

No. 6
STATE OF MICHIGAN
Journal of the Senate
99th Legislature
REGULAR SESSION OF 2017

Senate Chamber, Lansing, Wednesday, January 25, 2017.

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—excused
Bieda—present
Booher—present
Brandenburg—excused
Casperson—excused
Colbeck—present
Conyers—excused
Emmons—present
Green—present
Gregory—present
Hansen—excused
Hertel—present
Hildenbrand—present

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

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

Reverend Dr. Addis Moore of Mt. Zion Baptist Church of Kalamazoo offered the following invocation:

God, first of all, we thank You for this day, this nation, and this state. I thank You that we're blessed to be one nation under God with liberty and justice for all. We thank You now that in these times of unrest, You are our peace; these times of uncertainty, You are our hope; times of weakness, You are our strength. We know that according to Your word that man may make many plans, but it is Your purpose that will prevail.

Today, we open this Session of planning and decision-making, with powers to invoke Your presence and Your power. For all that are in authority, we yield to Your authority. Today we are faced with many challenges that appear to be impossible, but You have taught us that even the impossible is possible with You. You've also declared that we can do nothing without You. We pray now for all those who are in authority; that we may live a peaceful and quiet life, in all Godliness, guiding our Governor Snyder, our Lieutenant Governor Calley, and Speaker of the House.

We know that there are many of those who do not recognize Your presence or abide by Your word, but Lord, we believe and know You to be the Lord. We choose You to direct our path. Show up here today in every conversation. Bring unity where there is disunity. Show up here in every decision. Bring agreement where there is disagreement. Show up here today and expose those agendas who do not represent You. Show Yourself strong on behalf of those whose hearts are loyal toward You. Thank You now for each person You have allowed to serve this state. Thank You for their minds, their health, and their families. Use them now for Your glory. Give them wisdom to discern what is best for the citizens of Michigan, and the strength to do what is right.

In the name of Jesus, this is thy servant's prayer. 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 Senators Brandenburg, Casperson, Hansen, Horn, MacGregor, Meekhof, Proos and Knollenberg be excused from today's session.

The motion prevailed.

Senator Bieda moved that Senator Young be temporarily excused from today's session.

The motion prevailed.

Senator Bieda moved that Senators Hood, Conyers, Knezek, Ananich and 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 O'Brien admittance to the Senate floor.

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

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

Senate Bill Nos.	53	54	55	56	57	58	59	60	61	62	63				
House Bill Nos.	4063	4064	4065	4066	4067	4068	4069	4070	4071	4072	4073	4074	4075	4076	
	4077	4078	4079	4080	4081										

Resolutions

Senators Colbeck, Green, Booher, Hildenbrand, Pavlov, Nofs, Kowall, Shirkey, O'Brien, Emmons and Hune offered the following resolution:

Senate Resolution No. 4.

A resolution recognizing January 22 - January 28, 2017, as Michigan School Choice Week.

Whereas, All children in Michigan should have the right to the highest-quality schools possible; and

Whereas, Citizens across Michigan agree that improving the quality of education and expanding access to highly-effective schools should be issues of importance to our state's leaders; and

Whereas, Michigan recognizes the critical role that an effective and accountable system of education plays in preparing all children to be successful in a global economy; and

Whereas, There are a multitude of high-quality public schools, public charter schools, and nonpublic schools in the state of Michigan; and

Whereas, Michigan has many outstanding teaching professionals in public, private, and charter schools across the state who are committed to educating children; and

Whereas, The vital cause of education reform is one that transcends ideology and political party affiliation; and

Whereas, Research in Michigan and across the nation demonstrates conclusively that providing parents with multiple schooling options improves academic performance; now, therefore, be it

Resolved by the Senate, That we hereby recognize January 22 - January 28, 2017, as Michigan School Choice Week, and we call this observance to the attention of all our citizens; and be it further

Resolved, That a copy of this resolution be transmitted to the National School Choice Week organization with our highest esteem.

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

Senator Kowall moved that the rule be suspended.

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

The question being on the adoption of the resolution,

The resolution was adopted.

Senator Robertson was named co-sponsor of the resolution.

Senator Colbeck asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Colbeck's statement is as follows:

This week, we celebrate National School Choice Week. I really want to highlight the importance of this resolution because I think it ties into a topic that is very important for solving a lot of the issues that we face in education today. We're all screaming for more accountability, we're all screaming for control over expenditures, and I want to make sure that we talk about school choice as one of the ingredients to help solve some of those issues. There's a lot of agreement that those are indeed issues, around accountability and how we spend our education dollars. Where we often differ is how best to achieve those goals. I just want to put together a framework, if you would, for discussing how school choice can be a necessary and valuable ingredient of how to fix some of these education problems.

Whenever I seek the best solution to a problem involving spending and quality, I like to refer to a simple yet elegant framework that I first heard espoused by former Congressman Bob McEwen of Ohio. In his framework, he highlights the differences between what he refers to as a first-party, second-party, and third-party transaction. A first-party transaction is when you purchase a service for your personal benefit with your own personal funds. Quality and cost are both drivers for your purchase decision. A second-party transaction is when you purchase a service for someone else using your own funds. Cost is a primary driver while quality is something that simply needs to pass the sniff test. There's a reason why we have something called re-gifting. A third-party transaction is when you purchase a service for someone else using someone else's funds. Neither quality nor cost is a principal concern in your purchase decision. My colleagues, I'd like to point out that all government transactions are third-party transactions. The third-party model for government services is only effective when we're served by moral and virtuous public servants who prioritize the best interests of others over their own.

That being said, it is clear that we need to promote government policies that feature more first-party transactions, and the more we do so, the more we promote higher-quality services that cost less, and the more we promote accountability. How does this apply to schools? Our current funding model for schools is distinctly a third-party model. The state collects taxes from all of our citizens and redistributes these taxes in the form of per-pupil foundation allowances to schools on the basis of overall headcount. Our principal education customers, parents and students, have virtually no say on how the money is spent. If we really want to promote accountability under our current third-party model, the state has gone off and taken an approach that's focused on creating essentially a bureau of accountability. We keep layering more and more administrative layers onto our education system as a means of getting more and more accountability. The state has instituted a statewide assessment that drains classroom time from instruction in order to make this accountability system work. Teacher performance is judged on the basis of these student assessment results which often is difficult to correlate to any individual teacher's performance. Many reports on these assessments are submitted to an alphabet soup of government accountability organizations. These reports lead to more legislation that piles on even more centralized oversight from the state. In other words, our third-party model layers a lot of administrative burden upon our education system to provide what many still see as ineffective accountability.

That means putting the parents in control. If you want to get to this first-party transaction model, if you really want to pursue quality, that means that the key to getting the goal of more accountability, better control of our education expenses, and higher quality in our public education system, it's important that we put parents in control over exactly how those education dollars are being spent. That's why I'm such a strong advocate for school choice and if we actually implement true school choice across the board, we're going to be able to solve a lot of the problems that many of us in our hearts really seek to go off and solve on behalf of all the citizens of Michigan. I appreciate everybody's support of Senate Resolution No. 4 and celebration of National School Choice Week.

Senator Young entered the Senate Chamber.

Introduction and Referral of Bills

Senators Bieda and Hopgood introduced

Senate Bill No. 64, entitled

A bill to regulate political activity; to regulate certain candidates for elective office and state and local officials; to require financial statements and reports; to prescribe the powers and duties of certain state and local governmental officers and agencies; to impose fees; to prescribe penalties and civil sanctions; and to provide remedies.

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

Statements

Senators Bieda and O'Brien 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 moment in time to honor the memory of James Green, who was newly-elected Representative Patrick Green's father and a resident of the city of Warren. James was born on December 30, 1925, and as a young man from Warren, he answered the call and served with bravery and distinction in the Army Air Forces during World War II. Flying missions out of Tinian in the Marianas Islands with the 505th Bomb Group of the 313th Bomb Wing, his B-29 was shot down over the Sea of Japan and James was captured and held as a prisoner of war in Omari Prison Camp.

When he returned home, he became a teacher. Working in Warren's Fitzgerald Schools until his retirement, James touched the lives of untold numbers of teachers and students. His service to his country and decades of service in the educational community will be remembered by many.

I had the opportunity to meet him on a couple of occasions, and of course had known Representative Green and the family quite well. I have to tell you, I was always touched by his sense of humility. I think it's something that seemed to be a characteristic of what Tom Brokaw called the Greatest Generation. Here's a man who served with distinction in World War II, was shot down, was captured, served time in a prison camp, and yet if you talk with him, you wouldn't know it unless you really talked to him and he really brought it up. I thought, with his passing at age 91 after a very remarkable life, that he is, in a lot of cases, indicative of that Greatest Generation. I've had the opportunity to do some memorial statements on other individuals in the community like James who served their country with distinction and then came back and lived the lives of law-abiding Americans.

I'd like to also recognize that he was so dedicated to his family. He is survived by his wife of 68 years, Mary Ellen; his children, State Representative Patrick Green and his wife Pillar, also Kevin and his wife Tina, Jere and his wife Judy, Jon and his wife Nancy, and Brian and his wife Marie; as well as 15 grandchildren and two great-grandchildren. He passed away this last week on January 17, as I mentioned at the age of 91. I'd like to request a moment of silence in honor of this truly remarkable individual, and may James rest in peace.

A moment of silence was observed in memory of World War II veteran James Green.

Senator O'Brien's statement is as follows:

So often we focus as a nation, as a state, on our differences and we often forget the similarities and the love that we have for our fellow brothers and sisters. I've been so blessed to have some guests up here with me today. Prior to introducing them, I just want to talk about a Dr. Martin Luther King, Jr. service that we had in Kalamazoo. I don't think it's

an accident that the words of Dr. King resonate with all of us because in fact his speeches come straight from the Bible. It continues to provide inspiration, not just on Martin Luther King, Jr. Day or Martin Luther King, Jr. Week, I think his words are something we should live by every single day of the year. There's a quote he had that just resonates with me and I think it provides a challenge for all of us. The quote is, "If you can't fly then run, if you can't run then walk, if you can't walk then crawl, but whatever you do you have to keep moving forward." I think it's a challenge for us as we work on the different policies that we face is to always make sure that everyone has the opportunities that are available and make sure they're available to all, not just some, and no matter what role we're able to play, that we play that role even if we consider it small.

I've been blessed to have the head of the Northside Ministerial Alliance and the head of Mt. Zion Baptist Church, Dr. Addis Moore here, but I also have other fellow ministers who are in the north Gallery. They include Doreen Gardner, Montrell Porter, and Ryan Jackson. I hope that we can welcome them.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 36, entitled

A bill to amend 1985 PA 176, entitled "Child identification and protection act," by amending sections 2 and 4 (MCL 722.772 and 722.774).

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Colbeck

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 38, entitled

A bill to amend 1935 PA 120, entitled "An act to prescribe a method for the fingerprinting of residents of the state; to provide for the recording and filing of the fingerprints by the central records division of the department of state police; and to impose a fee," by amending section 1 (MCL 28.271), as amended by 1985 PA 175, and by adding section 4.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Colbeck

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 39, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 2801 (MCL 700.2801), as amended by 2016 PA 57.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Bieda

Nays: Senator Colbeck

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 49, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5106 (MCL 700.5106), as amended by 2000 PA 463.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Colbeck and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, January 24, 2017, at 3:00 p.m., Room 1300, Binsfeld Office Building

Present: Senators Jones (C), Schuitmaker, Colbeck and Bieda

Excused: Senator Rocca

Scheduled Meetings

Appropriations -

Subcommittees -

Agriculture and Rural Development - Tuesdays, February 21, March 7, March 14 and March 21, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower; February 28, 3:00 p.m., Room 405, Capitol Building (373-2768)

State Police and Military Affairs - Tuesdays, February 14, February 21, March 7 and March 21, 8:30 a.m., Rooms 402 and 403; February 28 and March 14, Room 405, Capitol Building (373-2768)

Michigan Competitiveness - Thursday, January 26, 9:00 a.m., Room 1200, Binsfeld Office Building (373-5314)

Senate Fiscal Agency Board of Governors - Thursday, January 26, 9:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Drug Treatment Court Advisory Committee - Tuesday, January 31, 10:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Senator Kowall moved that the Senate adjourn.

The motion prevailed, the time being 10:18 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, January 26, 2017, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate