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Senate Chamber, Lansing, Wednesday, May 6, 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—excused
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 Jamey Nichols of First Congregational Church of Stanton offered the following invocation:

Almighty Creator, we are not our own, and we exist by Your grace. As the Senators and staffers do the work You've entrusted to them, and I, the work You've entrusted to me, I pray that You continually fill us all with such reverence for You; that we view this world and its issues as You do.

I pray that You give us hearts to care about the things You care about. I pray that You give us the mind of Christ Jesus; that we might look at the entirety of our work and lives as a trust from You—a trust to be stewards in accordance with Your values and ideals. Show us Your way, O Lord. Teach us Your path. Guide us in Your truth and teach us.

I pray this in the name of Your Son, the Lord and Savior Jesus Christ; to Him be glory forever and ever. 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 Kowall moved that Senator Meekhof be excused from today's session.

The motion prevailed.

Senator Hood moved that Senator Smith be temporarily excused from today's session.

The motion prevailed.

Senator Hood moved that Senator Johnson be excused from today's session.

The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 5:

House Bill Nos. 4239 4319 4320 4390

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 Hildenbrand 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 without amendment, the following bills:

House Bill No. 4069, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter II (MCL 762.11), as amended by 2004 PA 239.

House Bill No. 4169, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13 of chapter II (MCL 762.13), as amended by 2004 PA 239.

The bills were 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:

House Bill No. 4135, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter II (MCL 762.12), as amended by 1994 PA 286.

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

Senate Concurrent Resolution No. 9

House Concurrent Resolution No. 3

The motion prevailed.

House Concurrent Resolution No. 7.

A concurrent resolution to urge the United States Department of Veterans Affairs and the United States Congress to create a pilot program in Michigan instituting a flexible Veterans Choice Card system structured similar to a traditional health care program for all veterans in Michigan.

Whereas, The men and women who serve our country deserve our utmost respect and appreciation. Many of them are injured in the line of duty and come home to face challenging physical disabilities and other health issues. All veterans are entitled to the best health care we can give them; and

Whereas, According to the U.S. General Accounting Office, several variables effect a veterans ability to access VA health care. Veterans may have difficulty travelling to a distant facility for care or be unable to secure an appointment in an acceptable period of time to deal quickly with a medical issue; and

Whereas, To provide a more flexible VA health care system, Congress enacted the Veterans Access, Choice, and Accountability Act of 2014, allowing for care outside of the traditional VA system. Under the Act, the new *Choice Program* will provide many veterans with VA compensated health care at a non-VA center, providing more timely appointments, less bureaucratic red tape, and easier travel;

Whereas, As currently structured the *Choice Program* limits non-VA health care to veterans residing more than 40 miles from a VA health facility. The law does not differentiate between types of VA health care facilities. Therefore, a veteran living near a small VA clinic, but needing specialty cardiology care at a VA facility 100 miles away will not be allowed to access private cardiology care. Also, the program requires that every appointment for care be cleared by a program manager; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the United States Department of Veterans Affairs and the United States Congress to create a pilot program in Michigan instituting a flexible Veterans Choice Card system structured similar to a traditional health care program for all veterans in Michigan; 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, the members of the Michigan congressional delegation, and the Secretary of the U.S. Department of Veterans Affairs.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent 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 Booher, Brandenburg, Colbeck, Hansen, Knollenberg, MacGregor, Marleau, Nofs, O'Brien, Proos, Schmidt and Zorn were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

House Bill No. 4239, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40111 (MCL 324.40111), as amended by 2012 PA 340.

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 Outdoor Recreation and Tourism.

House Bill No. 4319, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 669 (MCL 257.669), as amended by 2002 PA 534.

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 Transportation.

House Bill No. 4320, entitled

A bill to amend 1990 PA 187, entitled “The pupil transportation act,” by amending section 57 (MCL 257.1857), as amended by 2006 PA 108.

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 Transportation.

House Bill No. 4390, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1278a (MCL 380.1278a), as amended by 2014 PA 293.

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 Education.

Senator Smith entered the Senate Chamber.

Statements

Senators Colbeck, Hood, Green and Bieda asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Colbeck’s statement is as follows:

Yesterday was a pretty big day. We had the historic defeat of Proposal 1. It was a decisive victory in favor of common sense over politics as usual. We had only 20 percent in favor and 80 percent opposed. It defied the traditional money politics spin.

The no team was outspent 40 to 1 by the Safe Roads Yes Coalition. Money doesn’t win hearts and minds. It also defied the traditional partisan spin. It wasn’t a Republican versus Democrat issue. It wasn’t a conservative versus liberal issue. The entire spectrum of political ideology came together and emphatically said, “Back to the drawing board, folks.”

The good news is that we don’t need to start from scratch. I’ve been collecting the best ideas from many of my colleagues here in this chamber and across the hall to prime the pump on a Plan B. Ideas from colleagues in this body and ideas from the folks over in the House have demonstrated clearly that we can fix the roads without increasing taxes and without decreasing funding to schools, police, or fire.

With this decisive vote, the voters have helped to pry open the lid to the can holding back these good ideas. I’m looking forward to the opportunity to work with even more of my colleagues to bring these ideas to fruition for the benefit of our citizens. As we do, we need to reject the postmortem spin calling for a different kind of tax. We need to reject the scare tactics about cuts to schools, police, and fire. There is no appetite for that policy in this Legislature. We need to focus instead on the effective use of existing tax dollars that respect voter priorities over Lansing priorities.

In short, it is time to move beyond politics as usual. We need to restore their trust in this institution. We need to restore their trust that we are representing their best interests, not ours. It is time that we roll up our collective sleeves, and give the voters a road plan that they can be proud of.

Senator Hood’s statement is as follows:

I stand here with my great colleague, Senator Green, to give a special tribute to Nathan James William Bauer. This tribute reads as follows, which is signed by Senator Green and myself:

“LET IT BE KNOWN, That in honor of National Bike Month, we celebrate the life of Nathan James William Bauer. With the genuine respect for his legacy of saving the lives of motorcyclists and bicyclists, we join with the community as a whole in extending our condolences and paying tribute to Mr. Bauer.

Nathan Bauer was a compassionate and caring young man who lived life with love and appreciation for others. At age 19, Bauer’s life ended on May 6, 2009, after he was struck by a vehicle while riding his motorcycle.

In memory of Nathan, the Michigan Legislature enacted the Nathan Bauer Act on October 12, 2014. The law requires that driver education courses in Michigan include lessons on bicycle and motorcycle awareness and safety in the hope of saving more lives of motorcyclists and bicyclists on the roads. Although Bauer’s life was short-lived, his contribution to saving the lives of others will be long lived.

IN SPECIAL TRIBUTE, THEREFORE, This document is signed and dedicated as a memorial for an exceptional man, Nathan James William Bauer. May his family find comfort in the memories of his joyous smile and warm embrace.”

Madam President, his family is up in the Gallery, and they are here to honor his life today, May 6. I know that it has been troubling for them to go through what they go through every day to know that they lost their loved one at an early age. We all know I stand here a lot of times and talk about how life is short and how important life is, taking away the humanity that we need to have in this body of ours. But they live it every day. They miss him every day. We just use this tribute to say thank you to them and to thank you for him.

Senator Green's statement is as follows:

As the Senator said, life is tough and life is short. Sometimes we live a full life and sometimes we don't. Unfortunately Mr. Bauer's was not. But we are here today to show just a little respect to his family and his memory, and let them know this legislation which was passed—and most all of you did vote for it—is in memory of him. It is also to help other people understand and learn about how to be more careful on motorcycles, automobiles, and bicycles.

My heart goes out to you folks. I know it's been a while since it has happened and life goes on. We eventually get over things like this, but the memory will never stop, and my heart goes out to you.

Senator Bieda's statement is as follows:

Colleagues, I rise to address last night's defeat of Proposal 1 and discuss where we must go from here. Proposal 1 was soundly defeated, and it was roughly the same margin across the state—from Washtenaw County to Ottawa County. To say it was defeated is an understatement; it was a historically lopsided election result. This illustrates that it was not a partisan issue despite its diverse support from unions and workers, teachers, and businesses. In spite of what it would have done for our roads and our schools, nearly all voters opposed it.

But let's be clear. Proposal 1 was not an indictment against fixing our roads. But it was an indictment on a confusing Christmas-tree proposal, an indictment on raising more taxes on middle-class citizens, and possibly most of all, an indictment on elected officials passing the buck. The message was that legislators should step up and work together, Democrat and Republican. I heard them loud and clear, and it sounds like many of my colleagues did too. Governor Snyder said doing nothing isn't an option and that he plans to work with his partners in the Legislature—us—on a solution that gives Michigan the safe roads it needs.

Our Senate Majority Leader said, "I believe voters are also sending a message that they expect the Legislature to solve this problem." The House Appropriations chair said legislators should stay through the summer until roads are fixed. I agree and am glad to hear their conviction and commitment to fixing our roads.

I hope we all have the same commitment to a bipartisan solution that spreads the sacrifice equally, because the partisan divides are already starting as well with discussions of prevailing wage and other wedge issues. It's yet another Michigan problem that is being blamed on or claiming it can be solved by Michigan workers.

Today is a new day, and we are at square one on roads. This time around, let's do our jobs and stand up for the people we serve and come up with a solution that suits everyone.

Scheduled Meetings

Agriculture - Thursday, May 7, 9:00 a.m., Room 110, Farnum Building (373-5312)

Appropriations -

Subcommittee -

K-12, School Aid, Education and House School Aid Appropriations Subcommittee - Wednesday, June 3, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Economic Development and International Investment - Thursday, May 7, 1:30 p.m., Room 210, Farnum Building (373-5312)

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

Senator Kowall moved that the Senate adjourn.
The motion prevailed, the time being 10:27 a.m.

The Assistant President pro tempore, Senator O'Brien, declared the Senate adjourned until Thursday, May 7, 2015, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate

