

No. 36
STATE OF MICHIGAN
Journal of the Senate
98th Legislature
REGULAR SESSION OF 2015

Senate Chamber, Lansing, Wednesday, April 22, 2015.

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

Father Jim Smalarz of St. John Baptist Church of Monroe offered the following invocation:

In the name of the Father, of the Son, and of the Holy Spirit, may the grace and peace of our Lord Jesus Christ, the love of God, and the fellowship of the Holy Spirit be with all of you. Almighty and ever-living God, You are the Alpha and the Omega, the beginning and the end, the provider of all goodness in our lives. You are the foundation upon which this great nation was built. Our nation's forefathers remained true to their Christian faith to help guide and direct their efforts in building a just society founded on freedom, truth, justice, morals, and love of mankind, as revealed in and through Jesus Christ.

We pray today for Rick Snyder, the Governor of the great state of Michigan, for the members of the State Senate, the State House of Representatives, for all judges, elected officials, and all who are entrusted to guard our political welfare. May they be enabled by Your powerful protection to discharge their duties with honesty, integrity, and justice. May the light of Your wisdom, Almighty God, direct the deliberations of all elected officials and shine forth in all proceedings and laws framed for our rule of government. May they seek to preserve peace, promote national happiness, and continue to bring us the blessings of liberty and equality for all citizens.

We likewise commend to Your unbounded love and mercy all the citizens of the state of Michigan that we may be blessed in the knowledge and sanctified in the observance of Your holy law. May we be preserved in Your love and peace, which the world cannot give, as we strive eagerly to fulfill Your mission in this life so that one day we may come to enjoy eternal life in heaven with Jesus, Mary, and all the angels and saints.

We ask You, loving and gracious God, to hear all the prayers we offer You this day. In the name of Jesus Christ our Lord. Amen. In the name of the Father, of the Son, and of the Holy Spirit. Amen.

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

Motions and Communications

Senator Knollenberg entered the Senate Chamber.

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

Senator Kowall moved that rule 3.902 be suspended to allow the guests of Senators Meekhof and Shirkey admittance to the Senate floor.

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, April 21:
House Bill Nos. 4168 4175 4244

Messages from the Governor

The following messages from the Governor were received and read:

April 17, 2015

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

Director - Office of the State Employer

Marie Louise Waalkes of 6621 Windsong Way, Lansing, Michigan 48917, county of Ingham, is appointed for a term commencing April 26, 2015, and expiring at the pleasure of the Governor.

April 17, 2015

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

State Treasurer - State of Michigan

Naif A. Khouri of 49988 Powell Ridge Court, Plymouth, Michigan 48170, county of Wayne, is appointed for a term commencing April 19, 2015, and 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
Third Reading of Bills

Senator Kowall moved that the following bill be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 196

The motion prevailed.

Senators Booher and Hopgood entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 196, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217c, 217f, 248c, and 252a (MCL 257.217c, 257.217f, 257.248c, and 257.252a), section 217c as amended by 2002 PA 642, sections 217f and 248c as amended by 1993 PA 300, and section 252a as amended by 2008 PA 539.

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. 107

Yeas—37

Ananich	Hertel	Knollenberg	Robertson
Bieda	Hildenbrand	Kowall	Rocca
Booher	Hood	MacGregor	Schmidt
Brandenburg	Hopgood	Marleau	Schuitmaker
Casperson	Horn	Meekhof	Shirkey
Colbeck	Hune	Nofs	Smith
Emmons	Johnson	O'Brien	Stamas
Green	Jones	Pavlov	Warren
Gregory	Knezek	Proos	Zorn
Hansen			

Nays—0

Excused—1

Young

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Resolutions

Senate Resolution No. 22.

A resolution to encourage the Chicago Area Waterway System Advisory Committee to fully consider all options, including complete hydrologic separation, to protect the Great Lakes from Asian carp and to move as quickly as possible to determine the best long-term solution.

The question being on the adoption of the following committee substitute:
Substitute (S-1).
The substitute was adopted.
The resolution as substituted was adopted.

Senate Resolution No. 23.

A resolution to call on the Obama Administration and the Congress of the United States to direct the U.S. Army Corps of Engineers to close the connection between the Great Lakes and Mississippi River basins through Chicago to prevent Asian carp from entering the Great Lakes.

The question being on the adoption of the following committee substitute:
Substitute (S-1).
The substitute was adopted.
The resolution as substituted was adopted.

Senate Resolution No. 25.

A resolution to memorialize the Congress of the United States to pass legislation that authorizes the U.S. Army Corps of Engineers to implement measures at the Brandon Road lock and dam to prevent Asian carp from entering the Great Lakes.

The question being on the adoption of the resolution,
The resolution was adopted.

Senator Young entered the Senate Chamber.

Senators Stamas, Brandenburg, Proos, Schmidt, MacGregor, Hood, Hansen, Booher, Horn, Hildenbrand, Bieda, Knollenberg, Jones, Marleau, Ananich, Gregory, Rocca, Hertel, Zorn and Shirkey offered the following resolution:

Senate Resolution No. 38.

A resolution to commemorate April 22, 2015, as Multiple Sclerosis State Action Day.

Whereas, Multiple sclerosis can impact men and women of all ages, races, and ethnicities. More than 400,000 Americans live with autoimmune disorder; and

Whereas, Every hour of every day, someone in the United States is newly diagnosed with multiple sclerosis. Approximately 18,000 Michigan residents have been diagnosed with multiple sclerosis; and

Whereas, The exact cause of multiple sclerosis is still unknown, and the symptoms are unpredictable and vary from person to person; and

Whereas, There is no diagnostic laboratory test available for multiple sclerosis. It is not genetic, contagious, or directly inherited, but studies show there are genetic factors that indicate certain individuals are susceptible to the disease; and

Whereas, Multiple sclerosis symptoms occur when an immune system attack affects the myelin in nerve fibers of the central nervous system, damaging or destroying it, and replaces it with scar tissue, thereby interfering with or preventing the transmission of nerve signals; and

Whereas, There is no known cure for multiple sclerosis; and

Whereas, The goals of Multiple Sclerosis State Action Day is to invite people to join the movement to end multiple sclerosis; encourage everyone to do something to demonstrate their commitment to moving toward a world free of multiple sclerosis; and acknowledge those who have dedicated their time and talent to help promote multiple sclerosis research and programs; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate April 22, 2015, as Multiple Sclerosis State Action Day; and be it further

Resolved, That this legislative body supports the goals and ideals of Multiple Sclerosis State Action Day; and be it further

Resolved, That this legislative body encourages media organizations to participate in Multiple Sclerosis State Action Day, and help educate the public about multiple sclerosis; and be it further

Resolved, That this legislative body recognizes and reaffirms the commitment of the National Multiple Sclerosis Society to combat multiple sclerosis by promoting awareness about its causes and risks and promoting new education programs, supporting research, and expanding access to medical treatment; and be it further

Resolved, That this legislative body recognizes all people in Michigan living with multiple sclerosis; expresses gratitude to their family members and friends who are a source of love and encouragement to them; and salutes the health care professionals and medical researchers who provide assistance to those so afflicted and continue to work to find cures and improve treatments; and be it further

Resolved, That a copy of this resolution be transmitted to the National Multiple Sclerosis Society Michigan Chapter as a token of our 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 resolution was adopted.

Senators Emmons, Green, Hopgood, O'Brien, Robertson and Warren were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Stamas' statement is as follows:

Senate Resolution No. 38 declares April 22, 2015, as Multiple Sclerosis State Action Day. MS is an autoimmune disease that affects over 18,000 Michiganders and over 400,000 people across the U.S. There is currently no cure, but studies and more research are being done every day. It is vital that we, as legislators, take time to recognize the impact this disease has on our citizens and on our state's families. I encourage everyone today to help the Michigan MS Chapter in their efforts to spread the word and promote awareness of research and programs related to multiple sclerosis.

Senator Gregory's statement is as follows:

In case some of you are wondering if this is a snazzy dress day, orange is the MS color for the day. The orange shirt and the orange tie is part of MS awareness. Joining us today for the MS State Action Day is Leonard Bertin, the Government Relations chair, and Kim Scott with the Board of Trustees. I ask that my colleagues join with us in welcoming these members from the MS Society.

Senator Schuitmaker offered the following resolution:

Senate Resolution No. 39.

A resolution to commemorate the week of April 19-25, 2015, as Crime Victims' Rights Week in the state of Michigan.

Whereas, With the implementation of the Crime Victim's Rights Act in 1985 and the passage of a constitutional amendment in 1988, the state of Michigan has adopted some of the nation's most comprehensive laws to protect the rights of crime victims; and

Whereas, Crime victims possess the right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process. All of us must do what we can to adhere not only to the crime victim's rights laws, but to the spirit of those laws as well. Let us acknowledge that just as government must be open to its citizens, so our system of justice must be open to victims of crime; and

Whereas, Though Michigan continues to make strides in reducing the crime rate, there are still far too many victims of crime. Michigan families reported thousands of new victims of crime last year, and research consistently indicates that less than half of all crimes are reported. The most recent National Intimate Partner and Sexual Violence Survey results estimated that today in Michigan, there are over 1 million survivors of sexual assault; and

Whereas, The literally millions of Michigan citizens who have suffered a violation of their person, property, or trust deserve to be treated with dignity and respect by our criminal and juvenile justice systems and by society at-large; and

Whereas, The national theme for 2015 is "Engaging Communities. Empowering Victims." The entire community has a role to play in preventing crime and offering support; and

Whereas, Involving survivors helps victim service providers and criminal justice professionals understand the culture, values, and expectations of under- and unserved victims who seek assistance and justice; and

Whereas, Engaging victims' communities and learning from leaders about their unique needs helps service providers foster a supportive atmosphere in which victims seek help and healing; and

Whereas, Incorporating communities' existing experts and trusted sources of support into efforts to fully serve survivors will develop a criminal justice system response that is truly accessible and appropriate for all victims of crime; and

Whereas, Victims know best how to direct and manage their own lives, and true recovery from crime will incorporate a victim's cultural, religious, economic, social, and personal interests; and

Whereas, With the full weight of their community and victim service providers behind them, survivors will feel empowered to face their grief, loss, fear, anger, and shame without fear of judgment and will feel understood and worthy of support; and

Whereas, National Crime Victims' Rights Week, April 19-25, 2015, is an opportune time to commit to ensuring that all victims of crime are offered accessible and appropriate services in the aftermath of crime; now, therefore, be it

Resolved by the Senate, That we hereby commemorate the week of April 19-25, 2015, as Crime Victims' Rights Week in the state of Michigan and reaffirm this state's commitment to protecting the rights of crime victims; and be it further

Resolved, That we express our sincere gratitude and appreciation for those community members, victim service providers, and criminal justice professionals who are committed to improving our response to all victims of crime so that they may find relevant assistance, support, justice, and peace.

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 Ananich, Bieda, Booher, Brandenburg, Emmons, Green, Gregory, Hansen, Hertel, Hildenbrand, Hood, Hopgood, Knollenberg, MacGregor, O'Brien, Proos, Robertson, Schmidt and Warren were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Schuitmaker's statement is as follows:

I rise with my good friend from the 9th District to ask for your support of Senate Resolution No. 39, which recognizes this week as Crime Victims' Rights Week in Michigan. Across the country, this week is being recognized as a time to honor and remember victims of crime.

I would also invite each of you to the Crime Victims' Vigil happening tonight in the rotunda at 6:00 p.m. I have been involved in this event for many years, and it is a somber but healing event. All of us represent someone who has been the victim of crime. This event is an occasion for crime victims, and I know that they will be grateful for your attendance. Senator Bieda is one of the co-hosts of tonight's event, and I will be offering the keynote address. He, as well, will be speaking and will highlight the steps that the Legislature has taken to support the crime victim community.

Again, I ask for your support of this resolution and for crime victims across this great state.

House Concurrent Resolution No. 3.

A concurrent resolution to urge the U.S. Department of Defense Missile Defense Agency to select the Fort Custer Training Center as the location for a new ground based interceptor ballistic missile defense mission.

Whereas, The Fort Custer Training Center is one of four sites being considered for a new ground based interceptor ballistic missile defense mission. Fort Custer is a 7,500 acre Michigan National Guard installation that supports all branches of the Armed Services as well as law enforcement agencies and Federal partners. The training center and the nearby Air National Guard Base are integral to the economy of Southwest Michigan providing more than \$22 million in total wages and salaries and \$26 million in gross regional product. The community surrounding the Fort Custer Training Center embraces the soldiers and their families, supporting their missions and realizing how important their duties are to our nation; and

Whereas, The Fort Custer Training Center is nationally recognized by the Department of Defense for its superior environmental stewardship, having won numerous environmental and energy awards from the Department of the Army; and the selection of the ground based interceptor ballistic missile defense mission will rely heavily on the Installation's ability to support the mission and protect the environment; therefore Fort Custer's respect for the environment makes it a logical choice for the site selection; and

Whereas, The final site selection must be based upon the Installation's ability to support the mission of the ground based interceptor ballistic missile defense mission, but the cost to U.S. taxpayers to complete that mission should be important in the site selection process for the U.S. Department of Defense Missile Defense Agency. Fort Custer can support the mission and will provide the best value for U.S. taxpayers; and

Whereas, The selection of the training center as the location for a new ground based interceptor ballistic missile defense mission would have significant economic impact on the region. An estimated \$700 million in new construction and 2,100 new direct and associated jobs could be realized in the Calhoun and Kalamazoo counties if the defense system were built here. An analysis prepared by the W.E. Upjohn Institute for Employment Research advises the project would have a \$3.2 billion economic impact on the region's economy; and

Whereas, The ground based interceptor ballistic missile defense system is the key defense tool protecting our state and nation from ballistic missile attacks. The placement of the ballistic missile defense system in Battle Creek will take full advantage of Fort Custer's strategic location and security. Michigan is prepared to support the construction and operation of the new missile defense system, as well as the military personnel who will maintain it; now, therefore, be it

Resolved by the House of Representatives, (the Senate concurring), That we urge the U.S. Department of Defense, Missile Defense Agency to select the Fort Custer Training Center as the location for a new ground based interceptor ballistic missile defense mission; and be it further

Resolved, That copies of this resolution be transmitted to the United States Missile Defense Agency, the United States Secretary of Defense, and the members of the Michigan congressional delegation.

The House of Representatives has adopted the concurrent resolution.

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 concurrent resolution,
Senator Kowall moved that the concurrent resolution be referred to the Committee on Veterans, Military Affairs and Homeland Security.

The motion prevailed.

Senators Ananich, Bieda, Booher, Emmons, Green, Gregory, Hansen, Hopgood, MacGregor, O'Brien, Proos and Schmidt were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senators Smith and Hune introduced

Senate Bill No. 288, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3101, 3104, 3113, 3114, 3115, 3135, 3301, and 3310 (MCL 500.3101, 500.3104, 500.3113, 500.3114, 500.3115, 500.3135, 500.3301, and 500.3310), section 3101 as amended by 2014 PA 492, section 3104 as amended by 2002 PA 662, section 3113 as amended by 2014 PA 489, section 3114 as amended by 2002 PA 38, section 3135 as amended by 2012 PA 158, and section 3310 as amended by 2001 PA 228, and by adding chapter 32A.

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

Senator O'Brien introduced

Senate Bill No. 289, entitled

A bill to prohibit the bad-faith assertion of patent infringements; to provide remedies for the bad-faith assertion of patent infringements; to provide for the powers and duties of the attorney general; and to authorize the promulgation of rules.

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

House Bill No. 4168, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 42a (MCL 211.42a), as amended by 2012 PA 461.

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 Local Government.

House Bill No. 4175, entitled

A bill to amend 1994 PA 351, entitled "Equine activity liability act," by amending section 5 (MCL 691.1665).

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 Agriculture.

House Bill No. 4244, entitled

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

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 Judiciary.

Statements

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

The motion prevailed.

Senator Schmidt's statement is as follows:

It is with a heavy heart, and many of you know, that Senator Robert P. Griffin, a gentleman from Traverse City, passed away last week. On behalf of myself and Senator Jim Stamas, we had two flags flown over the Michigan Capitol and the Hall of Justice that we want to present to the family today. We do have the grandson of Senator Griffin, or Justice Griffin depending on how you knew him, in the west Gallery, Jason Griffin is here. I just wanted to take a moment to recognize Jason and make sure that he knows that our thoughts and prayers are with the family with the passing of Senator Griffin and in remembrance present to him and the family those flags.

The Assistant President pro tempore, Senator O'Brien, assumed the Chair.

Scheduled Meetings

Appropriations - Thursday, April 23, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1801)
(CANCELED)

Michigan Law Revision Commission - Wednesday, May 13, 11:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Transportation - Thursday, April 23, 8:30 a.m., Room 210, Farnum Building (373-5323)

Veterans, Military Affairs and Homeland Security - Thursday, April 23, 2:00 p.m., Room 110, Farnum Building (373-5314)

Senator Kowall moved that the Senate adjourn.
The motion prevailed, the time being 10:32 a.m.

The Assistant President pro tempore, Senator O'Brien, declared the Senate adjourned until Thursday, April 23, 2015, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate