

No. 4
STATE OF MICHIGAN
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REGULAR SESSION OF 2016

Senate Chamber, Lansing, Wednesday, January 20, 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—present
Jones—present
Knezek—present
Knollenberg—present
Kowall—present
MacGregor—present
Marleau—present
Meekhof—present
Nofs—present
O'Brien—present

Pavlov—present
Proos—present
Robertson—present
Rocca—present
Schmidt—present
Schuitmaker—present
Shirkey—present
Smith—present
Stamas—present
Warren—present
Young—present
Zorn—present

Pastor Chris Todd of Oxbow Lake Baptist Church of White Lake Township offered the following invocation:

Father in heaven, Creator of heaven and earth, Creator of this great state that we call Michigan, Lord, thank You for this beautiful place that we have the privilege to call home; Lord, for the wonder and majesty of this natural beauty that reveals Your goodness toward us; Lord, from the mountains to the sand dunes, the miles of shorelines, and the beautiful forests in between, all for us to enjoy.

Lord, today we pray Your blessings on the people who make up the state of Michigan. Lord, may You be with them with health and prosperity. Lord, it is the love of this state and the people thereof that assembles us here today. Lord, You have entrusted these men and women to care and lead the people here. Lord, give them wisdom. Help them to be an example that we can all look to that goes beyond reproach. Lord, help them to lead in such a manner that will make us proud to be called Michiganders.

Lord, protect them and protect their families. Lord, bless and protect our brave servicemen and women who are fighting for our rights. Lord, we ask that You be with our first responders.

Lord, the best I can pray for anyone is that they each might know You through Your Son, the Lord Jesus Christ, in whose name I pray. 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 rule 3.902 be suspended to allow the guests of Senator Stamas admittance to the Senate floor. The motion prevailed, a majority of the members serving voting therefor.

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

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.

10:59 a.m.

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

During the recess, Senators Johnson, Smith and Young entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

House Concurrent Resolution No. 3

Senate Resolution No. 76

Senate Resolution No. 75

The motion prevailed.

Senators Hood, Hertel, Bieda, Knezek, Gregory, Hopgood, Warren, Young, Smith and Ananich offered the following resolution:

Senate Resolution No. 131.

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 3.314 of the Standing Rules of the Senate is hereby added to read as follows:

“3.314 MOTION RELATED TO LEGISLATIVE STAFF

A MOTION THAT HAS THE STATED INTENT OR PRACTICAL EFFECT OF RESTRICTING FLOOR PRIVILEGE FOR LEGISLATIVE STAFF BASED UPON STAFF’S POLITICAL PARTY OR CAUCUS MEMBERSHIP SHALL NOT BE IN ORDER.”

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senator Johnson was named co-sponsor of the resolution.

Senators Emmons, Schmidt, Proos, Pavlov, Booher, Green, Colbeck, Hansen, Jones, Marleau, Rocca, Horn, Knollenberg, Shirkey, O'Brien, Zorn, MacGregor, Warren, Gregory, Young, Smith, Hood, Nofs, Casperson, Stamas and Hune offered the following resolution:

Senate Resolution No. 132.

A resolution designating January 11, 2016, as Human Trafficking Awareness Day.

Whereas, Human trafficking is a modern-day form of slavery involving the illegal trade of people for exploitation or commercial gain; and

Whereas, Human trafficking is the fastest-growing crime in the world, second only to drug trafficking, according to the U.S. Department of State; and

Whereas, The best estimates indicate that approximately \$87 million per day is made off of sex-trafficking victims; and

Whereas, Michigan was named the most improved state in 2015 for its laws addressing child sex trafficking, according to Shared Hope International; and

Whereas, Michigan has gained national attention on both the state and federal levels and is now a model state after passing effective legislation in 2013-2014 to help combat human trafficking and strengthen victim rights; and

Whereas, This legislative body encourages all Michiganders to use this day as an opportunity to educate themselves about human trafficking and be aware of how prevalent it is in our state; and

Whereas, We support victims of human trafficking who have yet to escape or be liberated and offer the gravest concern for those who have had loved ones become victims to human trafficking; and

Whereas, We commend the individuals who have been victims of trafficking and have survived to overcome the atrocity and continue to support all who have dedicated themselves to putting an end to human trafficking within Michigan; now, therefore, be it

Resolved by the Senate, That we join together in recognizing January 11, 2016, as Human Trafficking Awareness Day in Michigan.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Kowall moved that the rule be suspended.

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

The resolution was adopted.

Senators Brandenburg, Hertel, Hopgood and Johnson were named co-sponsors of the resolution.

Senators Ananich, Young, Hertel, Warren, Knezek, Hopgood, Gregory and Bieda offered the following resolution:

Senate Resolution No. 133.

A resolution to extend subpoena power to the Senate Government Operations Committee.

Whereas, Full access to accurate information is essential for sound decision making by any public or private body. Section 1 of 1952 PA 46, being MCL 4.541, provides, in part, that:

“...any standing or select committee of the senate or the house of representatives, and any joint select committee of the senate and house of representatives, shall be authorized to subpoena and have produced before any such committee, or inspect the records and files of any state department, board, institution or agency; and it shall be the duty of any state department, board, institution or agency to produce before the committee as required by the subpoena, or permit the members of any such committee to inspect its records and files.”

; and

Whereas, Pursuant to Rule 2.102 of the Standing Rules of the Senate, the authority for a committee to issue subpoenas shall be granted by resolution; now, therefore, be it

Resolved by the Senate, That, pursuant to MCL 4.541 and Rule 2.102 of the Standing Rules of the Senate, subpoena power is hereby granted to the Senate Government Operations Committee for the purposes of conducting a series of hearings to exercise oversight with respect to water safety issues in the city of Flint, which occurred after a state-appointed emergency financial manager ordered the city's water supply be changed to the Flint River, and state environmental quality officials properly regulated neither the treatment of the new water source nor the response to this crisis as conducted by various state departments.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senators Hood and Johnson were named co-sponsors of the resolution.

By unanimous consent the Senate returned to the order of

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. 207

Senate Bill No. 434

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 207, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding sections 62a, 625r, and 625s.

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. 4

Yeas—29

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

Nays—9

Ananich	Hertel	Johnson	Warren
Bieda	Hood	Knezek	Young
Gregory			

Excused—0

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. 434, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding sections 43b and 625q.

The question being on the passage of the bill,

Senator Bieda offered the following amendment:

1. Amend page 3, line 14, by striking out all of subsection (8) and renumbering the remaining subsection.

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. 5

Yeas—11

Ananich	Hertel	Johnson	Warren
Bieda	Hood	Knezek	Young
Gregory	Hopgood	Smith	

Nays—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	

Excused—0**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. 6**Yeas—28**

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

Nays—10

Ananich	Hertel	Johnson	Warren
Bieda	Hood	Knezek	Young
Gregory	Hopgood		

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Bieda's statement is as follows:

I rise to speak to this amendment. I supported this bill in committee, but the new substitute added in committee has raised some concerns for me. In the form that passed committee, this bill would have allowed the State Police to implement a road-side drug testing pilot program in three counties for a one-year period. I thought that was an appropriate way to proceed given the concerns associated with testing for marijuana and other controlled substances. However, the bill has now been substituted to provide that an unlimited number of additional pilot programs in other counties may be added after the first round of pilot programs conclude. I don't think that this program should be allowed to continue into perpetuity without legislative approval.

For that reason, I am offering this amendment to ensure that the bill is limited to the initial one-year pilot in five counties. At the end of that one-year period, the Legislature in their appropriate role in overseeing the executive branch will have the opportunity to review reports submitted by the State Police, and at that time, we can decide whether we want to continue supporting this program.

I ask my colleagues for their support.

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

Senators Marleau, Jones and Kowall introduced

Senate Bill No. 712, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 531 (MCL 436.1531), as amended by 2014 PA 135.

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

Committee Reports

The Committee on Health Policy reported

Senate Bill No. 680, entitled

A bill to amend 1968 PA 173, entitled "An act naming certain state buildings," (MCL 19.131 to 19.132) by adding section 3.

With the recommendation that the bill pass.

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

Mike Shirkey
 Chairperson

To Report Out:

Yeas: Senators Shirkey, Hune, O'Brien, Marleau, Jones, Stamas, Robertson, Hertel, Knezek and Hopgood

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Tuesday, January 19, 2016, at 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

Scheduled Meetings

Appropriations -

Subcommittee -

K-12, School Aid, Education - Wednesday, January 27, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

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

Economic Development and International Investment - Thursday, January 21, 1:30 p.m., Room 210, Farnum Building (373-5323)

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

Transportation - Thursday, January 21, 8:30 a.m., Room 210, Farnum Building (373-5312)

Senator Kowall moved that the Senate adjourn.
The motion prevailed, the time being 11:13 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, January 21, 2016, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate

