

No. 81
STATE OF MICHIGAN
Journal of the Senate
98th Legislature
REGULAR SESSION OF 2015

Senate Chamber, Lansing, Thursday, September 10, 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

Pastor Mark Green of Allendale Baptist Church of Allendale offered the following invocation:

Heavenly Father, what a privilege it is for us to gather in this historical building where past generations have served this great state of Michigan. I thank You for this current group of women and men who have given their lives in service for the betterment of our state. I ask that You give them an abundance of wisdom as they tackle significant and complex issues. I ask that You give them grace as they engage in rigorous debate over subjects that enflame great passion in each heart.

I ask that they would look to You and not simply themselves for discernment as they develop policies and plans that could affect generations to come. Help them sense the weight, magnitude, and importance of this position You have given them, and may this realization encourage these wonderful men and women to constantly turn back to You for guidance. For who is sufficient for such things? May this day be a productive one for Your glory.

Thank You again that because of You, we live, move, and have our being. In Jesus' name, we ask these things. 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 his guests admittance to the Senate floor. The motion prevailed, a majority of the members serving voting therefor.

Senator Kowall moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor. The motion prevailed, a majority of the members serving voting therefor.

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

The following communication was received and read:

Office of the Auditor General

September 8, 2015

Enclosed is a copy of the following audit report:

Performance audit report on the Procurement Card Program, Department of Technology, Management, and Budget.

Sincerely,
Doug Ringler
Auditor General

The audit report was referred to the Committee on Government Operations.

The Secretary announced that the following bills were printed and filed on Wednesday, September 9, and are available at the Michigan Legislature website:

Senate Bill Nos. 449 468

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

The motion prevailed.

Senators Kowall, Colbeck, MacGregor, Emmons, Schmidt, Hildenbrand, Green, Schuitmaker, Jones, Booher, Zorn, Shirkey, Horn, Proos, Pavlov, Nofs, Hansen, Robertson, Meekhof, Brandenburg, Knollenberg, Casperson and O'Brien offered the following resolution:

Senate Resolution No. 88.

A resolution commemorating September 11-17, 2015, as Michigan Patriot Week.

Whereas, The Legislature recognizes that understanding American history and America's First Principles are indispensable to the survival of our republic as a free people. In great reverence to the victims of the September 11, 2001, attacks, the Legislature acknowledges that American citizens must take time to honor the First Principles, founders, documents, and symbols of their history; and

Whereas, The events that led to the signing of *The Constitution of the United States of America* by the delegates of the Constitutional Convention on September 17, 1787, have significance for every American and are honored in public schools across the nation on September 17 of each year as Constitution Day; and

Whereas, Revolution, the rule of law, social compact, equality, unalienable rights, and limited government are the First Principles upon which America was founded and flourishes; and

Whereas, Exceptional, visionary, and indispensable Americans such as Thomas Paine, Patrick Henry, John Adams, John Marshall, George Washington, Abraham Lincoln, Frederick Douglass, Martin Luther King, Jr., Elizabeth Cady Stanton, Susan B. Anthony, Thomas Jefferson, and James Madison founded and advanced the United States of America; and

Whereas, The Declaration of Independence, the Constitution and the congressional resolution forwarding the Constitution to the states, Marbury v. Madison, the Seneca Falls Declaration of Sentiments and Resolutions, the Gettysburg Address, the Emancipation Proclamation, and the “I Have a Dream” speech are key documents that embody America’s First Principles and have advanced American liberty; and

Whereas, The Bennington Flag, original Betsy Ross American flag, current American Flag, Suffragist Flag, Fort Sumter Flag, Gadsden Flag, United States Honor Flag, and flag of the state of Michigan are fundamental physical symbols of American history and freedom that should be studied and remembered by each American citizen; now, therefore, be it

Resolved by the Senate, That we hereby commemorate September 11-17, 2015, as Michigan Patriot Week, which symbolically begins on September 11 and concludes on September 17, Constitution Day. We recognize that each generation needs to renew the spirit of America based on America’s First Principles, historical figures, founding documents, and symbols of America. The citizens, schools and other educational institutions, government agencies, municipalities, and nonprofit, religious, labor, community, and business organizations are urged to recognize and participate in Patriot Week so that all may offer the reverence that is due to our free republic.

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.

Senator Kowall moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

A moment of silence was observed in memory of the victims who lost their lives in the September 11, 2001 terrorist attacks.

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

The motion prevailed.

Senator Kowall’s statement is as follows:

The Legislature recognizes that understanding American history and America’s First Principles are indispensable to the survival of our republic as a free people. In great reverence to the victims of the September 11, 2001 attacks, the Legislature acknowledges that American citizens must take time to honor the First Principles, founders, documents, and symbols of their history.

It is my honor to have Chris Heisler and the United States Honor Flag here today. Since September 2001, the United States Honor Flag has paid tribute to those who have lost their lives in the line of duty protecting our lives, our homes, and our country and also those who currently serve our communities and our nation. The Honor Network was founded on the conviction that every person who is committed in service to our communities and country deserves the support of every single American, and an increase in American patriotism is vital in keeping our great nation united.

The resolution will designate September 11-17, 2015, as Michigan Patriot Week, which symbolically begins on September 11 and concludes on September 17, Constitution Day. We recognize that each generation needs to renew the spirit of America based on America’s First Principles, historical figures, founding documents, and symbols of America. The citizens, schools and other educational institutions, government agencies, municipalities, and nonprofit, religious, labor, community, and business organizations are urged to recognize and participate in Patriot Week, so that all may offer the reverence that is due to our free republic.

Senator Johnson entered the Senate Chamber.

Introduction and Referral of Bills

Senator Schmidt introduced

Senate Bill No. 469, entitled

A bill to amend 2011 PA 142, entitled “Health insurance claims assessment act,” by amending section 2 (MCL 550.1732) and by adding section 2a.

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. 470, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 1103 and 1105 (MCL 500.1103 and 500.1105), as amended by 2000 PA 283.

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

Senator Robertson introduced

Senate Bill No. 471, entitled

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending sections 8123 and 8134 (MCL 600.8123 and 600.8134), section 8123 as amended by 2014 PA 58 and section 8134 as amended by 2014 PA 60.

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

Senators Schmidt and MacGregor introduced

Senate Bill No. 472, entitled

A bill to amend 1999 PA 244, entitled "An act to require tobacco product manufacturers to place funds in escrow for medical expenses incurred by the state due to tobacco related illnesses; to establish a formula for determining the amount of the escrow; to establish the conditions for release of funds from escrow; to prescribe powers and duties of the attorney general; and to provide for civil penalties for violation of this act," by amending sections 1 and 2 (MCL 445.2051 and 445.2052), section 2 as amended by 2003 PA 286.

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

Senators MacGregor and Schmidt introduced

Senate Bill No. 473, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," (MCL 205.421 to 205.436) by adding section 6e.

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

Senators Bieda, Ananich, Gregory, Hopgood and Hertel introduced

Senate Bill No. 474, entitled

A bill to amend 1996 PA 463, entitled "An act to establish guidelines for the decennial adoption of redistricting plans for the senate and house of representatives; to provide original jurisdiction to the supreme court to review redistricting plans enacted by the legislature for compliance with those guidelines; and to provide a procedure for the supreme court to use to redistrict the senate and house of representatives under certain circumstances," by amending sections 1, 1a, and 2 (MCL 4.261, 4.261a, and 4.262), section 1a as added and section 2 as amended by 1999 PA 223; and to repeal acts and parts of acts.

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

Senators Bieda, Ananich, Gregory, Hopgood and Hertel introduced

Senate Bill No. 475, entitled

A bill to amend 1999 PA 221, entitled "Congressional redistricting act," by amending sections 2 and 3 (MCL 3.62 and 3.63).

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

Senators Schmidt, Ananich, Stamas, Hansen, Proos, Brandenburg, Kowall, Horn and Knezek introduced

Senate Bill No. 476, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 7 and 11 (MCL 205.427 and 205.431), section 7 as amended by 2014 PA 298 and section 11 as amended by 2012 PA 325.

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

Senators Green and Hune introduced

Senate Bill No. 477, entitled

A bill to amend 2001 PA 266, entitled "Grade A milk law of 2001," by amending section 6 (MCL 288.476), as amended by 2008 PA 136.

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

Senators Warren and Bieda introduced

Senate Bill No. 478, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 2, 2a, 2b, 12, and 14a (MCL 28.422, 28.422a, 28.422b, 28.432, and 28.434a), section 2 as amended by 2014 PA 201, section 2a as amended by 2015 PA 3, section 2b as amended by 2014 PA 205, section 12 as amended by 2010 PA 209, and section 14a as added by 2010 PA 295.

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

Senators Warren and Bieda introduced

Senate Bill No. 479, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 223 and 232a (MCL 750.223 and 750.232a), section 223 as amended by 2012 PA 242 and section 232a as amended by 1990 PA 321.

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

Senators Warren and Bieda introduced

Senate Bill No. 480, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 11b and 16m of chapter XVII (MCL 777.11b and 777.16m), section 11b as amended by 2015 PA 4 and section 16m as amended by 2014 PA 192.

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

Senators Booher and Emmons introduced

Senate Bill No. 481, entitled

A bill to amend 2000 PA 321, entitled "Recreational authorities act," by amending sections 3 and 11 (MCL 123.1133 and 123.1141), as amended by 2003 PA 135, and by adding section 12.

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

Senators Jones and Shirkey introduced

Senate Bill No. 482, entitled

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending sections 2 and 4a (MCL 722.952 and 722.954a), section 2 as amended by 1997 PA 172 and section 4a as amended by 2010 PA 265.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors and Human Services.

Senators Jones and Shirkey introduced

Senate Bill No. 483, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 13a and 18f of chapter XIIA (MCL 712A.13a and 712A.18f), section 13a as amended by 2012 PA 163 and section 18f as amended by 2012 PA 115.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors and Human Services.

Senators Jones and Shirkey introduced

Senate Bill No. 484, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," (MCL 710.21 to 712B.41) by adding section 21a to chapter XIIA.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors and Human Services.

Senators Jones and Shirkey introduced

Senate Bill No. 485, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 13a and 18 of chapter XIIA (MCL 712A.13a and 712A.18), section 13a as amended by 2012 PA 163 and section 18 as amended by 2011 PA 295.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors and Human Services.

Senators Hertel, Bieda, Schuitmaker, Knezek, Hood and Horn introduced

Senate Bill No. 486, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 319 and 907 (MCL 257.319 and 257.907), section 319 as amended by 2015 PA 11 and section 907 as amended by 2014 PA 303.

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

Senators Booher, Proos, Hansen, Knezek, Schuitmaker and Horn introduced

Senate Bill No. 487, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.285) by adding section 69b.

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

Senators Booher, Proos, Hansen, Knezek, Schuitmaker and Horn introduced

Senate Bill No. 488, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 17f of chapter XVII (MCL 777.17f), as amended by 2012 PA 611.

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

Senator Green introduced

Senate Bill No. 489, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 42 and 45 (MCL 168.42 and 168.45), section 42 as amended by 1999 PA 216 and section 45 as amended by 1985 PA 160.

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

Senator Schuitmaker introduced

Senate Bill No. 490, entitled

A bill to amend 1988 PA 378, entitled "An act to preserve personal privacy with respect to the purchase, rental, or borrowing of certain materials; and to provide penalties and remedies for violation of this act," by amending sections 1, 3, 4, and 5 (MCL 445.1711, 445.1713, 445.1714, and 445.1715), section 5 as added by 1989 PA 206.

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

By unanimous consent the Senate returned 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 President, Lieutenant Governor Calley, designated Senator Colbeck 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:

House Bill No. 4166, entitled

A bill to amend 1913 PA 88, entitled "An act empowering the board of supervisors of any of the several counties of the state of Michigan to levy a special tax, or by appropriating from the general fund for the purpose of advertising the agricultural advantages of the state or for displaying the products and industries of any county in the state at domestic or foreign expositions, for the purpose of encouraging immigration and increasing trade in the products of the state, and advertising the state and any portion thereof for tourists and resorters, and to permit the boards of supervisors out of any sum so raised, or out of the general fund, to contribute all or any portion of the same to any development board or bureau to be by said board or bureau expended for the purposes herein named," by amending the title and section 1 (MCL 46.161).

Senate Bill No. 310, entitled

A bill to prohibit an employer from discriminating against, disciplining, or discharging an employee who is absent from work to respond to an emergency as a civil air patrol volunteer; and to provide remedies for a violation of this act.

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. 4070, entitled

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 2014 PA 190.

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. 150, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406t. Substitute (S-2).

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. 364, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4ee. 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. 365, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4cc. Substitute (S-2).

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.

During the Committee of the Whole, Senator Young entered the Senate Chamber.

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. 384

Senate Bill No. 385

Senate Bill No. 356

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 384, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 43b (MCL 400.43b), as added by 2002 PA 573.

The question being on the passage of the bill,

Senator MacGregor offered the following amendment:

1. Amend page 2, line 3, after "**OF**" by striking out the balance of the sentence and inserting "**RETAIL TRAFFICKING OF FOOD ASSISTANCE BENEFITS ADMINISTERED BY THE DEPARTMENT ACCORDING TO THE FEDERAL SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.**".

The amendment was adopted, a majority of the members serving voting therefor.

Senator Bieda offered the following amendments:

1. Amend page 2, line 14, after “**HAS**” by striking out “**REASONABLE**” and inserting “**PROBABLE**”.
2. Amend page 2, line 15, after “**AND**” by striking out “**REASONABLE**” and inserting “**PROBABLE**”.
3. Amend page 2, line 17, after “**HAS**” by striking out “**REASONABLE**” and inserting “**PROBABLE**”.
4. Amend page 2, line 19, after “**AND**” by striking out “**REASONABLE**” and inserting “**PROBABLE**”.
5. Amend page 2, line 20, after “**HAS**” by striking out “**REASONABLE**” and inserting “**PROBABLE**”.
6. Amend page 2, line 22, after “**AND**” by striking out “**REASONABLE**” and inserting “**PROBABLE**”.
7. Amend page 2, line 24, after “**HAS**” by striking out “**REASONABLE**” and inserting “**PROBABLE**”.
8. Amend page 3, line 1, after “**AND**” by striking out “**REASONABLE**” and inserting “**PROBABLE**”.

The amendments were adopted, a majority of the members serving voting therefor.

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. 354

Yeas—27

Bieda	Hildenbrand	Marleau	Rocca
Booher	Horn	Meekhof	Schmidt
Casperson	Hune	Nofs	Schuitmaker
Emmons	Jones	O’Brien	Shirkey
Green	Knollenberg	Pavlov	Stamas
Hansen	Kowall	Proos	Zorn
Hertel	MacGregor	Robertson	

Nays—11

Ananich	Gregory	Johnson	Warren
Brandenburg	Hood	Knezek	Young
Colbeck	Hopgood	Smith	

Excused—0

Not Voting—0

In The Chair: President

Senator Kowall moved to reconsider the vote by which the bill was passed.

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

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. 355

Yeas—27

Bieda	Hertel	MacGregor	Robertson
Booher	Hildenbrand	Marleau	Schmidt
Brandenburg	Horn	Meekhof	Schuitmaker
Casperson	Hune	Nofs	Shirkey
Emmons	Jones	O’Brien	Stamas
Green	Knollenberg	Pavlov	Zorn
Hansen	Kowall	Proos	

Nays—11

Ananich
Colbeck
Gregory

Hood
Hopgood
Johnson

Knezek
Rocca
Smith

Warren
Young

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Young and Colbeck, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 384.

Senator Young's statement is as follows:

Colleagues, I rise in opposition to this bill. Like so much of the legislation proposed and passed by my colleagues across the aisle, this bill seeks to criminalize the very act of being a member of the working poor. Like drug testing those who receive assistance; like pulling benefits from a family if a child misses school, this bill assumes the worst of those who are struggling the most, the most vulnerable in our society. Even worse, this bill would allow the Department of Health and Human Services to create its own police force. That's right, welfare police. Literally, the welfare police. This is insane; it's crazy.

Now, DHHS promotes all of its own employees and gives them the same powers as police officers, including the ability to make a felony arrest without a warrant, but won't require these employees to be trained the same way police officers are or require that they be held to the same standards of accountability as police officers. The department says that they will have external cause in training and accountability, but they don't want anything in statute. They don't want anything written in law. They don't want anything written that can hold them accountable for their welfare police, like every other police agency is held to account.

In this day and age, when the news of police brutality is seemingly endless, in the era of Black Lives Matter, more accountability, and equal justice for all, Mr. President, do we really think that it is a good idea to create a new police force made up of people who have no training? How long before this goes horribly wrong? This bill disgusts me. It troubles me. It disheartens me. It shows just how little we think of those who need our help the most. Instead, we will arm the people who are supposed to help lift them from poverty.

I'm not saying that these people don't have good intentions. I'm not saying that they're not good people. I'm not saying that they're not trying to do the right thing. But, as we all know, one misunderstanding, one mistaken intention, things that cops are trained every day to protect, to see, to detect, and understand; one miscommunication, one slight misreading of a person's body language, and we could have a terrible tragic event on our hands, and that's not something that we need to promote. It's something that we need to prevent. As lawmakers, it's our responsibility to do so. We swore an oath to defend these citizens.

Colleagues, I ask you, what happens when the hand that is supposed to be helping to lift the struggling families out of poverty, instead of being open, is holding a gun? I urge you all to vote "no" on this bill.

Senator Colbeck's statement is as follows:

I rise to give my "no" vote explanation. Colleagues, this bill essentially extends limited arrest powers for the agents of the Department of Health and Human Services. Just for those of you who are not aware of this, it is a primary execution arm for health policy, in particular, in the state. Oftentimes when we pass legislation in regard to what that policy or those rules should be, they are pretty much just a continuance of what is already being done at the federal level. In particular, I have been warning my colleagues quite a bit about something called the Affordable Care Act, which most people refer to as Obamacare. I always admonished my colleagues that implementation of different aspects of this act were more about control than they were about care.

When you start talking about limited arrest power, two agents responsible for enforcing rules and regulations being promulgated under the Department of Health and Human Services, you get the camel's nose under the tent giving more and more credence to the concern of the federal government's overreach into areas where they have no authority. It really emphasizes the control and not care concern that I have expressed before.

So I am very concerned about this legislation, and I am hoping that the folks over in the House will put a stop to this going forward.

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

The motion prevailed.

Senator Bieda's statement is as follows:

I rise to speak to my amendment. This is a simple amendment that would make an important change in this bill. In its current form, this bill would allow a DHHS agent to arrest a person if the agent has reasonable cause to believe that a felony has been committed. As an attorney, this struck me as curious because we are taught early on in law school that probable cause is the general standard for arrest.

Additionally, when this legislation was voted on last year, "probable cause" was inserted instead of "reasonable cause." I'm not sure why the standard has been watered down, but I think it is necessary to restore it to the standard of probable cause to ensure that these DHHS agents are not held to a lesser standard.

I ask my colleagues for their support.

Senator Robertson's statement is as follows:

I rise with my colleagues Senators Hune and Horn and Representative Graves who are with me for the most solemn duty a Senator can perform. I am here to acknowledge the loss of a state trooper who lost his life during the performance of his duties.

Chad Wolf was a dedicated State Police trooper from my district who lost his life on August 28. His wife Erin is here with us on the Senate floor, along with his partner Trooper John Colmer. I would like to take a moment to read the Special Tribute that was prepared and signed by myself, my colleagues, and the Governor. I would first like to recognize Erin and Trooper Colmer on the floor and then have a moment of silence.

"LET IT BE KNOWN, That it is with deep sadness that we learn of the passing of Michigan State Police Trooper Chad H. Wolf, a dedicated officer of the state and more importantly a caring person who enriched many lives. Trooper Wolf passed away on August 28 while in the line of duty, joining many other officers who gave their lives while protecting the lives of others. With genuine respect and admiration, we join with the community in extending our condolences to his family and many friends. He will be sincerely missed and long remembered.

Trooper Wolf served with the Michigan State Police since 2008, where he was known by his fellow troopers as a dedicated officer and true warrior for public safety. Trooper Wolf's service to his community goes beyond his duties as a Michigan State Police Trooper, as he was an involved member of the Great Lakes Baptist Church, where he served time as a youth leader.

His service and sacrifice have not only had an impact on his community, but also on our state as a whole. Through his dedication to serving and protecting his community, Trooper Wolf has set an example of what a true hero is throughout the state of Michigan. The life of Chad Wolf is a study in the power of hard work, dedication, and commitment to his career, family, and his state. We are truly grateful for his service to his community and the state.

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to offer our words of praise as a memorial for Michigan State Police Trooper Chad H. Wolf. May his family find comfort in their faith and the memories of this fine man and his distinguished career."

A moment of silence was observed in memory of fallen Michigan State Police Trooper Chad H. Wolf.

The following bill was read a third time:

Senate Bill No. 385, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 231 (MCL 750.231), as amended by 2006 PA 401.

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. 356

Yeas—28

Bieda
Booher

Hertel
Hildenbrand

MacGregor
Marleau

Robertson
Schmidt

Brandenburg	Horn	Meekhof	Schuitmaker
Casperson	Hune	Nofs	Shirkey
Emmons	Jones	O'Brien	Smith
Green	Knollenberg	Pavlov	Stamas
Hansen	Kowall	Proos	Zorn

Nays—10

Ananich	Hood	Knezek	Warren
Colbeck	Hopgood	Rocca	Young
Gregory	Johnson		

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. 356, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 12 and 1211 (MCL 380.12 and 380.1211), section 12 as amended by 2013 PA 96 and section 1211 as amended by 2012 PA 285.

The question being on the passage of the bill,

Senator Horn offered the following substitute:

Substitute (S-5).

The substitute was adopted, a majority of the members serving voting therefor.

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. 357**Yeas—31**

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

Nays—7

Brandenburg	Marleau	Proos	Smith
Hune	Pavlov	Rocca	

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of
Motions and Communications

The following communications were received and read:
 Office of the Senate Majority Leader

September 10, 2015

I would like Senate Bill 439 (Casperson) re-referred to the Senate Committee on Energy and Technology.
 If you have any questions regarding this matter, please do not hesitate to contact me.

September 10, 2015

I would like Senate Bill 465 (Shirkey) re-referred to the Senate Committee on Energy and Technology.
 If you have any questions regarding the matter, please do not hesitate to contact me.

Sincerely,
 Arlan Meekhof
 30th Senate District
 Senate Majority Leader

The communications were referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Bieda, Jones, Hertel, Colbeck and O'Brien asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Bieda's statement is as follows:

I would like to take this time to honor the memory of Center Line Mayor David Hanselman, who was born in Center Line on September 11, 1942. He was then raised and served the city of Center Line until his death on August 22, 2015. As an outstanding leader in his community, David was a tireless advocate for the city of Center Line. His son Mark said that his father used to say, "There are two kinds of people: those who live in Center Line and those who wish they did." It is because of this attitude that Mayor Hanselman touched the lives of many through his tireless efforts to make Center Line a great place to live. I would also like to honor those who were closest to him, including his wife Katheleen; sons David, wife Kelly; Mark, wife Meridith; and John; and his four grandchildren.

Mayor Hanselman was a devoted career man who went above and beyond. He spent more than 25 years owning and operating Royal Oak Tire until he retired in the mid-1990s so he could devote more time to Center Line city work. David first became active in the community when his father-in-law introduced him to the Rotary Club. In 1981, David won a seat on the Center Line City Council and continued to serve for 28 years. David's love of Center Line and the mutual devotion and respect of Center Line residents helped him get elected as Center Line's mayor in 2009 and 2013.

David served on numerous city commissions, including beautification housing, libraries, parks and recreation, zoning, planning, and downtown development and, most recently, as chair of the South Macomb Disposal Authority and head of the Selective Services for Warren and Center Line. He also served in the following area organizations to help benefit the community: Lions Club, Rotary Club, Center Line Schools Foundation, Parents' Congress president and board member for Macomb Christian Schools, and honorary member of the Southeast Michigan Indians. He was a much-beloved and admired community leader who will be remembered by family and friends as an integral part of the community.

Certainly, David's proudest achievement while in office was his work to restore part of Center Line's history by preserving the city's original 1926 American LaFrance Type 75 fire truck, one of only two that served the city. He was instrumental in leading the effort to acquire the truck from a private collector and fronting the money for its purchase. He worked with

the Friends of the Fire Truck group to restore the fire truck to working condition, and it was rededicated during the city's annual summer fireworks. His preservation of Center Line's history is now something that all generations can enjoy.

I would like to request a moment of silence as we honor Center Line Mayor David Hanselman's integrity, leadership, and devotion to the city of Center Line. May he rest in peace.

A moment of silence was observed in memory of Center Line Mayor David Hanselman.

Senator Jones' statement is as follows:

I rise today with great sadness and a bit of anger. Yesterday, according to all reports, a Lansing firefighter was murdered in our city. He is my constituent and owns a home in Perry. Dennis Rodeman was participating in a Fill the Boot charity for muscular dystrophy. It is alleged that a man became angry and thought it was perhaps slowing down traffic a bit and ran him over intentionally, murdering him.

Dennis is a seven-year veteran of the fire department. He was also a Marine who served a tour of duty in Iraq, and he leaves behind a wife who is carrying their first child. This is indeed a tragic time for this great city.

Senator Hertel's statement is as follows:

It is with a heavy heart that I rise today. There is seldom the correct words to say that convey the path of devastation that is left behind when a senseless tragedy occurs. Today is no different. My community experienced a great loss yesterday in the death of firefighter Dennis Rodeman.

Dennis honorably served as a United States Marine, with tours of duty in Iraq during the battle for Fallujah, and continued to serve as a Marine activist. He came home and continued to serve as a firefighter for seven years with the Lansing Fire Department. He would save lives by risking his own. Two months ago, Dennis was married, and he and his wife Katherine are expecting their first child.

Yesterday, while continuing to serve our community raising money in the annual Fill the Boot campaign for muscular dystrophy, Dennis was intentionally struck down by a hit-and-run driver. This senseless act of violence stole a son, brother, husband, father, and hero from our community. I ask that you join me in honoring the life of Dennis Rodeman, and keep his family and brothers and sisters in service in your thoughts and prayers.

A moment of silence was observed in memory of Lansing firefighter Dennis Rodeman.

Senator Colbeck's statement is as follows:

Tomorrow will be September 11. It will be the 14th anniversary of the attack on America by radical Islamic members of the organization known as al-Qaeda. Many of us remember exactly where we were when we saw those planes hit the towers of the World Trade Center. Many of us remember where we were when United Flight 93 featured heroic members from everyday society attempting to wrestle control over the aircraft from these extremists. Many of us remember where we were when the plane hit the Pentagon. I'm ashamed to say that I think even at the time when we did this, everyone was saying, "We're never going to forget this. We're never going to forget what happened when terrorism was unleashed in our country. We're never going to forget the fact that we need to defend our country from folks who wish us ill." We need to start waking up to the fact that when somebody says that they want to kill us, odds are that they are pretty sincere with their intent.

Yet I stand before you today when up in Washington, D.C., they're considering a deal that has been brokered by Secretary of State John Kerry and President Obama called the Iran Deal. This Iran Deal is enabling terrorists throughout the world. As a matter of fact, if it's enacted, we're going to be the leading sponsor of terrorism in the world by opening up and releasing restrictions on sanctions that is going to flood Iran with \$150 billion of new revenue. I don't think that money is going to build Disneyland over there, folks. That money is going to be funneled into terrorist organizations throughout the world. It's going to be expediting the development of the nuclear program.

The deal that has been put before us, called the Iran Deal, has a lot of elements that should give our elected representatives up in D.C. pause. The deal, first of all, doesn't address the four American citizens who are currently being held hostage in Iran. The stuff that is in it is filled with loopholes. It doesn't allow any surprise, anytime, anywhere inspections. The deal would fuel the Middle East nuclear arms race, making the world less safe. Even if Iran's leaders abide by this agreement, the regime will be dangerously close to having nuclear weapons.

Furthermore, the deal allows Iran to continue development and the construction of intercontinental ballistic missiles that provide a delivering mechanism for any nuclear bomb that may be developed there to be delivered here to the United States. Against this backdrop, the folks whom we are actually dealing with over there to create this deal, the Ayatollah Khomeini, the supreme leader of Iran, predicted Wednesday that Israel, one of our allies, our only ally in the Middle East, will not exist in 25 years. Israel is known as "Little Satan" by the folks in Iran, and guess who is known as the "Great Satan"—here, America.

If you want to know how far this extremist view goes and why this is such a concern, in the Iran Constitution—I don't know how many of you realize this—but in their preamble, it states that it should be the "necessary basis for ensuring

the continuation of the Revolution at home and abroad.” And one of the goals of the army and the revolutionary guards is to fill “the ideological mission of Jihad in God’s way; that is, extending the sovereignty of God’s law throughout the world.” That jihad has explicitly been talked about in context of not only our nation, but the nation of Israel.

Yet our leaders up in D.C. are letting this go by without a peep; not all of them, but they’re not even voting to take this issue up. They’re not even treating this as a treaty right now. This is a treaty, but they call it the Iran Deal. It’s actually a treaty between the United States, other partners, and Iran. We’re not subjecting it to Article 11, Section 2 of the U.S. Constitution with the advice and consent, which requires a two-thirds majority to support it. I urge my colleagues to urge our elected representatives, Senator Gary Peters and Debbie Stabenow, to vote “no” on this deal. Right now they support it.

Senator O’Brien’s statement is as follows:

Tomorrow is September 11, and this is a day of sadness in my community. It was nearly 14 years ago when we lost one of our own, a hometown boy Bradley Hoorn. Bradley was a 1997 graduate of Gull Lake High School. He was very well-liked and motivated, a rising star. He graduated from Yale and got a job at Fred Alger Management in New York City, and ultimately, he gave his life on September 11. In fact, the company where he worked lost 35 of their 39 employees.

In 2008, his Aunt Cindy spoke about the need for our country to continue to deal with national security issues, saying that we must not fall asleep, but remain vigilant. Brad is survived by his parents Kathy and Dennis, who still live in our community, and his sister Kara.

I hope that as we head into the weekend, we can honor and remember those we have lost, those who lost a family member or loved one, and those who have defended our country.

Senator Kowall moved that when the Senate adjourns today, it stand adjourned until Wednesday, September 16, at 10:00 a.m.

The motion prevailed.

Committee Reports

The Committee on Outdoor Recreation and Tourism reported

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.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Goeffrey M. Hansen
Chairperson

To Report Out:

Yeas: Senators Hansen, Zorn, Schmidt and Green

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 Outdoor Recreation and Tourism submitted the following:

Meeting held on Wednesday, September 9, 2015, at 12:30 p.m., Room 110, Farnum Building

Present: Senators Hansen (C), Zorn, Schmidt and Green

Excused: Senator Johnson

COMMITTEE ATTENDANCE REPORT

The Committee on Insurance submitted the following:

Meeting held on Wednesday, September 9, 2015, at 2:00 p.m., Room 100, Farnum Building

Present: Senators Hune (C), Brandenburg, Schmidt, O’Brien, Horn, Jones, Johnson and Young

Excused: Senator Bieda

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Thursday, September 10, 2015, at 8:30 a.m., Room 210, Farnum Building

Present: Senators Casperson (C), Horn, Marleau and Hopgood

Excused: Senator Pavlov

Scheduled Meetings**Appropriations -****Subcommittees -**

Higher Education and House Higher Education Appropriations Subcommittee - Thursday, September 24, 3:00 p.m. or later after committees are given leave by the House to meet, House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

K-12, School Aid, Education and House School Aid Appropriations Subcommittee - Wednesday, September 16, 8:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Finance - Tuesday, September 22, 2:30 p.m., Room 210, Farnum Building (373-5323)

Senate Fiscal Agency Board of Governors - Thursday, September 24, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Senator Kowall moved that the Senate adjourn.
The motion prevailed, the time being 11:34 a.m.

In pursuance of the order previously made, the President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, September 16, 2015, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate

