

No. 16
STATE OF MICHIGAN
Journal of the Senate
98th Legislature
REGULAR SESSION OF 2016

Senate Chamber, Lansing, Wednesday, February 17, 2016.

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—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

Senator Mike Shirkey of the 16th District offered the following invocation:

Heavenly Father, Almighty God, we claim this day and this time as You prescribed that when two or more gather together in Your name, You are there. May this day be a blessing to You, Lord. As You have taught us through the book of Jeremiah, You speak through the prophets and do Your work through people like us. Let us always be mindful of Paul’s exhortation in Romans 13:1: “Let every soul be subject to the higher powers. For there is no power but of God, and the powers that be are of God.”

This is an awesome responsibility for which we often feel unworthy. While we do our humanly best to live up to this charge, we petition for Your help today with wisdom, strength, and purity of heart. May our work be a blessing to You, Lord. Guide our thoughts and our words, and guard our hearts from this world. May this day be a blessing to You.

It is in Your strong and powerful name of Jesus Christ I pray. Amen.

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

Motions and Communications

Senator Young entered the Senate Chamber.

Senator Hood moved that Senator Johnson be temporarily excused from today’s session. The motion prevailed.

Senator Hood moved that Senators Ananich and Smith be excused from today’s session. The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, February 16:
House Bill Nos. 4418 4634

The Secretary announced that the following bills were printed and filed on Tuesday, February 16, and are available at the Michigan Legislature website:

Senate Bill Nos.	782	783	784	785	786	787	788	789	790	791	792	793	794	795
	796	797	798	799	800	801	802	803	804					
House Bill Nos.	5357	5358	5359	5360	5361	5362	5363	5364	5365	5366	5367	5368	5369	5370
	5371	5372	5373	5374	5375	5376	5377							

Messages from the Governor

The following messages from the Governor were received:

Date: February 16, 2016
Time: 8:18 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 539 (Public Act No. 9), being

An act to amend 2008 PA 549, entitled “An act to authorize the creation of promise authorities and the implementation of promise zone development plans; to prescribe the powers and duties of promise zone authorities; to provide for the capture and disbursement of certain tax revenue; and to prescribe powers and duties of certain state and local officials,” by amending the title and sections 5, 7, 9, 11, 17, and 19 (MCL 390.1665, 390.1667, 390.1669, 390.1671, 390.1677, and 390.1679), sections 5, 7, 11, and 17 as amended by 2013 PA 210, and by adding sections 4 and 4a; and to repeal acts and parts of acts.

(Filed with the Secretary of State on February 16, 2016, at 2:40 p.m.)

Date: February 16, 2016
Time: 8:20 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 540 (Public Act No. 10), being

An act to amend 1993 PA 331, entitled “An act to provide for the levy and collection of a state education tax; to provide for the distribution of the tax; and to prescribe the duties of certain local officials and state officers,” by amending section 5 (MCL 211.905), as amended by 2004 PA 443.

(Filed with the Secretary of State on February 16, 2016, at 2:42 p.m.)

Date: February 16, 2016
Time: 8:22 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 328 (Public Act No. 12), being

An act to amend 1935 PA 59, entitled “An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929,” by amending section 8 (MCL 28.8).

(Filed with the Secretary of State on February 16, 2016, at 2:46 p.m.)

Date: February 16, 2016
Time: 8:26 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 303 (Public Act No. 13), being

An act to amend 1937 PA 215, entitled “An act to authorize municipalities to own or control cemetery or burial grounds; to provide for perpetual care and maintenance; to provide for endowment and perpetual care funds; and to permit municipalities to authorize the creation of joint cemetery associations,” by amending section 1 (MCL 128.1), as amended by 1980 PA 366.

(Filed with the Secretary of State on February 16, 2016, at 2:48 p.m.)

Date: February 16, 2016
Time: 8:28 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 394 (Public Act No. 14), being

An act to amend 1917 PA 167, entitled “An act to promote the health, safety and welfare of the people by regulating the maintenance, alteration, health, safety, and improvement of dwellings; to define the classes of dwellings affected by the act, and to establish administrative requirements; to prescribe procedures for the maintenance, improvement, or demolition of certain commercial buildings; to establish remedies; to provide for enforcement; to provide for the demolition of certain dwellings; and to fix penalties for the violation of this act,” by amending sections 1, 125, and 126 (MCL 125.401, 125.525, and 125.526), sections 1 and 126 as amended by 2008 PA 408.

(Filed with the Secretary of State on February 16, 2016, at 2:50 p.m.)

Date: February 16, 2016
Time: 8:30 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 615 (Public Act No. 15), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” (MCL 600.101 to 600.9947) by adding section 6094a.

(Filed with the Secretary of State on February 16, 2016, at 2:52 p.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 Hansen 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:

House Bill No. 4980, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12f of chapter XVII (MCL 777.12f), as amended by 2014 PA 220.

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. 667, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 609 (MCL 436.1609), as amended by 2014 PA 353, and by adding sections 609a and 609b.

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. 651, entitled

A bill to provide for exemption of certain property from certain taxes; to levy and collect a specific tax upon the owners of certain property; to provide for the disposition of the tax; to prescribe the powers and duties of certain local government officials; and to provide penalties.

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. 652, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7jj (MCL 211.7jj[1]), as amended by 2015 PA 107, and by adding section 7vv.

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 a substitute therefor, the following bill:

Senate Bill No. 653, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 51108 (MCL 324.51108), as amended by 2014 PA 146.

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.

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

By unanimous consent the Senate returned to the order of
Messages from the House

Senate Bill No. 56, entitled

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

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Kowall moved that the rule be suspended.

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

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. 57**Yeas—32**

Bieda	Hertel	Kowall	Robertson
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hopgood	Marleau	Schuitmaker
Casperson	Horn	Meekhof	Shirkey
Colbeck	Johnson	Nofs	Stamas
Green	Jones	O'Brien	Warren
Gregory	Knezek	Pavlov	Young
Hansen	Knollenberg	Proos	Zorn

Nays—4

Emmons	Hood	Hune	Rocca
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Excused—2

Ananich	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.

Third Reading of Bills

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

Senate Bill No. 597

Senate Bill No. 598

Senate Bill No. 569

House Bill No. 4758

Senate Bill No. 606

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 597, entitled

A bill relating to certain trusts; to provide for the powers and procedures of the court that has jurisdiction of certain trusts; to provide for the validity and effect of certain transfers and contracts that relate to certain trusts; to provide remedies; and to provide procedures to facilitate enforcement of certain trusts.

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. 58

Yeas—36

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

Nays—0

Excused—2

Ananich	Smith
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Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 598, entitled

A bill to amend 1998 PA 434, entitled "Uniform fraudulent transfer act," by amending sections 1, 4, and 9 (MCL 566.31, 566.34, and 566.39), section 1 as amended by 2009 PA 44.

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. 59

Yeas—36

Bieda	Hertel	Knollenberg	Robertson
Booher	Hildenbrand	Kowall	Rocca
Brandenburg	Hood	MacGregor	Schmidt
Casperson	Hopgood	Marleau	Schuitmaker
Colbeck	Horn	Meekhof	Shirkey
Emmons	Hune	Nofs	Stamas
Green	Johnson	O'Brien	Warren

Gregory
Hansen

Jones
Knezek

Pavlov
Proos

Young
Zorn

Nays—0

Excused—2

Ananich

Smith

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 569, entitled

A bill to amend 1978 PA 30, entitled “An act to provide for the creation and use of budget stabilization funds by counties, cities, villages, and townships,” by amending section 3 (MCL 141.443).

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. 60

Yeas—36

Bieda
Booher
Brandenburg
Casperson
Colbeck
Emmons
Green
Gregory
Hansen

Hertel
Hildenbrand
Hood
Hopgood
Horn
Hune
Johnson
Jones
Knezek

Knollenberg
Kowall
MacGregor
Marleau
Meekhof
Nofs
O’Brien
Pavlov
Proos

Robertson
Rocca
Schmidt
Schuitmaker
Shirkey
Stamas
Warren
Young
Zorn

Nays—0

Excused—2

Ananich

Smith

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

Roll Call No. 62**Yeas—36**

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

Nays—0**Excused—2**

Ananich	Smith
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Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

Senators Bieda, Booher, Brandenburg, Casperson, Colbeck, Emmons, Green, Gregory, Hertel, Hildenbrand, Hood, Hopgood, Horn, Hune, Johnson, Jones, Knezek, Knollenberg, Kowall, MacGregor, Marleau, Meekhof, Nofs, O'Brien, Pavlov, Proos, Robertson, Rocca, Schmidt, Schuitmaker, Stamas, Warren, Young and Zorn were named co-sponsors of the bill.

By unanimous consent the Senate proceeded to the order of

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****Senate Resolution No. 12**

The motion prevailed.

Senate Resolution No. 121.

A resolution to memorialize the Congress of the United States to address freeze emergencies and their consequences by enacting legislation to define freeze emergencies as major disasters eligible for federal disaster relief and emergency assistance.

The question being on the adoption of the resolution,

The resolution was adopted.

Senator O'Brien offered the following resolution:

Senate Resolution No. 144.

A resolution to commemorate the official recognition of the Michigan Air National Guard's 217th Air Operations Group. Whereas, The 217th Air Operations Group of the 110th Attack Wing was formed on April 1, 2009, and immediately provided support for its state and nation both at home and abroad; and

Whereas, The citizen airmen of the 217th Air Operations Group have served with distinction in Operation Juniper Micron, Operation Odyssey Dawn, Operation United Assistance, Operation Enduring Freedom, the Deepwater Horizon oil spill recovery, and numerous training events, answering the call for more than 66,700 man-days of active duty service to their community, state, and nation; and

Whereas, The professionalism, diligence, and selfless service evidenced by the citizen airmen of the 217th Air Operations Group have earned a reputation for excellence that reflects great credit upon themselves, the Michigan Air National Guard, and the state of Michigan; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate February 17, 2016, as 217 Day throughout the state of Michigan in recognition of the official activation of the 217th Air Operations Group based at the Battle Creek Air National Guard Base. We congratulate the citizen airmen of the 217th Air Operations Group on their many achievements and express our gratitude for their continued service to the people 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, Booher, Casperson, Knezek, Knollenberg, Kowall, MacGregor, Marleau, Rocca, Shirkey and Zorn were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators Ananich, Zorn, Proos, Knezek, Johnson, Young, Gregory, Hertel, Bieda, Hopgood, Marleau, Rocca, Jones, Horn, Schuitmaker and Hood introduced

Senate Bill No. 805, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17744b (MCL 333.17744b), as added by 2014 PA 311.

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

Senators Zorn, Ananich, Proos, Knezek, Johnson, Young, Gregory, Hertel, Bieda, Hopgood, Marleau, Rocca, Jones, Horn, Schuitmaker and Hood introduced

Senate Bill No. 806, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 5 and 1178 (MCL 380.5 and 380.1178), section 5 as amended by 2011 PA 232 and section 1178 as amended by 2013 PA 187, and by adding section 1179b.

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

Senator Young introduced

Senate Bill No. 807, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending section 2 (MCL 205.422), as amended by 2012 PA 188.

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

Senator Schuitmaker introduced

Senate Bill No. 808, entitled

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

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

House Bill No. 4418, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 722 (MCL 257.722), as amended by 2012 PA 522.

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 Transportation.

House Bill No. 4634, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2015 PA 174.

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 Transportation.

Committee Reports**COMMITTEE ATTENDANCE REPORT**

The Committee on Government Operations submitted the following:

Meeting held on Tuesday, February 16, 2016, at 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Meekhof (C), Hansen, Kowall, Ananich and Hood

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Health and Human Services submitted the following:

Meeting held on Tuesday, February 16, 2016, at 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Marleau (C), MacGregor, Proos, Shirkey, Hansen, Gregory and Hertel

Scheduled Meetings**Appropriations -****Subcommittees -**

Agriculture and Rural Development - Tuesdays, February 23, March 1, March 8, March 15, and March 22, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Community Colleges - Tuesday, February 23, 9:15 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building; Friday, March 18, 1:00 p.m., Kirtland Community College, Rooms 251-252, Administration Building, 10775 N. Saint Helen Road, Roscommon; and Wednesday, March 23, 9:00 a.m., Room 100, Farnum Building (373-2768)

General Government - Thursdays, February 18, February 25, and March 3, 8:30 a.m., Room 100, Farnum Building (373-2768)

Health and Human Services - Tuesdays, February 23 and March 1, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower; Thursday, March 3, 1:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building; Tuesday, March 8, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower; and Thursday, March 10, 1:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Higher Education and House Higher Education Appropriations Subcommittee - Thursday, February 25, 1:00 p.m. or later after committees are given leave by the House to meet, House Appropriations Room, 3rd Floor, Capitol Building; Monday, February 29, 1:00 p.m., Curtiss Hall, Conference Rooms B and C, Saginaw Valley State University, 7400 Bay Road, University Center; and Wednesday, March 2, 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 - Tuesdays, February 23, March 1, March 8, and March 15, 8:30 a.m., Rooms 402 and 403; March 22, 8:30 a.m., Room 405; and May 3, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2768)

Transportation - Thursday, February 18, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Transportation - Thursday, February 18, 8:30 a.m., Room 210, Farnum Building (373-5312)

Senator Kowall moved that the Senate adjourn.

The motion prevailed, the time being 10:28 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, February 18, 2016, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate