

No. 12
STATE OF MICHIGAN
Journal of the Senate
99th Legislature
REGULAR SESSION OF 2017

Senate Chamber, Lansing, Wednesday, February 8, 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—present
Bieda—present
Booher—present
Brandenburg—excused
Casperson—present
Colbeck—present
Conyers—present
Emmons—present
Green—present
Gregory—present
Hansen—present
Hertel—present
Hildenbrand—present

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

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

Reverend Brian Vos of Trinity United Reformed Church of Caledonia offered the following invocation:

O Lord God, Father, Son, and Holy Spirit, You have created all things through Your Son and by the power of Your Spirit. You are the author and giver of life. You are holy, merciful, and just. You are good and the overflowing fountain of all good. In Your goodness, You have appointed governing authorities as Your servants to approve those who do good and to avenge those who do wrong. Bestow then upon this Senate wisdom, integrity, and diligence in the pursuit and execution of the service You have called them to perform. May their labors protect, preserve, and promote peace among all under their authority. Lift up the downcast, heal the broken-hearted, defend the defenseless, and give hope to those dwelling in darkness. Grant to all the knowledge and conviction of sin by Your law, that the light of the Gospel of Your Son would shine forth, for You desire all people to be saved and to come to the knowledge of the truth. Christ Jesus is the way, the truth, and the life; the crucified, risen, ascended, reigning, and returning King.

In His Name, and through His merits, hear this prayer. Amen.

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

Motions and Communications

Senators Green, Jones, Knezek and Ananich entered the Senate Chamber.

Senator Stamas moved that Senators Brandenburg and Kowall be excused from today’s session. The motion prevailed.

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

Senator Stamas moved that rule 3.902 be suspended to allow the guests of Senator Schuitmaker 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, February 7, and are available at the Michigan Legislature website:

Senate Bill Nos.	103	104	105	106	107	108	109	110	111	112	113	114	115	116
	117													
House Bill Nos.	4161	4162	4163	4164	4165	4166	4167	4168	4169	4170	4171	4172	4173	

Messages from the Governor

The following messages from the Governor were received and read:

February 7, 2017

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

Michigan Law Enforcement Officers Memorial Monument Fund Commission

Katy Sherwood of 490 N. Superior Street, Farwell, Michigan 48622, county of Clare, representing a surviving spouse representing the Michigan Sheriff’s Association, succeeding Kathy Cole, is appointed for a term expiring June 30, 2020.

February 7, 2017

I respectfully submit to the Senate the following appointment 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, succeeding herself, is reappointed for a term expiring December 31, 2020.

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 Stamas moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Calley, designated Senator Shirkey as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Calley, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

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).

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.

The bills were placed on the order of Third Reading of Bills.

Resolutions

Senator Casperson offered the following resolution:

Senate Resolution No. 11.

A resolution to encourage the United States Forest Service to work on an agreement with the owners of privately held hunting camps on leased acres within the Ottawa National Forest to allow the hunting camps to remain on federal land.

Whereas, Starting in the late 1950s, Michigan residents were offered an opportunity to lease privately-owned land from the Upper Peninsula Power Company (UPPCO) to build recreational hunting camps. In 1991, the UPPCO announced intentions to sell the land currently under lease to an intermediary who would simultaneously sell the land to the United States Forest Service (USFS). Existing leaseholders were offered an option to sign a 25-year, non-renewable lease on the land that was to be sold or to immediately vacate the property. The leases were signed in March of 1992, and the United States Forest Service (USFS) took control of the land in June 1992. The land currently under private lease accounts for less than 1,100 acres in the Ottawa National Forest; and

Whereas, Hundreds of people have experienced the wonders of Michigan's great outdoors at these hunting camps. The Ottawa National Forest is almost one million acres of rolling hills, lakes, rivers, waterfalls, and abundant wildlife. Those who lease land in the forest have built outdoor recreational traditions with their families. The hunting camps allow them to experience the seclusion and isolated environment of the Ottawa National Forest while engaging in varied recreational activities including hunting, fishing, canoeing, and snowshoeing; and

Whereas, The USFS informed leaseholders that leases would expire on January 1, 2017, because of its national policy not to lease national forestland to individuals. The holders of the active leases now have until March 31 to remove the hunting cabins and return the land to its natural state; and

Whereas, The expiration of the leases will hurt local economies in Ontonagon and Gogebic Counties. It will result in over \$35,000 in lost lease fee revenue to the townships and almost \$10,000 in tax revenue to the counties. Even a greater loss will be realized by local businesses, including gas stations, grocery stores, hardware stores, and restaurants that benefit from the patronage of the camp families; and

Whereas, The expiration of the leases will eliminate refuge for people from the occasionally harsh and unexpected shifts in weather conditions. The Ottawa National Forest covers a large area in the Western Upper Peninsula. Camp owners often leave their cabins or outbuildings unlocked to the relief of individuals stranded in the woods who have sought shelter. A Boy Scout troop once sheltered at the Twin Pines camp after being caught in a storm, and a group of snowmobilers is known to regularly rest at one of the camps; and

Whereas, The USFS Recreation Residence Program provides private citizens an opportunity to own single-family cabins in designated areas of national forests. Currently, 15,570 recreation residences occupy national forest system lands throughout the country; and

Whereas, Although the National Forest Service placed a moratorium on the establishment of new tracts under the Recreation Residence Program in 1968, the authority to issue special use authorization under the Recreational Residence

Program remains in federal regulations (36 CFR Part 251). Therefore, lifting the moratorium for the limited purpose of establishing a recreation residence tract in the Ottawa National forest and issuing special use authorization permits are possible and would allow the many families currently leasing in the Ottawa National Forest an opportunity that is provided to thousands of people elsewhere in the country; and

Whereas, Converting to the Recreation Residence Program would maintain a tax base for local governments, provide continuing support for the local economy, and ensure that hunting and recreational traditions held so dear by Michigan residents continue to be experienced in the Ottawa National Forest; now, therefore, be it

Resolved by the Senate, That we encourage the United States Forest Service to work with the owners of privately held hunting camps on leased acres within the Ottawa National Forest to allow the hunting camps to remain on federal land under an agreement such as providing special use authorization under the Recreation Residence Program; and be it further

Resolved, That copies of this resolution be transmitted to the Chief of the United States Forest Service 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 Stamas 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,

Senator Stamas moved that the resolution be referred to the Committee on Natural Resources.

The motion prevailed.

Senators Booher, Colbeck, Hansen, Marleau, Pavlov, Proos, Robertson and Shirkey were named co-sponsors of the resolution.

Senators Proos, Booher, Robertson, Jones, Pavlov, Marleau, Zorn, Colbeck, Emmons, Schmidt and MacGregor offered the following concurrent resolution:

Senate Concurrent Resolution No. 6.

A concurrent resolution to memorialize the Congress of the United States to appropriate funds from the Nuclear Waste Fund for the establishment of a permanent repository for high-level nuclear waste or reimburse electric utility customers that paid into the fund.

Whereas, The nuclear power industry needs a permanent repository for high-level nuclear waste produced by reactors. Nuclear power plays a vital role in meeting our nation's current and future energy needs. However, the failure to construct a permanent repository severely impedes efforts to construct new power plants to provide this clean and reliable base load power; and

Whereas, Over the last thirty years, the nuclear power industry and its customers have paid the federal government billions of dollars to construct a permanent repository. Under the Nuclear Waste Policy Act of 1982, the U.S. Congress established the Nuclear Waste Fund to collect money for the repository. Revenue to the fund came from mandatory fees assessed on all nuclear energy. Since 1983, customers of Michigan electric utilities alone have paid \$812 million into the fund for construction of the repository; and

Whereas, A permanent repository for high-level nuclear waste has not been established and constructed. More than 2,000 metric tons of spent nuclear fuel from power plants continue to accumulate at temporary, and potentially vulnerable, sites across the nation, adding to the more than 70,000 metric tons already stored at these sites; and

Whereas, The Nuclear Waste Fund contains a substantial balance for establishment of the repository. While fee collection was suspended as of May 16, 2014, the fund still contains a balance of over \$31 billion for the express purpose of supporting radioactive waste disposal activities. It is imperative that Congress meet its obligation to the nuclear power industry and U.S. citizens that paid into this fund; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to appropriate funds from the Nuclear Waste Fund for the establishment of a permanent repository for high-level nuclear waste or reimburse electric utility customers that paid into the fund; 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 concurrent resolution be referred to the Committee on Government Operations,

Senator Stamas 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 concurrent resolution,

Senator Stamas moved that the concurrent resolution be referred to the Committee on Energy and Technology.

The motion prevailed.

Senators Hansen, Hopgood and Shirkey were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senator Hansen introduced

Senate Bill No. 118, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 72108 and 73301 (MCL 324.72108 and 324.73301), section 72108 as amended by 2014 PA 215 and section 73301 as amended by 2007 PA 174, and by adding section 73302.

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

Senator Casperson introduced

Senate Bill No. 119, entitled

A bill to require the state administrative board to convey state-owned property in Marquette County; to prescribe conditions for the conveyance; to provide for powers and duties of state departments, agencies, and officers in regard to the property; and to provide for disposition of revenue derived from the conveyance.

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

Senator Casperson introduced

Senate Bill No. 120, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 719 (MCL 257.719), as amended by 2015 PA 208.

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

Senators Bieda, Jones, Hopgood, Gregory, Knezek, Hertel, Rocca, Conyers, Warren and Ananich introduced

Senate Bill No. 121, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 147b (MCL 750.147b), as added by 1988 PA 371.

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

Committee Reports

The Committee on Government Operations reported

Senate Bill No. 69, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 2016 PA 204.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Arlan B. Meekhof
Chairperson

To Report Out:

Yeas: Senators Meekhof, Hansen and Kowall

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Tuesday, February 7, 2017, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Meekhof (C), Hansen and Kowall

Excused: Senators Ananich and Hood

The Committee on Judiciary reported

Senate Bill No. 74, entitled

A bill to amend 1915 PA 31, entitled "Youth tobacco act," by amending sections 1 and 2 (MCL 722.641 and 722.642), as amended by 2006 PA 236.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca, Colbeck and Bieda

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, February 7, 2017, at 12:00 p.m., Room 1200, Binsfeld Building

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

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)

Community Colleges - Wednesday, February 22, 9:30 a.m., Rooms 402 and 403, Capitol Building (373-2768)

General Government - Thursdays, February 16, February 23, March 2, March 9, March 16 and March 23, 8:30 a.m., Room 1300, Binsfeld Office Building (373-2768)

K-12, School Aid, Education - Wednesday, February 15, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, 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)

Transportation - Tuesday, February 28; Thursdays, March 2, March 9, March 16, March 23 and March 30, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Economic Development and International Investment - Thursday, February 9, 1:30 p.m., Room 1200, Binsfeld Office Building (373-5323)

Education - Thursday, February 9, 12:00 noon, Room 1100, Binsfeld Office Building (373-5314)

Judiciary - Tuesday, February 14, 2:30 p.m., Room 1300, Binsfeld Office Building (373-5323)

Veterans, Military Affairs and Homeland Security - Thursday, February 9, 2:00 p.m., Room 1300, Binsfeld Office Building (373-5314)

Senator Stamas moved that the Senate adjourn.
The motion prevailed, the time being 10:14 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, February 9, 2017, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate