

No. 1
STATE OF MICHIGAN
Journal of the Senate
98th Legislature
REGULAR SESSION OF 2016

Senate Chamber, Lansing, Wednesday, January 13, 2016.

12:00 noon.

In conformity with the requirements of the Constitution of the state of Michigan, the Senators of the 98th Legislature of the state of Michigan assembled in the Senate Chamber in the Capitol at Lansing this day (being the second Wednesday of January 2016), at twelve o'clock noon, and were 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.

| District | Name | District | Name |
|-----------------|-----------------------------|-----------------|----------------------|
| 1st | Coleman A. Young II | 20th | Margaret E. O'Brien |
| 2nd | Bertram C. Johnson—excused | 21st | John M. Proos |
| 3rd | Morris W. Hood III | 22nd | Joseph R. Hune |
| 4th | Virgil K. Smith | 23rd | Curtis Hertel, Jr. |
| 5th | David Knezek | 24th | Rick Jones |
| 6th | Hoon-Yung Hopgood | 25th | Phillip J. Pavlov |
| 7th | Patrick J. Colbeck | 26th | Tonya Schuitmaker |
| 8th | Jack M. Brandenburg—excused | 27th | James Ananich |
| 9th | Steven M. Bieda | 28th | Peter MacGregor |
| 10th | Tory Rocca | 29th | David S. Hildenbrand |
| 11th | Vincent Gregory | 30th | Arlan B. Meekhof |
| 12th | James A. Marleau | 31st | Michael Green |
| 13th | Marty Knollenberg | 32nd | Kenneth B. Horn |
| 14th | David B. Robertson | 33rd | Judith K. Emmons |
| 15th | Michael W. Kowall | 34th | Goeffrey M. Hansen |
| 16th | Mike Shirkey | 35th | Darwin L. Booher |
| 17th | Dale W. Zorn | 36th | Jim Stamas |
| 18th | Rebekah L. Warren | 37th | Wayne A. Schmidt |
| 19th | Michael L. Nofs | 38th | Thomas A. Casperson |

Pastor Stephen Byrens of City on a Hill Community Church of Olivet offered the following invocation:

It is with a mixture of awe and humility that we come before You today, asking for Your blessings and favor to rest upon this group of men and women as they prepare to serve their constituents in the coming year. Awe, because the One who created the world and all that is in it; the One who spoke and everything came into existence; the One who knit each one of us together in our mothers' wombs; and the One who knows the number of hairs on each of our heads willing to meet us here today as we pray. Humility, because we understand the high calling that You have placed on each person who takes the oath of office, an oath made before a holy God who cares deeply for how His creation is governed.

We learn from Romans 13 that human government was ordained by God, and civil leaders are called by God and given the responsibility to punish evil and reward good. Therefore, all who answer the call to serve in civil government are divinely charged with looking out for the good of those they govern, even before looking out for their own good.

Lord, You gave our Founding Fathers an understanding of the fallen nature of man. By experience they knew that too much power in the hands of one person or small group of people would lead to corruption, the strong dominating the weak.

Because civil government is ordained by God and tasked with dispensing justice with wisdom and humility, our Founding Fathers wanted the structure of our government to reflect a holy God's character and nature. They turned to Isaiah 33:22 for the inspiration behind that design which says: "For the Lord is our judge, the Lord is our lawgiver, the Lord is our king; he will save us." Judge, lawgiver, and king—judicial, legislative, and executive branches. Through Your divine guidance, they designed a model for the federal government, one that was copied by the states: A civil government made up of three co-equal branches and each entrusted with unique powers; a system of checks and balances that could offset any one branch's responsibility You have given these men and women.

Lord, they need Your wisdom and guidance in order to govern well, in order to know how to discern between good and evil. Give them hearts like King Solomon who, when given the responsibility to govern Your people, responded to Your call with a heart of humility. In 1 Kings 3:7 and 9, he acknowledges dependence on You. Verse 7: "Now, O Lord my God, You have made Your servant king instead of my father David, but I am a little child; I do not know how to go out or come in." In verse 9: "Therefore give to Your servant an understanding heart to judge Your people, that I may discern between good and evil. For who is able to judge this great people of Yours?"

Lord, may Your great hand guide, direct, empower, enable, and instruct the hearts of all who are gathered here today, that they might fulfill their high calling to reflect Your holiness, grace, and love through the work of this great civil institution. We pray this in the awesome and wonderful name of Jesus Christ our Lord. Amen.

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

Motions and Communications

Senator Kowall moved that Senator Brandenburg be 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 Kowall moved that rule 3.902 be suspended to allow the guests of Senator Ananich admittance to the Senate floor.

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

The following communications were received and read:

Office of the Auditor General

December 17, 2015

Enclosed is a copy of the following audit report:

Performance audit report on Statewide UNIX Security Controls, Department of Technology, Management, and Budget.

December 18, 2015

Enclosed is a copy of the following audit report:

Performance audit report on the Physical Security and Environmental Controls Over Information Technology Resources, Department of Technology, Management, and Budget.

December 22, 2015

Enclosed is a copy of the following audit report:
Performance audit report on the Traffic and Safety Section, Michigan Department of Transportation.

January 11, 2016

Enclosed is a copy of the following audit report:
Performance audit report on the Office of Passenger Transportation, Michigan Department of Transportation.

Sincerely,
Doug Ringler
Auditor General

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

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

December 15, 2015

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 #2015-047-LR (Secretary of State Filing #15-12-03) on this date at 3:33 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Part 529. Welding, Cutting, and Brazing."

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.

January 5, 2016

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2014-079-HS (Secretary of State Filing #16-01-01) on this date at 3:32 p.m. for the Department of Health and Human Services, entitled "Vocational Rehabilitation."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6), or 48 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 communications were referred to the Secretary for record.

The following communication was received:
State Budget Office

January 12, 2016

The Office of Financial Management has issued the State of Michigan Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2015. This report is required by Article 9, Section 21, of the State Constitution and Section 494, Public Act 431 of 1984, as amended.

The CAFR is available electronically on the Internet at www.michigan.gov/budget. Any questions or comments may be directed to Mr. Michael J. Moody, Director, Office of Financial Management, at 373-1010.

Sincerely,
John S. Roberts
State Budget Director

The communication was referred to the Secretary for record.

The following communications were received:
Office of Senator Marty Knollenberg

January 13, 2016

I would like to be added as a co-sponsor on SB 526.
Thank you for your consideration of my request.

January 13, 2016

I would like to be added as a co-sponsor on SB 698.
Thank you for your consideration of my request.

Sincerely,
Mary Knollenberg
State Senator
13th District

The communications were referred to the Secretary for record.

The Secretary announced that the following bills were printed and filed on Friday, December 18, 2015, and are available at the Michigan Legislature website:

| | | | | | | | | | | | | | | |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| House Bill Nos. | 5169 | 5170 | 5171 | 5172 | 5173 | 5174 | 5175 | 5176 | 5177 | 5178 | 5179 | 5180 | 5181 | 5182 |
| | 5183 | 5184 | 5185 | 5186 | 5187 | 5188 | 5189 | 5190 | 5191 | 5192 | 5193 | 5194 | 5195 | 5196 |
| | 5197 | 5198 | 5199 | 5200 | 5201 | 5202 | 5203 | 5204 | 5205 | | | | | |

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 12:09 p.m.

1:08 p.m.

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

During the recess, Senator Young entered the Senate Chamber.

Messages from the Governor

The following message from the Governor was received on January 11, 2016, and read:

EXECUTIVE ORDER
No. 2016-1

**Creation of
Flint Water Interagency Coordinating Committee**

Michigan Department of State Police

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 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that he considers necessary for efficient administration; and

WHEREAS, municipal water in the City of Flint showed elevated lead levels after the City of Flint switched its water source to the Flint River; and

WHEREAS, the County of Genesee and the City of Flint have taken actions to cope with the situation, including but not limited to, switching back to the Detroit water system on October 16, 2016, declaring local states of emergency, activating the emergency response and recovery aspects of their emergency operations plan, marshaling and distributing required resources on a city-wide level, and issuing emergency public information and bulletins; and

WHEREAS, the Flint Water Advisory Task Force was formed as an independent advisory task force charged with reviewing actions regarding water use and testing in Flint; and

WHEREAS, the Flint Water Advisory Task Force has made an interim recommendation that the state government should coordinate a sustained, public-health focused response to remedy, to the fullest extent possible, the impacts on the Flint community; and

WHEREAS, on January 5, 2016, the Governor issued a proclamation declaring a state of emergency in the County of Genesee and the City of Flint; and

WHEREAS, multiple state departments and local authorities share the responsibility for ensuring safe drinking water and the coordination of efforts to address the consequences resulting from the presence of elevated lead levels in drinking water; and

WHEREAS, ensuring safe drinking water and addressing the consequences of elevated lead levels in drinking water will require collaboration and communication between state departments, local governments, and subject matter experts; and

WHEREAS, the establishment of a Flint Water Interagency Coordinating Committee within the Michigan Department of State Police will facilitate the collaboration and communication between state departments, local governments, and subject matter experts necessary to effectively coordinate a response and recovery effort;

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 FLINT WATER INTERAGENCY COORDINATING COMMITTEE

A. The Flint Water Interagency Coordinating Committee (“Coordinating Committee”) is created as an advisory body within the Michigan Department of State Police (the “Department”).

B. The Coordinating Committee shall be composed of the following seventeen (17) members who shall serve an initial term expiring on December 31, 2018.

- The Director of Office of Urban Initiatives within the Executive Office of the Governor;
- The Deputy State Director of Emergency Management and Homeland Security within the Michigan Department of State Police;
- The Director of the Department of Environmental Quality, or his or her designee;
- The Director of the Department of Health and Human Services, or his or her designee;
- The Director of the Department of Licensing and Regulatory Affairs, or his or her designee;
- The State Treasurer, or his or her designee;
- The Superintendent of Public Instruction, or his or her designee;
- The elected Mayor of the City of Flint who shall be appointed to the Coordinating Committee by the Governor;
- Three (3) additional representatives of the City of Flint who shall be submitted by the Mayor of the City of Flint and appointed to the Coordinating Committee by the Governor;
- Three (3) representatives of Genesee County who shall be submitted by the Genesee County Board of Commissioners and appointed to the Coordinating Committee by the Governor; and
- Three (3) subject matter experts who shall be appointed to the Coordinating Committee by the Governor.

After the initial appointments, members of the Coordinating Committee appointed under this subsection shall serve terms of three years.

C. A vacancy on the Coordinating Committee occurring other than by expiration of a term shall be filled in the same manner as the original appointment for the balance of the unexpired term. A member may continue serving until his or her successor is appointed. A member may serve successive terms if reappointed.

II. CHARGE TO THE COORDINATING COMMITTEE

A. The Coordinating Committee shall act in an advisory capacity to the Governor and subject to the Governor’s review and approval, shall do all of the following:

1. Create an incident action plan designed to assist state and local authorities in ensuring safe drinking water for the residents of the City of Flint and addressing the consequences of elevated lead levels in drinking water.

2. Review recommendations made by the Flint Water Advisory Task Force and propose statutory, regulatory, or contractual actions necessary for implementation of such recommendations.

3. Identify staff with competencies in emergency planning, operations, logistics, and finance as outlined under the National Incident Management System (NIMS) to work with the Coordinating Committee to track resource requests and document progress on the incident action plan.

4. Establish a standard process for sharing pertinent information between all members including use of the NIMS and Unified/Incident Command as appropriate.

5. Establish routine communications protocols at the local, executive, and legislative levels as appropriate.

6. Establish a public information protocol to effectively inform the community.

7. Make recommendations for acceptable standards for potable water.

8. Make recommendations regarding the health impacts for the affected population.

9. Assess the status of infrastructure and determine feasible actions to upgrade the water system.

10. Establish subcommittees among its members to specifically address, at a minimum, each of the three following topic areas: Water Quality, Community Health, and Education.

11. Assist the Governor and the Department in implementing appropriate operations permitted under the Michigan Emergency Management Act or the federal Stafford Disaster Relief and Emergency Assistance Act, including local emergency operations plans and guides.

12. Explore any avenues of funding for response and recovery efforts including federal grants, legislative appropriations, and private partners.

B. The Coordinating Committee shall provide other information or advice as requested by the Governor or the Department.

III. OPERATIONS OF THE COORDINATING COMMITTEE

A. The Coordinating Committee shall be staffed and assisted by personnel from the Department as directed by the Department Director. Any budgeting, procurement, and related management functions of the Coordinating Committee shall be performed under the direction and supervision of the Department Director.

B. The Director of Office of Urban Initiatives within the Executive Office of the Governor and the Deputy State Director of Emergency Management and Homeland Security shall together serve as the Statewide Coordinators responsible for the administrative functions of the Coordinating Committee.

C. The Coordinating Committee may utilize subcommittees and advisory panels composed of its members to assist in completing the functions of the Coordinating Committee. The Coordinating Committee may request public participation on advisory panels as the Coordinating Committee deems necessary.

D. When making recommendations to the Governor, a majority of the serving members of the Coordinating Committee must concur.

E. The Coordinating Committee shall meet at the call of either of the Statewide Coordinators and as may be provided in procedures adopted by the Coordinating Committee.

F. The Coordinating Committee may, as appropriate to perform its duties, make inquiries, conduct studies, consult with outside experts and federal agencies, and receive comments from the public.

G. Members of the Coordinating Committee shall serve without compensation but may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Civil Service Commission, and the Department of Technology, Management and Budget, subject to available funding.

H. The Coordinating Committee may accept donations of labor, services, or other items of value from any public or private agency or person. Any donations shall be expended in accordance with applicable laws, rules, and procedures.

I. Members of the Coordinating Committee shall refer all legal, legislative, and media contacts to the Department.

J. A writing prepared, owned, used, in the possession of, or retained by the Coordinating Committee in the performance of an official function is subject to the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246.

IV. MISCELLANEOUS

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

B. 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.

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

The Executive Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 11th day of January, 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 on January 13, 2016, and read:

EXECUTIVE ORDER
No. 2016-2

**Activation of the National Guard
to Assist in Responding to the Emergency Relating to
the City of Flint’s Water System**

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, Under Section 12 of Article V of the Michigan Constitution of 1963 the Governor is the Commander-in-Chief of the state armed forces and may call them out to execute the laws; and

WHEREAS, Section 151 of the Michigan Military Act, MCL 32.551, authorizes the Governor to order any members of the organized militia to active state service in the aid of the civil authority in times of public danger, disaster, crisis, catastrophe, or other public emergency within the State; and

WHEREAS, municipal water in the City of Flint showed elevated lead levels after the City of Flint changed its water source from the Detroit water system to its own treatment plant drawing from the Flint River; and

WHEREAS, by Executive Proclamation issued on January 5, 2016, the Governor declared a State of Emergency in the City of Flint and Genesee County; and

WHEREAS, lead can be introduced to humans through water, and elevated lead levels can result in significant health impacts, particularly for children, pregnant women, and the elderly; and

WHEREAS, the State's first priority in addressing this emergency is to limit potential exposure to lead in drinking and cooking water by limiting potential exposure to lead in the City's water system; and

WHEREAS, other priorities include: (1) directly informing as many Flint residents as possible that filters, bottled water, information on lead, water testing kits, and other resources are available; and (2) directly providing resources to Flint residents and following up with those residents to ensure that they have access to safe water, are fully informed, and have their water supply tested. These tasks will require that personnel go door-to-door in large areas of the City of Flint; and

WHEREAS, due to the significant level of human and other resources required for these tasks, additional assistance is needed to supplement existing personnel and equipment; and

WHEREAS, by the Executive Proclamation of Emergency issued on January 5, 2016, the Governor directed that the Emergency Management and Homeland Security Division of the Department of State Police, coordinate and maximize all state efforts, and call upon all state departments and agencies to utilize available resources to assist the City of Flint and Genesee County pursuant to the Michigan Emergency Management Plan;

NOW, THEREFORE, in consequence of the above, I, Richard D. Snyder, Governor of the State of Michigan, pursuant to the Michigan Constitution of 1963, the Michigan Military Act, 1967 PA 150, MCL 32.501 et seq., and the Emergency Management Act, 1976 PA 390, MCL 30.401 et seq., order the following:

1. The Adjutant General of the Michigan National Guard is directed to order to active state service units and individuals of the Michigan National Guard that, in his discretion, he deems appropriate to meet general mission assignments as determined by the Director of the Department of State Police, or her designee.

2. The Director of the Department of State Police, or her designee, shall coordinate and maximize all state efforts, including such units and individuals of the Michigan National Guard that may be activated to state service to assist the City of Flint and Genesee County in accordance with the Michigan Emergency Management Plan.

3. The Michigan National Guard is activated until such time as determined by the Adjutant General, after consultation with the Director of Department of State Police, or her designee.

The Executive Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 12th day of January, 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 messages from the Governor were received and read:

December 7, 2015

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

Advisory Committee on Pain and Symptom Management

John A. Mulder of 15384 Leonard Road, Spring Lake, Michigan 49456, county of Ottawa, representing the Michigan State University College of Human Medicine, succeeding Steven Roskos, is appointed for a term expiring July 1, 2017.

December 8, 2015

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

Michigan Asparagus Marketing Advisory Board

Dwight A. Fuehring of 5673 W. Taylor Road, Mears, Michigan 49436, county of Oceana, representing North-Central Michigan growers, succeeding himself, is reappointed for a term expiring November 13, 2018.

Kyle R. Weber of 8110 North Branch Road, Watervliet, Michigan 49098, county of Berrien, representing growers-at-large, succeeding himself, is reappointed for a term expiring November 13, 2018.

December 14, 2015

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

Board of Barber Examiners

Kelly Y. Mitchell of 2687 Woodmeadow Drive, S.E., Grand Rapids, Michigan 49546, county of Kent, representing the general public, succeeding herself, is reappointed for a term expiring September 30, 2019.

December 14, 2015

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

Michigan Carrot Commission

Nathan L. Karnemaat of 5118 W. 72nd Street, Fremont, Michigan 48412, county of Newaygo, representing fresh growers, succeeding himself, is reappointed for a term expiring October 31, 2018.

December 14, 2015

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

Michigan Board of Optometry

Sarah M. Kile of 504 N. Spring Street, Gladwin, Michigan 48624, county of Gladwin, representing the general public, succeeding Robert Perino, is appointed for a term expiring June 30, 2019.

December 23, 2015

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

Data Collection Agency Governing Board

John W. Schrock of 1042 W. Colonial Park Drive, Grand Ledge, Michigan 48837, county of Eaton, representing the executive branch of state government, succeeding himself, is reappointed for a term expiring December 31, 2016.

December 23, 2015

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

Michigan Education Trust Board of Directors

Robert C Ferrentino of 9646 Alfred Place, Greenville, Michigan 48838, county of Montcalm, representing presidents of community or junior colleges, succeeding himself, is reappointed for a term expiring December 31, 2018.

Virinder Kumar Moudgil of 386 Lake Forest Road, Rochester Hills, Michigan 48309, county of Oakland, representing independent degree-granting colleges and universities, succeeding Thomas Sullivan, is appointed for a term expiring at the pleasure of the Governor, designated to serve as vice president of the Trust.

Glenn D. Mroz of 18970 Canal Road, Houghton, Michigan 49931, county of Houghton, representing presidents of state institutions of higher education, succeeding himself, is reappointed for a term expiring December 31, 2018.

December 23, 2015

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

MiSTEM Advisory Council

Ralph C. Dersheimer of 361 Hilldale Drive, Ann Arbor, Michigan 48105, county of Washtenaw, is appointed for a term expiring at the pleasure of the Governor.

Harrison T. Ford of 1101 Ramsgate Road, Apt. 10, Flint, Michigan 48532, county of Genesee, is appointed for a term expiring at the pleasure of the Governor.

Lee A. Graham of 12369 Orchard Wood Drive, Fenton, Michigan 48430, county of Livingston, is appointed for a term expiring at the pleasure of the Governor.

Jim Heath of 10688 Wildwood Drive, Richland, Michigan 49083, county of Kalamazoo, is appointed for a term expiring at the pleasure of the Governor.

Kenneth L. Kelzer of 350 North Main Street, Unit 711, Royal Oak, Michigan 48067, county of Oakland, is appointed for a term expiring at the pleasure of the Governor.

Gerald Kulbertis of 7283 Lake Bluff Lane, Gladstone, Michigan 49837, county of Delta, is appointed for a term expiring at the pleasure of the Governor.

William J. Nichols of 1378 Dunfee Drive, Pleasant Lake, Michigan 49272, county of Jackson, is appointed for a term expiring at the pleasure of the Governor.

Kathleen B. Owsley of 915 Linden Street, Plymouth, Michigan 48170, county of Wayne, is appointed for a term expiring at the pleasure of the Governor.

Satish S. Udpa of 3689 Autumnwood Lane, Okemos, Michigan 48864, county of Ingham, is appointed for a term expiring at the pleasure of the Governor.

Christian A. Velasquez of 5905 Woodcliff Drive, Midland, Michigan 48640, county of Midland, is appointed for a term expiring at the pleasure of the Governor.

Carolyn C. Wierda of 5607 Christy Way, Bay City, Michigan 48706, county of Bay, is appointed for a term expiring at the pleasure of the Governor.

December 23, 2015

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

Michigan Board of Osteopathic Medicine and Surgery

Kathryn Anne Lauer Hoover of 7884 N. Kilkeny Drive, Brighton, Michigan 48116, county of Livingston, representing the general public, succeeding Laura Marcero, is appointed for a term expiring December 31, 2019.

James Allen Kilmark of 42601 Bemis Road, Belleville, Michigan 48111, county of Wayne, representing physician assistants, succeeding himself, is reappointed for a term expiring December 31, 2019.

December 23, 2015

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

Michigan Board of Psychology

Valencia L. Agnew of 1820 Greenleaf Court, S.E., Grand Rapids, Michigan 49508, county of Kent, representing professionals, succeeding Joseph Horak, is appointed for a term expiring December 31, 2019.

Michael J. Connelly of 1339 Cedarhill Drive, East Lansing, Michigan 48823, county of Ingham, representing the general public, succeeding himself, is reappointed for a term expiring December 31, 2019.

Eric D. Ozkan of 6109 Evergreen Court, Midland, Michigan 48642, county of Midland, representing professionals, succeeding himself, is reappointed for a term expiring December 31, 2019.

Valerie L. Shebroe of 7872 Ashbrook Drive, Haslett, Michigan 48840, county of Ingham, representing professionals, succeeding Alan Warbelow, is appointed for a term expiring December 31, 2019.

December 23, 2015

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

Rural Development Fund Board

Laura Braun of 1774 S. Shepardsville Road, Ovid, Michigan 48866, county of Clinton, representing Republicans and the Lower Peninsula, is appointed for a term expiring December 31, 2016.

Margaret Minerick of W9359 Bice Creek Lane, Sagola, Michigan 49881, county of Dickinson, representing Republicans and the Upper Peninsula, is appointed for a term expiring December 31, 2018.

Fred J. Taccolini of 730 Bishop Woods Road, Marquette, Michigan 49855, county of Marquette, representing Independents and the Upper Peninsula, is appointed for a term expiring December 31, 2017.

John W. Walters of 6269 Mt. Vernon Hills Drive, Vanderbilt, Michigan 49795, county of Otsego, representing Independents and the Lower Peninsula, is appointed for a term expiring December 31, 2018.

December 23, 2015

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

Michigan Board of Social Work

Shelley Ovink of 32500 County Road 581, Ishpeming, Michigan 49849, county of Marquette, representing professionals, succeeding Anwar Najor-Durack, is appointed for a term expiring December 31, 2019.

Brittany Taylor Risk of 9236 Caprice Drive, Plymouth, Michigan 48170, county of Wayne, representing professionals, succeeding Michele Brock, is appointed for a term expiring December 31, 2019.

December 23, 2015

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

Michigan Board of Speech Language Pathology

Christopher A. Mills of 3407 Olderidge Drive, N.E., Grand Rapids, Michigan 49503, county of Kent, representing the general public, succeeding himself, is reappointed for a term expiring December 31, 2019.

Bradford L. Swartz of 410 E. Grand Avenue, Mount Pleasant, Michigan 48858, county of Isabella, representing professionals, succeeding himself, is reappointed for a term expiring December 31, 2019.

December 23, 2015

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

Chair - Michigan State Transportation Commission

Todd Wyett of 808 E. Dixon Avenue, Charlevoix, Michigan 49720, county of Emmet, is appointed to serve a term expiring at the pleasure of the Governor.

Michigan State Transportation Commission

Angelynn Afendoulis of 3333 Falcon Bluff Court, N.E., Grand Rapids, Michigan 49525, county of Kent, representing Independents, succeeding herself, is reappointed for a term expiring December 21, 2018.

George Heartwell of 8928 S. Parson Avenue, Newaygo, Michigan 49337, county of Newaygo, representing Independents, succeeding Jerrold Jung, is appointed for a term expiring December 21, 2018.

January 4, 2016

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

Chair - Michigan Public Service Commission

Sally A. Talberg of 1282 Cambridge Circle, Williamston, Michigan 48895, county of Ingham, succeeding John D. Quackenbush, is appointed for a term expiring at the pleasure of the Governor.

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 pro tempore, Senator Schuitmaker, designated Senator Warren 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 with a substitute therefor, the following bill:

Senate Bill No. 90, entitled

A bill to create an African-American affairs commission, an office of African-American affairs, and an interagency council on African-American affairs; to prescribe their powers and duties; and to prescribe the powers and duties of certain agencies, departments, and officials.

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:

House Bill No. 4459, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310 (MCL 257.310), as amended by 2013 PA 27.

Substitute (S-2).

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

1. Amend page 3, line 21, after "(B)" by inserting "**EXCEPT FOR THE PERSON'S DIGITAL PHOTOGRAPHIC IMAGE AND SIGNATURE**".

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

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

House Bill No. 4460, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 2 (MCL 28.292), as amended by 2013 PA 28.

Substitute (S-2).

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

1. Amend page 7, line 14, after "(B)" by inserting "**EXCEPT FOR THE PERSON'S DIGITAL PHOTOGRAPHIC IMAGE AND SIGNATURE OR VERIFICATION AND CERTIFICATION**".

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

Resolutions

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

House Concurrent Resolution No. 3

Senate Resolution No. 76

Senate Resolution No. 75

The motion prevailed.

House Concurrent Resolution No. 7.

A concurrent resolution to urge the United States Department of Veterans Affairs and the United States Congress to create a pilot program in Michigan instituting a flexible Veterans Choice Card system structured similar to a traditional health care program for all veterans in Michigan.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

The substitute was adopted.

The concurrent resolution as substituted was adopted.

Senator Kowall offered the following resolution:

Senate Resolution No. 128.

A resolution to urge the United States Congress to overturn recent executive actions put forth by the President concerning gun control.

Whereas, The Second Amendment of the Constitution of the United States guarantees Americans the right to keep and bear arms. Our Founding Fathers recognized that this and other fundamental rights preserved in the Bill of Rights were needed to ensure a free and peaceful nation. Further, Article I, Section 6 of the Michigan Constitution clearly affirms a right to keep and bear arms. Congress and the Michigan Legislature have reinforced this right repeatedly through legislative action; and

Whereas, The President has exceeded his authority and usurped legislative power solely vested in the Congress by the U.S. Constitution. The President should not issue executive actions contrary to federal laws passed by Congress and signed by the President, thereby violating the separation-of-powers doctrine enshrined in our Constitution; and

Whereas, Current law clearly requires only federally licensed gun dealers to conduct background checks, and only sellers who repeatedly purchase and sell firearms to make a living are required to obtain a federal license. Federal law specifically exempts individuals who sell their privately-owned firearms from licensing. The recently issued executive action requiring all those who sell guns to become licensed and conduct background checks is clearly an infringement on the authority of the United States Congress to enact legislation concerning gun control; and

Whereas, Gun control measures proposed by the President will not protect our nation and our citizens from terrorists. Studies have shown that criminals typically acquire guns through theft, on the black market, or from family or friends. Expanding background checks opens the door to a national gun registry and harassment of lawful citizens while doing nothing to prevent the crisis situations that Americans want addressed; now, therefore, be it

Resolved by the Senate, That we urge the United States Congress to overturn recent executive actions put forth by the President concerning gun control; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator Kowall moved that the rule be suspended.

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

The resolution was adopted.

Senators Booher, Casperson, Colbeck, Horn, MacGregor, Pavlov, Proos and Shirkey were named co-sponsors of the resolution.

Protests

Senators Bieda, Warren, Smith, Hood, Ananich, Gregory and Young, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Resolution No. 128.

Senators Bieda and Warren moved that the statements they made during the discussion of the resolution be printed as their reasons for voting “no.”

The motion prevailed.

Senator Bieda’s statement is as follows:

I rise today to offer my “no” vote explanation for Senate Resolution No. 128. I’d like to highlight the fact that this is yet another policy resolution that’s failed to go through the committee review process that you, my Republican colleagues, demanded. We’ve sent at least 30 policy resolutions to committee, and I’d argue that they were far less important than this one. You were willing to send Senate Resolution No. 56 to committee, which was a resolution related to the potential regulation of barbeque grills. Colleagues, you gave barbeques a hearing. I have a feeling we can all agree that gun safety is a far more nuanced and important issue. It’s one that deserves scrutiny.

I imagine both sides of the aisle here will have a lot to say. I encourage my colleagues here in this chamber to remember that we have processes for a reason, and we’d do well to follow them.

Senator Warren’s statement, in which Senators Smith, Hood, Ananich, Gregory and Young concurred, is as follows:

I rise to give my “no” vote explanation on this resolution. This is now the tenth year that I have had the opportunity to serve in the Michigan Legislature, and many of us in this chamber and others whom we have served with across the dome have had a lot of conversations about guns, about what gun policies make sense, about gun control, and about sensible guns. I can tell you with certainty what many of my colleagues would say if we talked about this issue one-on-one. I’m sure that I would hear something about the sanctity of the Second Amendment. I’m sure I would hear something like guns don’t kill people; bad people with guns kill people. I’m sure that I would hear something like we don’t need more gun

laws; we need better enforcement of the gun laws that we already have. During 10 years of conversations in this Capitol, I have heard those three things from many of my colleagues on the other side of the aisle and the other side of this issue over and over again.

Colleagues, I would like to start with what President Obama's executive order does not do and will not do. It will not abolish the Second Amendment. It will not infringe upon our rights under the Second Amendment. President Obama is not sending anyone into Michigan to take our guns. President Obama's message will not send anyone into Michigan to prevent any law-abiding citizens from owning a gun. It won't keep anyone from going to a gun range; won't keep anyone from hunting; won't keep any law-abiding citizens without a mental health history from obtaining a weapon, owning a weapon, defending their home, or defending their family. That's what President Obama's executive order will not do.

Let's talk about what it will do, because it must be something in what it will do that you have an opposition to. Anyone who would support this resolution today, asking our members of our congressional delegation to work to overturn the President's executive order, must have a problem with the fact that the President is trying to get people to focus on having the background check system that we already have in place be more efficient and accurate. We have a problem with that, I guess. We don't want it to be efficient and accurate. Do we have a problem with the fact that we want to encourage greater communication between the federal and state authorities on criminal information history, so that we are getting information timely and we're getting the right information? Is that the part that you disagree with? Is it the fact that the President's executive order calls for increased funding to the ATF for the hiring of 200 new ATF agents and investigators to help enforce existing laws? This is something that many of you have talked to me about for a long time. We need a better enforcement of the laws that are already on the books. The President is calling for 200 more agents to help enforce existing laws. Is that what you have a problem with?

He is asking the Attorney General to work with our Attorney General and the Attorney Generals around the country to make sure that we prioritize and increase funding for domestic violence prevention and survivors and to make sure that those convicted of domestic violence are prohibited from obtaining firearms. Is that what you have a problem with? Or maybe it's the fact that they want to streamline the process so that the Department of Health and Human Services and the Social Security Administration can make sure that we have data in a usable format on those folks who we do know have a mental illness and the folks who we think should not be eligible for owning firearms. Do you have a problem with the agencies talking to each other and making sure that we know who should be prohibited from having a weapon? Or the fact that the President's executive order calls on the Departments of Defense, Justice, and Homeland Security to conduct and sponsor research on gun safety technology that would reduce the likelihood of accidental discharge or the unauthorized use of a firearm, getting ready for real-world deployment of this technology within 90 days? Or the fact that it encourages our states' Attorney Generals to focus on eliminating the most dangerous and impactful cases in illegal trafficking and violent offenders who bypass the background check system and purchase guns illegally, to make those the priority cases they work on? Is that what you have a problem with? Because that is the heart of the President's executive order.

We might not see eye-to-eye on every detail when it comes to guns and sensible gun policy, but, colleagues, can't we be reasonable? Our citizens will still be able to hunt, go to the gun range, obtain concealed pistol licenses, protect themselves, and protect their families. If these policies that the President has put forward can prevent even one injury, one shooting, one suicide, or one death of a child, they would be worthwhile.

Our citizens, our constituents overwhelmingly support what the President is trying to do here. Over 85 percent of Americans, as recently as last month, say that expanding background checks makes sense, and they want it. Over 80 percent support laws that prevent those with documented mental illnesses from purchasing guns. This is smart policy, and I urge my colleagues to really think about what you are voting for if you vote in favor of this resolution, and join me in voting "no."

Introduction and Referral of Bills

Senator Colbeck introduced

Senate Bill No. 686, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 971 and 976 (MCL 380.971 and 380.976), section 971 as amended by 1995 PA 289.

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

Senators Rocca and Brandenburg introduced

Senate Bill No. 687, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending sections 514, 517, and 521 (MCL 280.514, 280.517, and 280.521), section 514 as amended by 2006 PA 16.

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

Senators Bieda and Ananich introduced

Senate Bill No. 688, entitled

A bill to require certain employers to accept and accommodate a request for changes to an employee's work schedule; to specify the procedure and grounds for denying a request; to require notice or posting of certain information; and to provide remedies and sanctions for a violation of the act.

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

Senators Booher, Schuitmaker, Emmons, Casperson, Jones, Shirkey and Stamas introduced

Senate Bill No. 689, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.285) by adding section 65j.

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

Senators Robertson, O'Brien, Knollenberg, Warren, Zorn, Gregory, Johnson, Hertel, Bieda, Hood, Knezek, Hune, Schuitmaker, Smith, Pavlov, Booher and Emmons introduced

Senate Bill No. 690, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending subheading E of article 3 and section 315 (MCL 484.2315), as amended by 2011 PA 58.

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

Senators Knollenberg, O'Brien, Warren, Zorn, Gregory, Johnson, Hertel, Bieda, Hood, Knezek, Hune, Smith, Schuitmaker, Pavlov, Booher and Emmons introduced

Senate Bill No. 691, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17601 (MCL 333.17601), as added by 2008 PA 524.

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

Senators Zorn, O'Brien, Knollenberg, Warren, Gregory, Johnson, Hertel, Bieda, Hood, Knezek, Hune, Smith, Schuitmaker, Pavlov, Booher and Emmons introduced

Senate Bill No. 692, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 939 (MCL 330.1939), as amended by 1990 PA 263.

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

Senators O'Brien, Knollenberg, Warren, Zorn, Johnson, Hertel, Bieda, Hood, Knezek, Hune, Smith, Schuitmaker, Pavlov, Booher and Emmons introduced

Senate Bill No. 693, entitled

A bill to amend 1937 PA 72, entitled "Division on deafness act," by amending the title and section 1 (MCL 408.201), as amended by 1988 PA 434.

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

Senators Warren, O'Brien, Knollenberg, Zorn, Gregory, Johnson, Hertel, Bieda, Hood, Knezek, Hune, Smith, Schuitmaker, Pavlov, Booher and Emmons introduced

Senate Bill No. 694, entitled

A bill to amend 1937 PA 72, entitled "Division on deafness act," by amending section 2 (MCL 408.202), as amended by 1988 PA 434.

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

Senators Johnson, Hertel and Ananich introduced

Senate Bill No. 695, entitled

A bill to create a water affordability program; to create a water affordability fund to provide assistance to low-income state residents for water services; and to prescribe the powers and duties of certain state departments.

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

Senators Johnson, Jones, Knezek, Hertel and Ananich introduced

Senate Bill No. 696, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411 (MCL 750.411), as amended by 2000 PA 339.

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

Senators Jones, Johnson, Knezek, Hertel and Ananich introduced

Senate Bill No. 697, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3011.

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

Senators Colbeck, Smith, Emmons and Knollenberg introduced

Senate Bill No. 698, entitled

A bill to amend 2011 PA 256, entitled "Michigan fireworks safety act," by amending section 7 (MCL 28.457), as amended by 2013 PA 65.

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

Senators Colbeck, Nofs and Horn introduced

Senate Bill No. 699, entitled

A bill to amend 1846 RS 66, entitled "Of estates in dower, by the curtesy, and general provisions concerning real estate," (MCL 554.131 to 554.139) by adding section 40.

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

Senators Nofs, Colbeck and Horn introduced

Senate Bill No. 700, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 3 (MCL 259.3), as amended by 2002 PA 35, and by adding chapter VA.

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

Senators Knollenberg, Hansen and Marleau introduced

Senate Bill No. 701, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 1617 and 3020 (MCL 500.1617 and 500.3020), section 1617 as added by 2002 PA 655 and section 3020 as amended by 2006 PA 106, and by adding section 3009a.

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

Senator Casperson introduced

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

House Bill No. 5070, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending section 5 (MCL 408.1005), as amended by 2012 PA 447.

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 Commerce.

House Bill No. 5071, entitled

A bill to amend 1978 PA 390, entitled "An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the

department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts,” by amending section 1 (MCL 408.471).

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 Commerce.

House Bill No. 5072, entitled

A bill to amend 2014 PA 138, entitled “Workforce opportunity wage act,” by amending section 2 (MCL 408.412).

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 Commerce.

House Bill No. 5073, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 41 (MCL 421.41), as amended by 2005 PA 19.

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 Commerce.

By unanimous consent the Senate returned to the order of

Messages from the House

The following message was received and read:

January 13, 2016

I hereby notify you that a quorum of the House of Representatives has convened pursuant to the requirements of the Constitution and is ready to proceed with the business of the session.

Very respectfully,
Gary L. Randall, Clerk
House of Representatives

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Bieda’s statement is as follows:

I would like to take this time to honor the memory of Memphis Chief of Police and former Warren Police Officer Kevin Sommers. Kevin was born on June 4, 1959, and was raised in Warren. Following his graduation in 1977 from Lincoln High School, he enrolled at Wayne State University, where he received his bachelor’s in criminal justice. Following in his father’s footsteps, Kevin entered the Police Academy. He dedicated his life to protecting and serving his community until his unexpected death on January 1 of this year. Many in the community have said that Kevin had an incredible giving nature and considered others to be more important than himself, constantly giving back to the community that he protected.

Throughout the years, Kevin served as president of the Christopher M. Wouters Fraternal Order of Police Lodge #124 in Warren, president and national trustee of the Fraternal Order of Police Lodge of Michigan, and was a board member of the Michigan COPS charitable organization. Kevin also spent time as a football referee with Lincoln High School and Wayne State University.

His first priority, however, was always his family. I would like to honor those who were closest to him, including his loving companion, Lisa Sorbo-Rosco; brothers, Larry and Scott; and nieces and nephews, Lauren, Dan, Jeff, Jake, Lindsey, Savannah, Michael, and Avianna.

Kevin started at the bottom of the Warren police force and worked his way up the ladder. Throughout his tenure, he served as part of the motorcycle detail and the department’s honor guard. In 2011, Kevin retired as lieutenant after serving 28 years, with his last role being director of Emergency Management. Despite retiring from big-city law enforcement, Kevin still felt the drive to serve and protect.

On August 31, 2015, he was sworn in as the new police chief in Memphis. One of his first programs as police chief was instituting Coffee with the Chief, a monthly invitation for Memphis residents to join him at the Donut Girls shop in town to discuss issues and share their concerns with the new chief.

I would like to request a moment of silence as we honor Police Chief Kevin Sommers for his integrity, leadership, and devotion to both Warren and Memphis. May he rest in peace.

A moment of silence was observed in memory of Memphis Chief of Police and former Warren Police Officer Kevin Sommers.

Senator Colbeck's statement is as follows:

On January 11, 1989, President Ronald Reagan delivered his farewell address to the American people. In the tradition of past presidential farewells starting with our first President, George Washington, he warned the American people of the perils they would face and shared his guidance on how best to face these perils. In this light, I would like to share the following excerpt from his speech:

"There is a great tradition of warnings in Presidential farewells, and I've got one that's been on my mind for some time. But oddly enough it starts with one of the things I'm proudest of in the past 8 years; the resurgence of national pride that I called the new patriotism. This national feeling is good, but it won't count for much, and it won't last unless it's grounded in thoughtfulness and knowledge.

An informed patriotism is what we want. Are we doing a good enough job teaching our children what America is and what she represents in the long history of the world? Those of us who are over 35 or so years of age grew up in a different America. We were taught, very directly, what it means to be an American. And we absorbed, almost in the air, a love of country and an appreciation of its institutions. If you didn't get these things from your family you got them from the neighborhood, from the father down the street who fought in Korea or the family who lost someone at Anzio. Or you could get a sense of patriotism from the popular culture. The movies celebrated democratic values and implicitly reinforced the idea that America was special. TV was like that, too, through mid-sixties.

But now, we're about to enter the nineties, and some things have changed. Younger parents aren't sure that an unambivalent appreciation of America is the right thing to teach modern children. And as for those who create the popular culture, well-grounded patriotism is no longer the style. Our spirit is back, but we haven't reinstitutionalized it. We've got to do a better job of getting across that America is freedom—freedom of speech, freedom of religion, and freedom of enterprise. Freedom is special and rare. It's fragile; it needs protection.

So, we've got to teach history based not on what's in fashion but what's important—why the Pilgrims came here, who Jimmy Doolittle was, and what those 30 seconds over Tokyo meant. You know, 4 years ago on the 40th anniversary of D-Day, I read a letter from a young woman writing to her late father, who'd fought on Omaha Beach. Her name was Lisa Zanatta Henn, and she said, 'We will always remember, we will never forget what the boys of Normandy did.' Well, let's help her keep her word. If we forget what we did, we won't know who we are. I'm warning of an eradication of the American memory that could result, ultimately, in an erosion of the American spirit. Let's start with some basics: more attention to American history and greater emphasis on civic ritual.

And let me offer lesson number one about America: All great change in America begins at the dinner table. So, tomorrow night in the kitchen I hope the talking begins. And children, if your parents haven't been teaching you what it means to be an American, let 'em know and nail 'em on it. That would be a very American thing to do."

Let's flash forward to January 13, 2016. We begin our eighth year with a President who, rather than celebrating what it means to be an American, has sought to fundamentally transform America. That only works if we let him.

Rather than institutionalize the anti-American rants of Marxist historians like Howard Zinn in our classrooms, we need to renew an appreciation for America. We need to renew an appreciation for the notion that we are all created equal. We need to renew an appreciation that our unalienable rights to life, liberty, and the pursuit of happiness cannot be taken away by an overreaching government. They are endowed to us by our Creator. So, as we head into the year 2016, we would do well to heed the sage advice shared by the Great Communicator back in 1989.

All great change does indeed begin at the dinner table, so when you go home tonight, put your cell phones away, and start a conversation by asking a simple question: What does it mean to be an American? When you do, I hope that you will find, as I have, that we do not need to fundamentally transform America. We simply need to remember what it means to be an American.

Scheduled Meetings

Senate Fiscal Agency Board of Governors - Thursday, January 28, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Drug Treatment Court Advisory Committee - Tuesday, January 19, 10:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (372-0212)

Senator Kowall moved that the Senate adjourn.
The motion prevailed, the time being 1:41 p.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, January 14, 2016, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate

