, Green, Marleau, Gregory, Hopgood, Hertel, Knezek and Young

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

House Bill No. 5512, entitled

A bill to amend 2012 PA 615, entitled "Michigan energy assistance act," by amending section 6 (MCL 400.1236).

With the recommendation that the bill pass.

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

David S. Hildenbrand
Chairperson

To Report Out:

Yeas: Senators Hildenbrand, MacGregor, Hansen, Stamas, Schuitmaker, Knollenberg, Booher, Shirkey, Proos, Nofs, Green, Marleau, Gregory, Hopgood, Hertel, Knezek and Young

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, May 18, 2016, at 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Hildenbrand (C), MacGregor, Hansen, Stamas, Schuitmaker, Knollenberg, Booher, Shirkey, Proos, Nofs, Green, Marleau, Gregory, Hopgood, Hertel, Knezek and Young

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Tuesday, May 17, 2016, at 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

Excused: Senator Robertson

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources submitted the following:

Meeting held on Wednesday, May 18, 2016, at 12:30 p.m., Room 210, Farnum Building

Present: Senators Casperson (C), Pavlov, Robertson, Stamas and Warren

COMMITTEE ATTENDANCE REPORT

The Committee on Oversight submitted the following:

Meeting held on Thursday, May 19, 2016, at 8:30 a.m., Room 100, Farnum Building

Present: Senators MacGregor (C), Kowall, Stamas, Schuitmaker and Gregory

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Thursday, May 19, 2016, at 8:30 a.m., Room 210, Farnum Building

Present: Senators Casperson (C), Horn and Pavlov

Excused: Senators Marleau and Hopgood

Scheduled Meetings

Agriculture - Tuesday, May 24, 8:30 a.m., Room 110, Farnum Building (373-5323)

Criminal Justice Policy Commission - Wednesday, June 1, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Health Policy - Tuesday, May 24, 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-1721)

Judiciary - Tuesday, May 24, 3:00 p.m., Room 110, Farnum Building (373-1721)

Michigan Competitiveness - Wednesday, May 25, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

Senator Kowall moved that the Senate adjourn.
The motion prevailed, the time being 10:39 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Tuesday, May 24, 2016, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate