

No. 12
STATE OF MICHIGAN
Journal of the Senate
98th Legislature
REGULAR SESSION OF 2015

Senate Chamber, Lansing, Wednesday, February 11, 2015.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Margaret E. O'Brien.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Ananich—present
Bieda—present
Booher—present
Brandenburg—present
Casperson—present
Colbeck—present
Emmons—present
Green—present
Gregory—present
Hansen—present
Hertel—present
Hildenbrand—present
Hood—present

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

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

Pastor Tyson Nofzinger of Westland Free Methodist Church of Westland offered the following invocation:

Father, I thank You for these men and women who have been appointed to serve our great state. Today, I pray that You would infuse them with passion and fill them with joy for this high calling. Would You help them to not grow weary in doing good. Your word says that You will give wisdom generously to all who ask, so would You give them wisdom for and insight into whatever challenges they may be facing.

Would You please direct them as they lead the people, create policy, and manage resources. Would You give them the ability to encourage and lead a financially- and morally-diverse constituency. As the burden for a better world falls on more than just those in this room, would You direct all of us to do our part to make our communities a better place. God, would You enable those in this room to lead with integrity and model unity. Would You give them courage, soft hearts, and thick skin.

As they work long hours, I pray that You help them to balance their commitments in a way that those who are closest to them would feel loved and valued. Would You use our leaders and our people in this state to inspire our nation. Above all, God, would You help us to look to You. I pray that as we do, You would bring success; as we can do all things through Him who gives us strength.

Amen.

The Assistant President pro tempore, Senator O'Brien, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senator Casperson entered the Senate Chamber.

The following communications were received:

Department of State

Administrative Rules

Notices of Filing

January 8, 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 #2014-039-LR (Secretary of State Filing #15-01-01) on this date at 3:14 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Contested Case and Declaratory Ruling Procedures."

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 8, 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 #2014-050-LR (Secretary of State Filing #15-01-11) on this date at 3:15 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Administrative Appellate."

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 8, 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 #2014-046-LR (Secretary of State Filing #15-01-08) on this date at 3:15 p.m. for the Department of Licensing and Regulatory Affairs, entitled "General Rules."

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 8, 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 #2014-049-LR (Secretary of State Filing #15-01-10) on this date at 3:15 p.m. for the Department of Licensing and Regulatory Affairs, entitled "General Rules."

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 8, 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 #2014-045-CH (Secretary of State Filing #15-01-07) on this date at 3:15 p.m. for the Department of Licensing and Regulatory Affairs, entitled "MSA Provider Hearings."

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 8, 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 #2014-044-LR (Secretary of State Filing #15-01-06) on this date at 3:15 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Occupational Boards."

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 8, 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 #2014-048-LR (Secretary of State Filing #15-01-09) on this date at 3:15 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Wage and Fringe Benefit Hearings."

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 8, 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 #2014-040-LR (Secretary of State Filing #15-01-02) on this date at 3:16 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Practice and Procedures Before the Commission."

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 8, 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 #2014-041-TP (Secretary of State Filing #15-01-03) on this date at 3:18 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Hearings on Traffic Control Orders."

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 8, 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 #2014-042-IF (Secretary of State Filing #15-01-04) on this date at 3:20 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Hearing Procedures."

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 8, 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 #2014-043-LR (Secretary of State Filing #15-01-05) on this date at 3:22 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Disciplinary Proceedings."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Ruth Johnson
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

Senator Hood moved that Senators Ananich and Gregory be temporarily excused from today's session.
The motion prevailed.

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

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 Assistant President pro tempore, Senator O'Brien, designated Senator Booher as Chairperson.

After some time spent therein, the Committee arose; and the Assistant President pro tempore, Senator O'Brien, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 54, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40104, 40112, and 48703a (MCL 324.40104, 324.40112, and 324.48703a), section 40104 as added by 1995 PA 57, section 40112 as amended by 1996 PA 316, and section 48703a as amended by 2014 PA 281.

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:

Senate Bill No. 55, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40111c (MCL 324.40111c), as added by 2008 PA 301.

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.

Resolutions

Senator O'Brien offered the following resolution:

Senate Resolution No. 11.

A resolution to commemorate February 14, 2015, as Go Curling Day in the state of Michigan.

Whereas, Due to hard work and excellence during the 2010 Curling Nationals for the second time in the past five years, Wings Stadium has been selected to host the 2015 Curling Nationals. This premier event is held for the selection of the elite athletes to represent the United States in the men's and women's World Curling Championships, being held in Kalamazoo from February 14-21, 2015; and

Whereas, The first curling club in the United States was formed in Michigan and curled on Orchard Lake in 1831. The Orchard Lake Curling Club used hickory block instead of the traditional granite stones used today. Now there are twelve clubs in Michigan, including Ann Arbor, Calumet, Detroit, Escanaba, Ferndale, Gladstone, Kalamazoo, Lansing, Port Huron, and Traverse City; and

Whereas, Hosting the event for a second time would not have been possible without a dedicated staff, experienced management, and a superior venue which will bring international attention to Kalamazoo County and the entire state of Michigan; and

Whereas, The success of the 2010 event has caused interest in curling to grow across Michigan and advanced the creation of new clubs that promote fitness as well as strengthen community; and

Whereas, During the 2010 event, 5,000 people visited the city of Kalamazoo and Wings Stadium, and more than \$200,000 was infused into the local economy. Kalamazoo and Wings Stadium have once again been chosen to host this grand event and will have the eyes of American curling focused on them in 2015; and

Whereas, Go Curling Day demonstrates Michigan's commitment to tourism promotion and economic growth; now, therefore, be it

Resolved by the Senate, That the members of the legislative body commemorate February 14, 2015, as Go Curling Day in the state of 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 Bieda, Booher, Brandenburg, Hansen, Hertel, Kowall, Marleau, Proos, Robertson, Schmidt, Schuitmaker and Zorn were named co-sponsors of the resolution.

Senators Ananich and Gregory entered the Senate Chamber.

Senators Proos, Colbeck, Jones, Pavlov, Horn, Nofs, Emmons, Brandenburg, Rocca, Green and Schmidt offered the following resolution:

Senate Resolution No. 12.

A resolution to support ending water diversions from the Great Lakes through Chicago.

Whereas, In recent years, Lake Michigan and Lake Huron have approached historic low levels. These low levels have a dramatic impact on state and local economies in Michigan and the other Great Lakes states. Commercial shippers have been forced to carry far less than full loads to avoid running aground, raising the cost of shipping goods. Many harbors are too shallow for recreational boats to navigate safely, denying coastal communities the significant revenue and jobs generated by these boaters; and

Whereas, Billions of gallons of Great Lakes water are diverted annually out of the Great Lakes through the man-made Chicago Sanitary and Ship Canal. At its authorized rate, the loss of this water lowers Lake Michigan and Lake Huron by 2.5 inches, contributing to low water level emergencies as last occurred in 2013; and

Whereas, The impact of this diversion on water levels may be even greater. The canal system has the capacity to divert nearly three times as much water, and there is a demonstrated history of flows exceeding the authorized diversion rates. Yet the actual diversion of water through Chicago over the last few years is unknown. Since 2011, the U.S. Army Corps of Engineers has failed to produce a report accounting for how much water is being diverted; and

Whereas, The Chicago Sanitary and Ship Canal also serves as a pathway for Asian carp and other harmful species to invade the Great Lakes. Invasive species established in the Great Lakes already cost the region more than \$100 million per year. Asian carp could add dramatically to this cost if they move through the canal into the Great Lakes; and

Whereas, The costs of maintaining water diversions through Chicago outweigh any benefits to the Chicago area. The health of the Great Lakes must no longer take a back seat. Every inch of water makes a difference to the people, businesses, and communities that rely on the Great Lakes; now, therefore, be it

Resolved by the Senate, That we support ending water diversions from the Great Lakes through Chicago; 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 question being on the adoption of the resolution,

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

The motion prevailed.

Senators Bieda, Booher, Hansen, Hildenbrand, Kowall, Marleau, Robertson, Schuitmaker and Zorn were named co-sponsors of the resolution.

Introduction and Referral of Bills

The President, Lieutenant Governor Calley, assumed the Chair.

Senator Shirkey introduced
Senate Bill No. 98, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 105 and 121 (MCL 389.105 and 389.121), as amended by 2012 PA 495.

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

Senator Nofs introduced
Senate Bill No. 99, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 89a.

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

Senators Brandenburg, Horn, Zorn, Emmons, Colbeck, Schmidt, Hansen, Casperson, Nofs and Booher introduced
Senate Bill No. 100, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 22 (MCL 205.22), as amended by 2007 PA 194.

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

Senators Ananich, Smith, Hertel, Bieda, Warren, Johnson, Young and Hopgood introduced
Senate Bill No. 101, entitled

A bill to require employers to provide paid sick leave to certain employees; to specify the conditions for accruing and using paid sick leave; to prohibit retaliation against an employee for requesting, exercising, or enforcing rights granted in this act; to prescribe powers and duties of certain state departments, agencies, and officers; to provide for promulgation of rules; and to provide remedies and sanctions.

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

Senators Pavlov, Booher, Robertson, Hildenbrand, Colbeck, Schuitmaker, Shirkey, Green, Proos, Brandenburg, Nofs and Hune introduced

Senate Bill No. 102, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 5, 81d, and 132 (MCL 38.1305, 38.1381d, and 38.1432), section 5 as amended and section 81d as added by 2012 PA 300 and section 132 as added by 2010 PA 75, and by adding section 133.

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

Committee Reports

The Committee on Local Government reported

Senate Bill No. 18, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 2120a.

With the recommendation that the bill pass.

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

Dale W. Zorn
Chairperson

To Report Out:

Yeas: Senators Zorn, Brandenburg, Rocca and Young

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local Government reported

Senate Bill No. 19, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2014 PA 310.

With the recommendation that the bill pass.

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

Dale W. Zorn
Chairperson

To Report Out:

Yeas: Senators Zorn, Brandenburg, Rocca and Young

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Local Government submitted the following:

Meeting held on Tuesday, February 10, 2015, at 12:30 p.m., Room 100, Farnum Building

Present: Senators Zorn (C), Brandenburg, Rocca and Young

Excused: Senator Proos

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Health submitted the following:

Meeting held on Tuesday, February 10, 2015, at 2:30 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Marleau (C), Shirkey and Hertel

Excused: Senator Hansen

Scheduled Meetings

Appropriations - Thursday, February 12, 10:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5307)

Subcommittees -

Agriculture and Rural Development - Tuesdays, February 17, March 10, March 17, and March 24, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Community Colleges - Wednesdays, February 18 and March 25, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Corrections - Thursdays, February 19, March 5, and March 26, 9:00 a.m., Room 405, Capitol Building; February 26, March 12, and March 19, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

General Government - Thursdays, February 19, 9:15 a.m., February 26, March 5, March 12, March 19, and March 26, 8:30 a.m., Room 100, Farnum Building (373-2768)

Higher Education - Thursday, February 19, 1:30 p.m., Central Michigan University, Park Library, 250 West Preston Street, Mount Pleasant; Tuesday, February 24, 11:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building; and Monday, March 2, 1:30 p.m., Ferris State University, University Center, Room 203, 805 Campus Drive, Big Rapids (373-2768)

Human Services - Thursday, February 12, 2:00 p.m., Room 100, Farnum Building (373-2768)

Judiciary - Wednesdays, February 18, February 25, March 4, March 11, March 18, and March 25, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

K-12, School Aid, Education - Wednesdays, February 18, 8:30 a.m., Room 405, Capitol Building; February 25, March 4, March 11, March 18, and March 25, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Licensing and Regulatory Affairs - Wednesday, February 18, 8:30 a.m., Room 110, Farnum Building (373-2768)

State Police and Military Affairs - Thursdays, February 19 (CANCELED), February 26 (CANCELED), March 5 (CANCELED), March 12 (CANCELED), and March 26 (CANCELED), 1:00 p.m.; Tuesdays, February 17, February 24, March 3, March 10, and March 24, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2768)

Transportation - Thursdays, February 19, March 12, March 19, and March 26, 8:30 a.m.; February 26, 11:00 a.m.; and March 5, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Economic Development - Thursday, February 12, 1:30 p.m., Room 210, Farnum Building (373-5312)

Transportation - Thursday, February 12, 8:30 a.m., Room 210, Farnum Building (373-5323)

Transportation and House Transportation and Infrastructure - Tuesday, February 17, 10:30 a.m. or later immediately following session, Senate Hearing Room, Ground Floor, Boji Tower (373-5323)

Senator Kowall moved that the Senate adjourn.
The motion prevailed, the time being 10:17 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, February 12, 2015, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate