

No. 33
STATE OF MICHIGAN
Journal of the Senate
98th Legislature
REGULAR SESSION OF 2016

Senate Chamber, Lansing, Tuesday, April 12, 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—present
Brandenburg—present
Casperson—present
Colbeck—present
Emmons—present
Green—present
Gregory—present
Hansen—present
Hertel—present
Hildenbrand—present
Hood—present

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

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

Senator Morris W. Hood III of the 3rd District offered the following invocation:

We pray and give You thanks, Lord, for all that You have given us, are giving us, and will give us. We pray for the strength and courage today to come to this body to make decisions for millions of people. It is easy to make the easy decisions, but it is tough to make the tough decisions. We ask for Your guidance in that.

We also pray for patience; I know that I do. We pray for patience every day because patience, tolerance, and forgiveness are what You teach us.

We pray for the people in Brussels, Spain, and San Bernardino. We pray for all the families who have lost lives in those tragic events. People are living in fear and without shelter, so we pray for those of us here and around this world who have lost loved ones.

We pray for new life. We have experienced new life in this chamber—Alex Hune and Jacob Ananich—and we pray for new lives because that is what we need to do. We need to pray to make a better life for them.

We pray that when we conclude praying and we all say “Amen,” our prayer doesn’t stop there. That is not the final thing we do for the day. Prayer continues on for the rest of the day, which is why we pray when we wake up, the beginning, like we do in session. We must continue that prayer and be together as our prayers continue.

We ask all of these things in the name of Your Son Jesus Christ. Amen.

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

Motions and Communications

Senators Brandenburg, Green, Meekhof, Jones, Casperson, Shirkey, Hopgood and Proos entered the Senate Chamber.

Senator Kowall moved that Senator Marleau be temporarily excused from today’s session.
The motion prevailed.

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

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

Senator Marleau entered the Senate Chamber.

Senator Kowall moved that rule 2.106 be suspended to allow committees to meet during Senate session.
The motion prevailed, a majority of the members serving voting therefor.

Recess

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

11:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Calley.

During the recess, Senator Young entered the Senate Chamber.

The following communication was received and read:
Office of the Senate Majority Leader

March 25, 2016

Pursuant to Joint Rule 3, the House of Representatives having non-concurred in the Senate substitute (S-6) to House Bill 4822, I appoint the following members to sit on the conference committee:

Senator Phil Pavlov
Senator Goeff Hansen
Senator David Knezek

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,
Arlan Meekhof
30th Senate District
Senate Majority Leader

The communication was referred to the Secretary for record.

The following communications were received and read:

Office of the Auditor General

March 25, 2016

Enclosed is a copy of the following audit report:

- Performance audit report on Children's Special Health Care Services, Michigan Department of Health and Human Services.

March 29, 2016

Enclosed is a copy of the following audit report:

- Performance audit on the Trust Accounting and Payroll System, Department of Corrections and Department of Technology, Management, and Budget.

April 6, 2016

Enclosed is a copy of the following Preliminary Survey Summary:

- Wage and Hour Program, Department of Licensing and Regulatory Affairs.

Sincerely,
Doug Ringer
Auditor General

The audit reports and preliminary survey summary were referred to the Committee on Government Operations.

The following communication was received and read:

Office of Senator Virgil K. Smith

I hereby resign as a Senator for District Four.

April 12, 2016

Virgil K. Smith

The communication was referred to the Secretary for record.

The following communication was received:

Department of State

Administrative Rules
Notice of Filing

March 24, 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 #2015-068-LR (Secretary of State Filing #16-03-17) on this date at 3:42 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Part 520. Ventilation Control."

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 Thursday, March 24:
House Bill Nos. 4787 4830 5121 5407

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, March 24, for his approval the following bills:

Enrolled Senate Bill No. 551 at 1:04 p.m.
Enrolled Senate Bill No. 507 at 1:06 p.m.
Enrolled Senate Bill No. 375 at 1:08 p.m.
Enrolled Senate Bill No. 376 at 1:10 p.m.
Enrolled Senate Bill No. 377 at 1:12 p.m.
Enrolled Senate Bill No. 216 at 3:29 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Monday, March 28, for his approval the following bills:

Enrolled Senate Bill No. 374 at 2:33 p.m.
Enrolled Senate Bill No. 378 at 2:35 p.m.
Enrolled Senate Bill No. 379 at 2:37 p.m.
Enrolled Senate Bill No. 380 at 2:39 p.m.
Enrolled Senate Bill No. 381 at 2:41 p.m.
Enrolled Senate Bill No. 592 at 2:43 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, April 6, for his approval the following bills:

Enrolled Senate Bill No. 729 at 12:39 p.m.
Enrolled Senate Bill No. 583 at 12:41 p.m.
Enrolled Senate Bill No. 582 at 12:43 p.m.
Enrolled Senate Bill No. 476 at 12:45 p.m.
Enrolled Senate Bill No. 352 at 12:47 p.m.
Enrolled Senate Bill No. 171 at 12:49 p.m.
Enrolled Senate Bill No. 667 at 12:51 p.m.
Enrolled Senate Bill No. 502 at 12:53 p.m.
Enrolled Senate Bill No. 366 at 12:55 p.m.

The Secretary announced that the following bills were printed and filed on Thursday, March 24, and are available at the Michigan Legislature website:

Senate Bill Nos.	862	863	864	865	866	867	868	869	870					
House Bill Nos.	5513	5514	5515	5516	5517	5518	5519	5520	5521	5522	5523	5524	5525	5526
	5527	5528	5529											

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. 818

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

Messages from the Governor

The following messages from the Governor were received:

Date: March 29, 2016
 Time: 9:13 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 551 (Public Act No. 57), being

An act to amend 1998 PA 386, entitled “An act to codify, revise, consolidate, and classify aspects of the law relating to wills and intestacy, relating to the administration and distribution of estates of certain individuals, relating to trusts, and relating to the affairs of certain individuals under legal incapacity; to provide for the powers and procedures of the court that has jurisdiction over these matters; to provide for the validity and effect of certain transfers, contracts, and deposits that relate to death; to provide procedures to facilitate enforcement of certain trusts; and to repeal acts and parts

of acts,” by amending sections 1104, 2801, 2803, 2807, 3206, 3207, 3209, 3614, and 3701 (MCL 700.1104, 700.2801, 700.2803, 700.2807, 700.3206, 700.3207, 700.3209, 700.3614, and 700.3701), section 1104 as amended by 2009 PA 46, section 2803 as amended by 2012 PA 173, section 2807 as amended by 2000 PA 54, sections 3206 and 3209 as amended by 2012 PA 63, section 3207 as amended by 2010 PA 325, and sections 3614 and 3701 as amended by 2006 PA 299, and by adding sections 3206a and 3206b; and to repeal acts and parts of acts.

(Filed with the Secretary of State on March 29, 2016, at 10:29 a.m.)

Date: March 29, 2016

Time: 9:15 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 507 (Public Act No. 55), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” (MCL 324.101 to 324.90106) by adding part 175.

(Filed with the Secretary of State on March 29, 2016, at 10:25 a.m.)

Date: March 29, 2016

Time: 9:17 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 216 (Public Act No. 56), being

An act to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 4, 6, 98, 107, 230, and 256 (MCL 388.1604, 388.1606, 388.1698, 388.1707, 388.1830, and 388.1856), section 4 as amended by 2012 PA 201, section 6 as amended by 2015 PA 223, sections 98, 230, and 256 as amended by 2015 PA 85, and section 107 as amended by 2015 PA 139.

(Filed with the Secretary of State on March 29, 2016, at 10:27 a.m.)

Date: April 5, 2016

Time: 11:32 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 374 (Public Act No. 63), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 5101 (MCL 333.5101), as amended by 2010 PA 119.

(Filed with the Secretary of State on April 5, 2016, at 1:26 p.m.)

Date: April 5, 2016
Time: 11:34 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 375 (Public Act No. 64), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 5111 (MCL 333.5111), as amended by 2010 PA 119.

(Filed with the Secretary of State on April 5, 2016, at 1:28 p.m.)

Date: April 5, 2016
Time: 11:36 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 376 (Public Act No. 65), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 5117 (MCL 333.5117), as amended by 2010 PA 119.

(Filed with the Secretary of State on April 5, 2016, at 1:30 p.m.)

Date: April 5, 2016
Time: 11:38 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 377 (Public Act No. 66), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health

maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 5119 (MCL 333.5119), as amended by 2000 PA 209.

(Filed with the Secretary of State on April 5, 2016, at 1:32 p.m.)

Date: April 5, 2016

Time: 11:40 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 378 (Public Act No. 67), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 5121 (MCL 333.5121), as added by 1988 PA 491.

(Filed with the Secretary of State on April 5, 2016, at 1:34 p.m.)

Date: April 5, 2016

Time: 11:42 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 379 (Public Act No. 68), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 5123 (MCL 333.5123), as amended by 1994 PA 200.

(Filed with the Secretary of State on April 5, 2016, at 1:36 p.m.)

Date: April 5, 2016
Time: 11:44 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 380 (Public Act No. 69), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 5127 (MCL 333.5127), as added by 1988 PA 491.

(Filed with the Secretary of State on April 5, 2016, at 1:38 p.m.)

Date: April 5, 2016
Time: 11:46 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 381 (Public Act No. 70), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 5129 (MCL 333.5129), as amended by 2014 PA 321.

(Filed with the Secretary of State on April 5, 2016, at 1:40 p.m.)

Date: April 5, 2016
Time: 11:48 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 592 (Public Act No. 71), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical

delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 10205 (MCL 333.10205), as added by 1999 PA 62.

(Filed with the Secretary of State on April 5, 2016, at 1:42 p.m.)

Respectfully,
Rick Snyder
Governor

The following message from the Governor was received on March 29, 2016, and read:

EXECUTIVE ORDER
No. 2016-6

**Creation of the
Governor’s 21st Century Education Commission**

Executive Office of the Governor

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 4 of Article V of the Michigan Constitution of 1963 authorizes the establishment of temporary commissions or agencies for special purposes; and

WHEREAS, under Section 1 of 1931 PA 195, being MCL 10.51, the Governor may, at such times and for such purposes as the Governor deems necessary or advisable, create special advisory bodies consisting of as many members as the Governor deems appropriate; and

WHEREAS, Section 17 of Article V of the Michigan Constitution of 1963 empowers the Governor to present to the Legislature information as to the affairs of the state and recommend measures that he considers necessary or desirable; and

WHEREAS, an educated and knowledgeable population is critical to Michigan’s economic and civic vitality and its quality of life; and

WHEREAS, a skilled, credentialed workforce capable of sustained success in a global, knowledge-based economy is a necessary outcome of a state’s system of education; and

WHEREAS, Michigan’s current system of local, regional, and state education entities is over five decades old and was designed primarily to produce a mid-skilled workforce for a manufacturing economy; and

WHEREAS, Michigan’s current system of funding education hasn’t been modified in over twenty years and there have been significant changes in the state’s population and economy since that time; and

WHEREAS, Michigan falls below the national average in critical measures of educational attainment including the number of individuals with college degrees or work-valued credentials; and

WHEREAS, the current system of education is producing significantly disparate achievement results for minority and economically disadvantaged students and a growing number of students seeking postsecondary credentials require costly remedial coursework in order to continue; and

WHEREAS, Michigan cannot hope to maintain its economic vitality and quality of life without making dramatic gains in the academic achievement and career preparedness of all its residents; and

WHEREAS, the people of Michigan have historically supported and invested in a system of public education to open the doors of educational opportunity and employment to all; and

WHEREAS, we must act now to ensure our system of education, its structure, governance, funding, and accountability, is focused on student achievement and success for the good of all residents and the vitality of the state;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. CREATION OF THE 21st CENTURY EDUCATION COMMISSION

A. The Governor’s 21st Century Education Commission (the “Commission”) is created as a temporary commission pursuant to Article V, Section 4, of the Constitution of the state of Michigan of 1963 and shall serve as an advisory body within the Executive Office of the Governor.

B. The Commission shall be an independent and autonomous entity with the intent that its authority, powers, duties, and responsibilities be exercised free from the direction and supervision of the principal departments in the executive branch and shall be composed of twenty-five (25) members appointed as follows:

1. The Governor shall appoint sixteen (16) voting members to the Commission serving at the pleasure of the Governor.
2. The following five (5) voting members:
 - One (1) member appointed by the Speaker of the House;
 - One (1) member appointed by the House Minority Leader;
 - One (1) member appointed by the Senate Majority Leader;
 - One (1) member appointed by the Senate Minority Leader; and
 - The President of the State Board of Education or his/her designee.
3. The following four (4) department heads or their designees from within their respective departments or agencies who shall be non-voting, ex officio members:
 - The Superintendent of Public Instruction;
 - The State Treasurer;
 - The Director of the State Budget Office; and
 - The Director of the Talent Investment Agency.

C. A vacancy on the Commission shall be filled in the same manner as the original appointment.

D. The Commission shall include individuals representing the education, business, government, and nonprofit communities who have a particular interest or expertise in education. Specifically, Commission members will need to possess expertise in education system design at the state, regional, and local levels including how Michigan's system of public education providers are organized, governed, funded, and held accountable for successful education outcomes, Pre-K through credential/career attainment, and/or have knowledge of factors that both inhibit and enable that success.

II. CHARGE TO THE COMMISSION

A. The Commission shall act in an advisory capacity to the Governor and the state of Michigan, and shall do all of the following:

1. Analyze top performing states and nations to determine how their systems of education (structure, governance, funding, and accountability) have led to academic and career success for students pre-school through career credentialing/post-secondary education.
2. Determine, for top performing states and nations, the similarities and differences between their demographic, cultural and economic realities and Michigan's demographic, cultural, and economic realities.
3. Based on this analysis of top performing states and nations, identify the structural (configuration of schools,) governance, funding, and accountability enablers and inhibitors impacting the academic success and career preparedness for Michigan students and residents, including distinct demographic and geographic variances as appropriate.
4. Recommend changes to restructure, as necessary, the configuration, governance, funding, and accountability of Michigan's education system to significantly improve student achievement and career preparedness, and ensure the high quality of all education options available to parents and students.
5. Prioritize the Commission's recommendations for implementation.

B. Provide other information or advice as directed by the Governor.

C. No later than November 30, 2016, shall complete its work and issue a final report to the Governor for his consideration.

D. A copy of the final report shall be transmitted to the Legislature and State Board of Education.

E. Ninety days (90) after issuance and transference of its final report, the Commission shall be deemed to have met the charges placed upon it by this Executive Order and shall cease operations.

III. OPERATIONS OF THE COMMISSION

A. The Commission shall be staffed by personnel from and assisted by state departments and agencies as directed by the Governor's Office.

B. The Governor shall designate the Chairperson or Chairpersons of the Commission who shall serve as the Chair at the pleasure of the Governor.

C. The Commission may select from among its members a Vice Chairperson.

D. The Commission shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Commission. Meetings of the Commission may be held anywhere within the state of Michigan.

E. The Commission may establish workgroups or committees assigning Commission members to and inviting public participation on these workgroups or committees as the Commission deems necessary.

F. The Commission may adopt, reject, or modify recommendations made by the workgroups or committees.

G. A majority of the voting members of the Commission serving constitutes a quorum for the transaction of the Commission's business, notwithstanding the existence of one (1) or more vacancies. The Commission shall act by majority vote of its present and voting members.

H. The Commission shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

I. The Commission may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. Subject to the Governor's approval, the Commission may consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, government agencies, and the nonprofit sector.

J. Members of the Commission shall serve without compensation. Subject to the Governor's approval and available funding, members of the Commission may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Michigan Civil Service Commission and the Department of Technology, Management and Budget.

K. Subject to the Governor's approval, the Commission may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Commission and the performance of its duties, as the Governor deems advisable and necessary in accordance with the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Technology, Management and Budget.

L. The Commission may accept grants of funds, donations of funds, property, labor, services, or other things of value from any public or private agency or person. Any donations shall be expended in accordance with applicable laws, rules, and procedures.

M. Members of the Commission, staff, or contractors shall refer all legal, legislative, and media contacts relating to Commission actions or activities to the Office of the Governor.

IV. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Commission, or to any member or representative of the Commission, any necessary assistance required by the Commission, or any member or representative of the Commission, in the performance of the duties of the Commission so far as is compatible with its, his, or her duties.

B. Nothing in this Executive Order shall be construed to diminish the constitutional authority of the State Board of Education pursuant to Section 3 of Article VIII of the Michigan Constitution of 1963, to provide leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees; to serve as the general planning and coordinating body for all public education, including higher education; and to advise the Legislature as to the financial requirements in connection therewith.

C. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order shall not abate by reason of the taking effect of this Order.

D. Nothing in this Order shall be construed to change the organization of the executive branch of state government or the assignment of functions among its units in a manner requiring the force of law.

E. The invalidity of any portion of this Order shall not affect the validity of the remainder the Order.

This Executive Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 28th day of March, in the Year of our Lord Two Thousand Sixteen.

Richard D. Snyder
Governor

By the Governor:
Ruth A. Johnson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received and read:

March 24, 2016

I respectfully submit to the Senate the following appointments to office:

Michigan Economic Development Corporation Executive Committee

Karen Weaver of 1101 S. Saginaw Street, Flint, Michigan 48502, county of Genesee, representing public agencies, succeeding Cindy Larsen, is appointed for a term expiring April 5, 2024.

John W. Brown of 750 Trade Centre Way, Suite 145, Portage, Michigan 49002, county of Kalamazoo, representing the private sector, succeeding himself, is reappointed for a term expiring April 5, 2024.

Thomas J. Moran of 6694 Bowen Road, Onaway, Michigan 49765, county of Cheboygan, representing the private sector, succeeding himself, is reappointed for a term expiring April 5, 2024.

John B. O'Reilly of 22576 Beech Street, Dearborn, Michigan 48124, county of Wayne, representing the private sector, succeeding himself, is reappointed for a term expiring April 5, 2024.

Christopher L. Rizik of 208 South Rogers Street, Northville, Michigan 48167, county of Wayne, representing the private sector, succeeding himself, is reappointed for a term expiring April 5, 2024.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

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 Nofs 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 bill:

Senate Bill No. 818, entitled

A bill to amend 1943 PA 148, entitled "Proprietary schools act," by amending section 1a (MCL 395.101a), as amended by 2009 PA 212.

The bill was placed on the order of Third Reading of Bills.

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

Senate Bill No. 490, entitled

A bill to amend 1988 PA 378, entitled "An act to preserve personal privacy with respect to the purchase, rental, or borrowing of certain materials; and to provide penalties and remedies for violation of this act," by amending sections 1, 2, 3, 4, and 5 (MCL 445.1711, 445.1712, 445.1713, 445.1714, and 445.1715), section 5 as added by 1989 PA 206.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2) and ordered that it be given immediate effect.

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,

Senator Warren offered the following amendments to the substitute:

- 1. Amend page 2, line 3, by striking out all of subdivision (D) and relettering the remaining subdivision.
- 2. Amend page 3, line 5, by striking out all of subdivision (D) and relettering the remaining subdivisions.

The amendments to the substitute were not adopted.

Senator Hood requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments to the substitute were not adopted, a majority of the members not voting therefor, as follows:

Roll Call No. 157

Yeas—9

Ananich
Bieda
Gregory

Hertel
Hood

Hopgood
Knezek

Warren
Young

Nays—27

Booher
Brandenburg
Casperson
Colbeck

Hildenbrand
Horn
Hune
Jones

Marleau
Meekhof
Nofs
O'Brien

Rocca
Schmidt
Schuitmaker
Shirkey

Emmons
Green
Hansen

Knollenberg
Kowall
MacGregor

Pavlov
Proos
Robertson

Stamas
Zorn

Excused—1

Johnson

Not Voting—0

In The Chair: President

Senator Warren offered the following amendment to the substitute:

1. Amend page 4, line 19, after “Sec. 5.” by striking out all of subsections (1) and (2) and inserting “(1) Regardless of any criminal prosecution for a violation of this act, a person ~~who~~ **THAT** violates this act shall be liable in a civil action for damages to the customer identified in a record or other information that is disclosed in violation of this act. The customer may bring a civil action against the person and may recover both of the following:

(a) Actual damages, including damages for emotional distress, or \$5,000.00, whichever is greater.

(b) ~~Costs~~ **REASONABLE COSTS** and ~~reasonable~~ attorney fees.” and renumbering the remaining subsection.

The amendment to the substitute was not adopted.

Senator Hood requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment to the substitute was not adopted, a majority of the members not voting therefor, as follows:

Roll Call No. 158

Yeas—11

Ananich
Bieda
Gregory

Hertel
Hood
Hopgood

Jones
Knezek
Rocca

Warren
Young

Nays—25

Booher
Brandenburg
Casperson
Colbeck
Emmons
Green
Hansen

Hildenbrand
Horn
Hune
Knollenberg
Kowall
MacGregor

Marleau
Meekhof
Nofs
O’Brien
Pavlov
Proos

Robertson
Schmidt
Schuitmaker
Shirkey
Stamas
Zorn

Excused—1

Johnson

Not Voting—0

In The Chair: President

Senator Warren offered the following amendments to the substitute:

1. Amend page 3, line 16, after “time” by striking out the balance of the line through “NAME.” on line 17 and inserting a period and “**THE WRITTEN NOTICE MUST SPECIFY THE MANNER OR MANNERS BY WHICH THE CUSTOMER MAY REMOVE HIS OR HER NAME AND PREVENT FURTHER DISCLOSURE OF HIS OR HER INFORMATION; BE SEPARATE FROM ANY DOCUMENT THAT CONTAINS OTHER LEGAL OR FINANCIAL OBLIGATIONS OF THE CONSUMER; AND BE PROVIDED IN A CLEAR AND CONSPICUOUS MANNER.**”.

2. Amend page 3, line 20, after “**DISCLOSURE.**” by striking out the balance of the line through the first “**NOTICE**” on line 21 and inserting “**IF THE OTHER REQUIREMENTS OF THIS SUBPARAGRAPH ARE MET, A PERSON MAY USE ANY OF THE FOLLOWING METHODS OF NOTICE TO**”.

The amendments to the substitute were not adopted.

Senator Hood requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments to the substitute were not adopted, a majority of the members not voting therefor, as follows:

Roll Call No. 159

Yeas—10

Ananich	Hertel	Knezek	Warren
Bieda	Hood	Rocca	Young
Gregory	Hopgood		

Nays—26

Booher	Hildenbrand	Marleau	Robertson
Brandenburg	Horn	Meekhof	Schmidt
Casperson	Hune	Nofs	Schuitmaker
Colbeck	Jones	O’Brien	Shirkey
Emmons	Knollenberg	Pavlov	Stamas
Green	Kowall	Pros	Zorn
Hansen	MacGregor		

Excused—1

Johnson

Not Voting—0

In The Chair: President

Senator Warren offered the following amendment to the substitute:

1. Amend page 3, line 14, by striking out all of subparagraphs (i), (ii), and (iii) and inserting:

“(i) **UNLESS THE DISCLOSURE IS AUTHORIZED UNDER SUBDIVISION (A), (B), (C), OR (D), A PERSON SHALL NOT DISCLOSE A CUSTOMER’S NONPUBLIC RECORD OR INFORMATION UNDER THIS SUBDIVISION TO ANOTHER PERSON WITHOUT THE PRIOR AND SPECIFIC INFORMED CONSENT, IN WRITING, OF THE CUSTOMER, AND THE CUSTOMER MAY WITHDRAW HIS OR HER CONSENT AT ANY TIME.**

“(ii) **IF A CUSTOMER CONSENTS TO THE DISCLOSURE OF A NONPUBLIC RECORD OR INFORMATION TO ANOTHER PERSON UNDER SUBPARAGRAPH (i), THE NONPUBLIC RECORD OR INFORMATION SHALL NOT BE DISCLOSED UNLESS THAT OTHER PERSON AGREES TO PROTECT AND USE THE DISCLOSED RECORD OR INFORMATION ONLY IN THE MANNER AUTHORIZED UNDER THIS ACT.**

THIS SUBPARAGRAPH DOES NOT APPLY TO A DISCLOSURE MADE TO THE DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES, THE DIRECTOR OF THAT DEPARTMENT, ANOTHER GOVERNMENTAL AGENCY OR ENTITY, OR A COURT.

(iii) IF A CUSTOMER CONSENTS TO THE DISCLOSURE OF A NONPUBLIC RECORD OR INFORMATION TO ANOTHER PERSON UNDER SUBPARAGRAPH (i), THE NONPUBLIC RECORD OR INFORMATION SHALL NOT BE DISCLOSED UNLESS THAT OTHER PERSON AGREES NOT TO RELEASE THE INFORMATION TO ANY OTHER PERSON WITHOUT ANOTHER PRIOR AND SPECIFIC INFORMED CONSENT FROM THE CUSTOMER, IN WRITING, AUTHORIZING THE ADDITIONAL DISCLOSURE.

(iv) THE PERSON THAT IS DISCLOSING THE INFORMATION SHALL INFORM THE CUSTOMER BY WRITTEN NOTICE THAT THE CUSTOMER MAY WITHDRAW HIS OR HER CONSENT UNDER SUBPARAGRAPH (i) AT ANY TIME IN THE MANNER DESCRIBED IN SUBPARAGRAPH (v). ANY OF THE FOLLOWING METHODS OF NOTICE SATISFY THE WRITTEN NOTICE REQUIREMENTS OF THIS SUBPARAGRAPH:

(A) WRITTEN NOTICE INCLUDED IN OR WITH ANY MATERIALS SOLD, RENTED, OR LENT TO THE CUSTOMER UNDER SECTION 2.

(B) WRITTEN NOTICE PROVIDED TO THE CUSTOMER AT THE TIME HE OR SHE ORDERS ANY OF THE MATERIALS DESCRIBED IN SECTION 2 OR OTHERWISE PROVIDED TO THE CUSTOMER IN CONNECTION WITH THE TRANSACTION BETWEEN THE PERSON AND CUSTOMER FOR THE SALE, RENTAL, OR LOAN OF THE MATERIALS TO THE CUSTOMER.

(C) NOTICE THAT IS INCLUDED IN AN ONLINE PRIVACY POLICY OR SIMILAR COMMUNICATION THAT IS POSTED ON THE INTERNET, IS MAINTAINED BY THE PERSON THAT IS DISCLOSING THE INFORMATION, AND IS AVAILABLE TO CUSTOMERS OR THE GENERAL PUBLIC.

(v) A CUSTOMER MAY PROVIDE NOTICE THAT HE OR SHE WITHDRAWS HIS OR HER CONSENT UNDER SUBPARAGRAPH (i) TO THE PERSON THAT IS DISCLOSING INFORMATION UNDER THIS SUBDIVISION. IF THE PERSON PROVIDES A PROMINENTLY DISCLOSED AND EASY-TO-USE MECHANISM OR ADDRESS FOR SUBMISSION OF SUCH A REQUEST, THE CUSTOMER MUST SUBMIT THE NOTICE IN THAT MANNER IN ORDER FOR THE NOTICE TO BE VALID UNDER THIS SECTION.

(vi) BEGINNING 30 DAYS AFTER THE PERSON RECEIVES THE WRITTEN NOTICE DESCRIBED IN SUBPARAGRAPH (iv), THE PERSON SHALL NOT KNOWINGLY DISCLOSE THE CUSTOMER’S NAME TO ANY OTHER PERSON FOR MARKETING GOODS AND SERVICES.”.

The amendment to the substitute was not adopted.

Senator Hood requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment to the substitute was not adopted, a majority of the members not voting therefor, as follows:

Roll Call No. 160

Yeas—10

Ananich	Hertel	Knezek	Warren
Bieda	Hood	Rocca	Young
Gregory	Hopgood		

Nays—26

Booher	Hildenbrand	Marleau	Robertson
Brandenburg	Horn	Meekhof	Schmidt
Casperson	Hune	Nofs	Schuitmaker
Colbeck	Jones	O’Brien	Shirkey
Emmons	Knollenberg	Pavlov	Stamas
Green	Kowall	Proos	Zorn
Hansen	MacGregor		

Excused—1

Johnson

Not Voting—0

In The Chair: President

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. 161**Yeas—28**

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

Nays—8

Bieda	Hertel	Hopgood	Warren
Gregory	Hood	Knezek	Young

Excused—1

Johnson

Not Voting—0

In The Chair: President

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

Protests

Senators Warren, Hood, Bieda and Knezek, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute for Senate Bill No. 490.

Senator Warren moved that the statements she made during the discussion of the bill be printed as her reasons for voting "no."

The motion prevailed.

Senator Warren's statement, in which Senators Hood, Bieda and Knezek concurred, is as follows:

Michigan's preservation of personal privacy act is a strong consumer protection statute that was enacted to preserve the privacy of Michiganders' choices in reading materials like books and magazines and video materials like movies and documentaries. To achieve that goal, the personal privacy act prohibits businesses from disclosing information that would identify their consumers, their reading choices, and video selections to third parties, except in certain limited circumstances,

such as with the written permission of the customer. The personal privacy act is arguably the strongest consumer privacy law in the entire country when it comes to protecting consumer reading and video purchases. No other state in the nation even comes close.

So although this bill was put in front of us as a modernization and an attempt to react to the way that we are now renting videos—we're not going to Blockbuster anymore; we're going online to Netflix, or we're getting a movie from a Redbox—this is, in fact, not just a modernization, but a gutting of a really important consumer protection statute that has stood on our books for a very long time.

Senate Bill No. 490 is being pushed by a group of out-of-state companies, many of whom have been caught in Michigan's preservation of personal privacy act. The law simply requires that companies get permission from Michiganders before disclosing and selling their protected information. Those companies didn't get permission from customers and, nonetheless, sold Michiganders' customer data to third party data miners. As a result, several of those companies are now being challenged in federal court by Michiganders—by our constituents. Failing in court, these companies are now trying to immunize themselves from liability by gutting the law.

Our Attorney General Bill Schuette has weighed in very publicly in court. Part of what I read to you was a quote from him that calls this one of the most important consumer protection statutes that we have in the country. Attorney General Schuette believes that what we have on the books right now is the right way to go and, colleagues, so do I. These companies that are spearheading this bill and who were behind its creation are already using this bill before it's even passed to argue in court that they shouldn't face liability for violating our personal privacy act in court.

Even worse, if passed, the law will likely be interpreted as retroactive, meaning that all of these companies will get the get-out-of-jail-free card that they are asking for. Make no mistake, what that means is that our constituents' data is being illegally mined and sold right now without their permission. If we pass this bill, it will only get worse, because without the ability to hold companies accountable in court, we will have no way to ensure our privacy.

Many of you remember the reason that we started talking about these bills in the first place: When a high-level judicial appointee had disclosed the information about what movies he was renting. We all deserve a level of privacy when it comes to the reading materials and video materials that we rent and look at. I encourage you, colleagues, to think very carefully, and join me in voting “no” on this bill, which would really seriously gut important provisions that protect all of our consumers and us every day.

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. 717

Senate Bill No. 702

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 717, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 21303, 21304c, 21310a, 21323a, and 21325 (MCL 324.21303, 324.21304c, 324.21310a, 324.21323a, and 324.21325), sections 21303, 21304c, 21310a, and 21323a as amended by 2012 PA 446 and section 21325 as added by 2012 PA 108, and by adding section 21325a.

The question being on the passage of the bill,

Senator Warren offered the following amendment:

1. Amend page 14, line 26, after “NOTIFY” by inserting “THE DEPARTMENT AND”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Hood requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 162

Yeas—10

Ananich
Bieda
Gregory

Hertel
Hood
Hopgood

Knezek
Rocca

Warren
Young

Nays—26

Booher	Hildenbrand	Marleau	Robertson
Brandenburg	Horn	Meekhof	Schmidt
Casperson	Hune	Nofs	Schuitmaker
Colbeck	Jones	O'Brien	Shirkey
Emmons	Knollenberg	Pavlov	Stamas
Green	Kowall	Proos	Zorn
Hansen	MacGregor		

Excused—1

Johnson

Not Voting—0

In The Chair: President

Senator Warren offered the following amendment:

1. Amend page 15, line 4, after "**HIGHWAY.**" by inserting "**A LOCAL UNIT OF GOVERNMENT THAT RECEIVES A NOTICE OF INTENT TO USE A PUBLIC HIGHWAY AS A METHOD OF RESTRICTING EXPOSURE TO A REGULATED SUBSTANCE MAY REQUIRE THE OWNER OR OPERATOR THAT IS LIABLE UNDER SECTION 21312A TO POST A BOND FOR THE PROJECTED ADDITIONAL COST OF REPAIR OR RENOVATION WORK THAT IS SCHEDULED TO BE PERFORMED ON OR BELOW THE PUBLIC HIGHWAY IN THE FOLLOWING 3 YEARS AND IS ATTRIBUTABLE TO THE PRESENCE OF REGULATED SUBSTANCES AS DEFINED BY THE RBSLS OR SSTLS.**"

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Hood requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 163**Yeas—10**

Ananich	Hertel	Knezek	Warren
Bieda	Hood	Rocca	Young
Gregory	Hopgood		

Nays—26

Booher	Hildenbrand	Marleau	Robertson
Brandenburg	Horn	Meekhof	Schmidt
Casperson	Hune	Nofs	Schuitmaker
Colbeck	Jones	O'Brien	Shirkey
Emmons	Knollenberg	Pavlov	Stamas
Green	Kowall	Proos	Zorn
Hansen	MacGregor		

Excused—1

Johnson

Not Voting—0

In The Chair: President

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. 164**Yeas—27**

Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Horn	Meekhof	Schmidt
Casperson	Hune	Nofs	Schuitmaker
Colbeck	Jones	O'Brien	Shirkey
Emmons	Knollenberg	Pavlov	Stamas
Green	Kowall	Proos	Zorn
Hansen	MacGregor	Robertson	

Nays—9

Ananich	Hertel	Hopgood	Warren
Bieda	Hood	Knezek	Young
Gregory			

Excused—1

Johnson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 702, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 716 (MCL 257.716), as amended by 2008 PA 539.

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. 165**Yeas—27**

Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Horn	Meekhof	Schmidt
Casperson	Hune	Nofs	Schuitmaker
Colbeck	Jones	O'Brien	Shirkey
Emmons	Knollenberg	Pavlov	Stamas
Green	Kowall	Proos	Zorn
Hansen	MacGregor	Robertson	

Nays—9

Ananich	Hertel	Hopgood	Warren
Bieda	Hood	Knezek	Young
Gregory			

Excused—1

Johnson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Bieda's statement is as follows:

Colleagues, I rise today to address the clear and imminent threat that Enbridge Energy Pipeline 5 poses to the Great Lakes. Canadian company Enbridge operates two 20-inch-diameter pipelines that lie exposed in the water at the bottom of the Straits of Mackinac about 1,000 feet apart. They were built in 1953. That's right, 63 years ago, during the Eisenhower Administration. Pipelines cannot last indefinitely.

The original agreement with Enbridge, which would never happen with today's state environmental laws, called for a maximum flow of 300,000 barrels per day, yet Enbridge sends 540,000 barrels per day, which is 23 million gallons. These pipelines cross one of the most ecologically-sensitive areas in the world. Twenty percent of the fresh surface water on the planet is in the Great Lakes. A spill would destroy fisheries, drinking water, tourism, irrigation, manufacturing, recreation, and 1-in-5 jobs connected to the Great Lakes.

We do not get the benefit of the oil in Michigan. Much of the oil flowing through these pipelines comes from Canada and takes a shortcut across Michigan before crossing back into Sarnia, Canada, where it is refined for markets in Canada.

In 2014, Enbridge was found guilty of violations for improper anchor spacing requirements to prohibit the pipeline from moving around. In the event of a spill, liability and surety bonds are woefully outdated and ineffective. There are no mid-stream shutoff valves, and emergency response plans are virtually nonexistent. In 2015, the United States Coast Guard testified before Congress that they would be unable to effectively respond to an open water oil spill.

For the sake of our economy, our environment, and our culture and heritage, an aggressive timetable must be established to shutdown Enbridge Line 5.

I would like to thank the Senator from the 24th District for introducing a bill today, which I am proud to co-sponsor, that would shut down Enbridge Line 5. I have also had a resolution that I introduced in December 2015 asking the Governor and Attorney General to shut this pipeline down. That resolution was referred to the Committee on Government Operations, otherwise known as the committee where bills are sent to die.

I don't want to be a prophet, and I don't want my speech repeated in the event of a spill in the Great Lakes. I think this is a very important issue facing us, and we need to be proactive. I believe we need to take action now, and I respectfully request that these bills and resolution be taken up for consideration.

Senator Warren's statement is as follows:

Today, April 12, has been designated by the Michigan House of Representatives as Equal Pay Day. In fact, this entire week has been designated as Equal Pay Week. Equal Pay Day comes when it does, more than 100 days into the new year, to mark how long women have to work to make up for the wage gap and earn as much as men did as of December 31 of the previous year. The statistics on the gender pay gap are grim. According to the most recent study by the Institute for Women's Policy Research, working women in our state of Michigan make just 77 cents on the dollar for every dollar their male counterparts are paid. This disparity puts Michigan behind the nation's gender pay gap of 78.3 cents per dollar, and it leaves us 36th in the nation for disparity in employment and earnings. In fact, it's estimated that over the course of a working woman's lifetime, the average American woman will lose \$530,000 simply due to the pay gap.

Research studies have shown that the pay gap remains even after researchers control for education levels, types of professions, and other characteristics that are often cited for why the wage gap still exists. What troubles me more than these statistics is the lack of progress that has been made over the last ten years. If current trends continue, women in Michigan will not achieve pay equity for 70 more years—not until 2086. In fact, we might be headed the wrong way. The Institute for Women's Policy Research found that the national pay gap actually widened between 2014 and 2015.

While the pay gap is often framed as a women's issue, the truth is that everyone is affected by it. It's everyone's issue. Now more than ever, women are the heads of households or a very integral half of a dual-income home. We are the chief consumers of goods and services, and we are the drivers of many parts of our state's economy. According to one recent study, women are the sole earners or the primary wage earners for over 40 percent of all households. Today in Michigan, 34.7 percent of families headed by a working single mother live in poverty. If we close the pay gap, that number would be cut by 15.2 percent. With a simple change in enforcement of pay equity laws, we would lift a significant number of women and children in this state out of poverty.

Of course, achieving pay equity wouldn't just make a difference to families that would be lifted out of poverty. It would also increase the number of dollars flowing into local businesses and bank accounts and would bolster our entire state's economy. Given the difference that achieving pay equity could make across our state and nation, I was heartened to see the House of Representatives pass this resolution and observe this important day and week. So many of my colleagues on both sides of the aisle, as well as our own Governor Rick Snyder, have stated that they support equal pay for equal work, but commemorating Equal Pay Day and Equal Pay Week is not enough. It is time to join together in a bipartisan fashion and take real action on legislation that will make a difference in closing the pay gap. Let's not spend another year commemorating Equal Pay Day without doing something to close the gap.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Ananich introduced

Senate Bill No. 871, entitled

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

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

Senators O'Brien, Schuitmaker, Brandenburg and Nofs introduced

Senate Bill No. 872, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17001 and 17011 (MCL 333.17001 and 333.17011), section 17001 as amended by 2006 PA 161 and section 17011 as amended by 2006 PA 398, and by adding sections 16326, 17079, 17080, and 17081.

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

Senators Jones, O'Brien, Schuitmaker and Horn introduced

Senate Bill No. 873, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 16, 16a, 44, 44a, 45, and 76 (MCL 780.766, 780.766a, 780.794, 780.794a, 780.795, and 780.826), sections 16, 44, and 76 as amended by 2013 PA 139, sections 16a and 44a as amended by 2006 PA 461, and section 45 as amended by 1996 PA 562; and to repeal acts and parts of acts.

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

Senators Schuitmaker, Jones, O'Brien and Horn introduced

Senate Bill No. 874, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending section 17 (MCL 780.767), as amended by 1996 PA 562.

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

Senators Horn, O'Brien, Jones and Schuitmaker introduced

Senate Bill No. 875, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 19, 20, 20a, 22a, 25, 46a, 48, 52, 78a, and 84 (MCL 780.769, 780.770, 780.770a, 780.772a, 780.775, 780.796a, 780.798, 780.802, 780.828a, and 780.834), sections 19, 20, and 48 as amended by 2012 PA 564, section 20a as amended by 1998 PA 523, section 22a as added by 1993 PA 341, section 25 as amended and section 84 as added by 1988 PA 21, section 46a as amended by 2000 PA 503, section 52 as added by 1988 PA 22, and section 78a as amended by 2006 PA 461.

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

Senators O'Brien, Jones, Schuitmaker and Horn introduced

Senate Bill No. 876, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 18b, 45a, and 77b (MCL 780.768b, 780.795a, and 780.827b), as added by 2006 PA 461.

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

Senators Knollenberg, O'Brien, Jones, Schuitmaker and Horn introduced

Senate Bill No. 877, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 6, 7, 8, 36, 37, 38, 65, 66, 67, and 68 (MCL 780.756, 780.757, 780.758, 780.786, 780.787, 780.788, 780.815, 780.816, 780.817, and 780.818), sections 6 and 65 as amended by 2005 PA 184, sections 8, 38, and 68 as amended by 2012 PA 457, sections 36 and 66 as amended by 2000 PA 503, section 37 as added by 1988 PA 22, and section 67 as added by 1988 PA 21.

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

House Bill No. 4787, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 213a.

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 Judiciary.

House Bill No. 4830, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16l of chapter XVII (MCL 777.16l), as amended by 2011 PA 202.

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 Judiciary.

House Bill No. 5121, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," (MCL 125.1501 to 125.1531) by adding section 4g.

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 Regulatory Reform.

House Bill No. 5407, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 175 and 177 (MCL 168.175 and 168.177).

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 Elections and Government Reform.

Committee Reports

The Committee on Regulatory Reform reported

Senate Bill No. 671, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 303 and 543 (MCL 436.1303 and 436.1543), section 543 as amended by 2010 PA 213.

With the recommendation that the substitute (S-2) 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 Johnson

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. 818, entitled

A bill to amend 1943 PA 148, entitled "Proprietary schools act," by amending section 1a (MCL 395.101a), as amended by 2009 PA 212.

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 Johnson

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Regulatory Reform reported

House Bill No. 4344, entitled

A bill to amend 1974 PA 300, entitled "Motor vehicle service and repair act," by amending sections 2, 2a, 3, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 30, 32, 33, 34a, 36, and 39 (MCL 257.1302, 257.1302a, 257.1303, 257.1307, 257.1309, 257.1310, 257.1311, 257.1312, 257.1313, 257.1314, 257.1315, 257.1316, 257.1317, 257.1318, 257.1319, 257.1320, 257.1321, 257.1322, 257.1330, 257.1332, 257.1333, 257.1334a, 257.1336, and 257.1339), sections 2, 18, 22, and 30 as amended and section 2a as added by 1988 PA 254, section 10 as amended by 2000 PA 366, and section 17 as amended by 2002 PA 464, and by adding sections 7a, 7b, 7c, 7d, 7e, 7f, 10a, 13a, 13b, and 32a.

With the recommendation that the substitute (S-2) 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 and Warren

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

House Bill No. 5257, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 610.

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 Johnson

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Joint meeting held on Thursday, March 24, 2016, at 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Casperson (C) and Horn

Excused: Senators Pavlov, Marleau and Hopgood

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Thursday, March 24, 2016, at 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Schuitmaker (C) and MacGregor

Excused: Senator Hertel

COMMITTEE ATTENDANCE REPORT

The Joint Select Committee on Flint Water Public Health Emergency (SCR 24) submitted the following:

Meeting held on Tuesday, March 29, 2016, at 10:00 a.m., Grand Ballroom, Northbank Center, University of Michigan,
Flint

Present: Senators Stamas (C), Hune and Ananich

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Tuesday, April 12, 2016, at 9:00 a.m., Room 210, Farnum Building

Present: Senators Pavlov (C), Knollenberg, Booher, Colbeck and Knezek

Scheduled Meetings

Appropriations - Wednesday, April 13, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-1801)

Subcommittees -

Corrections - Wednesday, April 13, 12:30 p.m., Room 405, Farnum Building (CANCELED) and Thursday, April 14, 12:00 noon, Room 405, Farnum Building (373-2768)

Licensing and Regulatory Affairs - Wednesday, April 13, 12:00 noon and Thursday, April 14, 1:00 p.m., (CANCELED) Room 100, Farnum Building (373-2768)

State Police and Military Affairs - Tuesday, May 3, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2768)

Families, Seniors and Human Services - Wednesday, April 13, 3:00 p.m., Room 210, Farnum Building (373-5323)

Judiciary - Wednesday, April 13, 4:00 p.m., Room 110, Farnum Building (373-1721)

State Drug Treatment Court Advisory Committee - Tuesday, April 19, 10:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Veterans, Military Affairs and Homeland Security - Thursday, April 14, 2:00 p.m., Room 110, Farnum Building (373-5314)

Senator Kowall moved that the Senate adjourn.
The motion prevailed, the time being 11:58 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, April 13, 2016, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate

