

**No. 83**  
**STATE OF MICHIGAN**  
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**REGULAR SESSION OF 2015**

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Senate Chamber, Lansing, Thursday, September 17, 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—excused  
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

Senator Margaret E. O'Brien of the 20th District offered the following invocation:

Proverbs 3:13 says, "Blessed is the one who finds wisdom and the one who gets understanding." When God had asked King Solomon about any blessing that he would like granted, King Solomon asked for wisdom. Lord, please bless us today as we stand in service for our communities and our state. Grant us wisdom as we cast votes. More importantly, grant us understanding when we disagree.

As we serve in this great state and nation, please hold a special place in Your heart for those who are struggling. Help them to find peace and strength as they overcome their struggles. Please provide protection to our troops who are defending our country and defending freedom and liberty every day. Also grant strength to their families to carry on, as each day they miss their loved ones who are serving. Please, Lord, bring them all home safely.

It's in Your name that we pray. Amen.

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

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

### Motions and Communications

Senator Kowall moved that Senators Brandenburg and Shirkey be temporarily excused from today's session. The motion prevailed.

Senator Kowall moved that Senator Nofs be excused from today's session. The motion prevailed.

Senator Hood moved that Senator 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 Senator Stamas admittance to the Senate floor. The motion prevailed, a majority of the members serving voting therefor.

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 Hansen 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. 4193, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 328 (MCL 257.328), as amended by 2004 PA 52.

#### **House Bill No. 4389, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 4a.

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 amendments, the following bill:

#### **House Bill No. 4354, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2021, 2108, 2112, 2406, 2458, 2606, and 2652 (MCL 500.2021, 500.2108, 500.2112, 500.2406, 500.2458, 500.2606, and 500.2652), section 2021 as added by 1982 PA 7, section 2112 as amended by 2012 PA 454, section 2406 as amended by 1993 PA 200, and section 2458 as amended by 1988 PA 262.

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 4, line 1, after “**MCL 445.1902.**” by inserting “**HOWEVER, TRADE SECRET DOES NOT INCLUDE FILINGS AND INFORMATION ACCOMPANYING FILINGS UNDER THIS SECTION THAT WERE SUBJECT TO PUBLIC INSPECTION BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE.**”.

2. Amend page 8, line 8, after “**MCL 445.1902.**” by inserting “**HOWEVER, TRADE SECRET DOES NOT INCLUDE FILINGS AND INFORMATION ACCOMPANYING FILINGS UNDER THIS SECTION THAT WERE SUBJECT TO PUBLIC INSPECTION BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.**”.

3. Amend page 10, line 23, after “**MCL 445.1902.**” by inserting “**HOWEVER, TRADE SECRET DOES NOT INCLUDE FILINGS AND INFORMATION ACCOMPANYING FILINGS UNDER THIS SECTION THAT WERE SUBJECT TO PUBLIC INSPECTION BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE.**”.

The Senate agreed to the amendments recommended by the Committee of the Whole, and the bill as amended was placed on the order of Third Reading of Bills.

During the Committee of the Whole, Senators Brandenburg and Shirkey entered the Senate Chamber.

By unanimous consent the Senate returned to the order of  
**Third Reading of Bills**

Senator Young entered the Senate Chamber.

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

**House Bill No. 4070**

**Senate Bill No. 150**

**Senate Bill No. 310**

**Senate Bill No. 364**

**Senate Bill No. 365**

**Senate Bill No. 369**

**Senate Bill No. 370**

**Senate Bill No. 306**

**Senate Bill No. 91**

**Senate Bill No. 468**

The motion prevailed.

The following bill was read a third time:

**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.

The question being on the passage of the bill,

Senator Knezek offered the following amendments:

1. Amend page 3, line 8, after “~~25,000~~” by striking out “~~30,000~~” and inserting “**40,000**”.

2. Amend page 3, line 13, after “~~25,000~~” by striking out “~~30,000~~” and inserting “**40,000**”.

3. Amend page 3, line 26, after “~~25,000~~” by striking out “~~30,000~~” and inserting “**40,000**”.

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. 358**

**Yeas—34**

Bieda  
Booher

Hood  
Hopgood

MacGregor  
Marleau

Schmidt  
Schuitmaker

Casperson	Horn	Meekhof	Shirkey
Emmons	Hune	O'Brien	Smith
Green	Johnson	Pavlov	Stamas
Gregory	Jones	Proos	Warren
Hansen	Knezek	Robertson	Young
Hertel	Knollenberg	Rocca	Zorn
Hildenbrand	Kowall		

**Nays—2**

Brandenburg	Colbeck
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**Excused—1**

Nofs

**Not Voting—1**

Ananich

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was concurred in, 2/3 of the members serving voting therefor.  
The Senate agreed to the title of the bill.

The following bill was read a third time:

**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.

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. 359****Yeas—37**

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

**Nays—0**

**Excused—1**

Nofs

**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. 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 question being on the passage of the bill,

Senator Ananich offered the following amendment:

1. Amend page 2, following line 25, by inserting:

“Enacting section 2. This act does not take effect unless Senate Bill No. 397 of the 98th Legislature is enacted into law.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Hood requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 360****Yeas—12**

Ananich	Hertel	Johnson	Rocca
Bieda	Hood	Knezek	Warren
Gregory	Hopgood	Marleau	Young

**Nays—25**

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

**Excused—1**

Nofs

**Not Voting—0**

In The Chair: President

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. 361**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Nofs

**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. 364, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4ee; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Warren offered the following amendment:

1. Amend page 1, line 2, after "ACT." by inserting "**UPON THE RETAIL SALE OR TRANSFER OF A FIREARM, THE SELLER SHALL PROVIDE A WRITTEN NOTICE TO THE PURCHASER AND SHALL POST IN A CONSPICUOUS MANNER AT ALL POINTS OF SALE ON THE PREMISES WHERE FIREARMS ARE SOLD A NOTICE THAT SAYS THE FOLLOWING: "THE STATE OF MICHIGAN HAS EXEMPTED THE SALE OF FIREARM SAFETY DEVICES FROM THE SALES AND USE TAX IMPOSED BY THIS STATE THROUGH DECEMBER 31, 2017."**".

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

Senator Knezek offered the following amendment:

1. Amend page 1, following line 6, by inserting:

"Enacting section 2. The legislature shall annually appropriate sufficient funds from the state general fund to the state school aid fund created in section 11 of article IX of the state constitution of 1963 to fully compensate for any loss of revenue to the state school aid fund resulting from the enactment of this amendatory act."

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Hood requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 362****Yeas—13**

Ananich  
Bieda  
Gregory  
Hertel

Hood  
Hopgood  
Johnson

Jones  
Knezek  
Rocca

Warren  
Young  
Zorn

**Nays—24**

Booher  
Brandenburg  
Casperson  
Colbeck  
Emmons  
Green

Hansen  
Hildenbrand  
Horn  
Hune  
Knollenberg  
Kowall

MacGregor  
Marleau  
Meekhof  
O'Brien  
Pavlov  
Proos

Robertson  
Schmidt  
Schuitmaker  
Shirkey  
Smith  
Stamas

**Excused—1**

Nofs

**Not Voting—0**

In The Chair: President

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. 363****Yeas—37**

Ananich  
Bieda  
Booher  
Brandenburg  
Casperson  
Colbeck  
Emmons  
Green  
Gregory  
Hansen

Hertel  
Hildenbrand  
Hood  
Hopgood  
Horn  
Hune  
Johnson  
Jones  
Knezek

Knollenberg  
Kowall  
MacGregor  
Marleau  
Meekhof  
O'Brien  
Pavlov  
Proos  
Robertson

Rocca  
Schmidt  
Schuitmaker  
Shirkey  
Smith  
Stamas  
Warren  
Young  
Zorn

**Nays—0****Excused—1**

Nofs

**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. 365, entitled**

A bill to amend 1937 PA 94, entitled “Use tax act,” (MCL 205.91 to 205.111) by adding section 4cc; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Warren offered the following amendment:

1. Amend page 1, line 2, after “**DEVICES.**” by inserting “**UPON THE RETAIL SALE OR TRANSFER OF A FIREARM, THE SELLER SHALL PROVIDE A WRITTEN NOTICE TO THE PURCHASER AND SHALL POST IN A CONSPICUOUS MANNER AT ALL POINTS OF SALE ON THE PREMISES WHERE FIREARMS ARE SOLD A NOTICE THAT SAYS THE FOLLOWING: “THE STATE OF MICHIGAN HAS EXEMPTED THE SALE OF FIREARM SAFETY DEVICES FROM THE SALES AND USE TAX IMPOSED BY THIS STATE THROUGH DECEMBER 31, 2017.”.**”.

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

Senator Knezek offered the following amendment:

1. Amend page 1, following line 7, by inserting:

“Enacting section 2. The legislature shall annually appropriate sufficient funds from the state general fund to the state school aid fund created in section 11 of article IX of the state constitution of 1963 to fully compensate for any loss of revenue to the state school aid fund resulting from the enactment of this amendatory act.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Hood requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 364**

**Yeas—13**

Ananich	Hood	Jones	Warren
Bieda	Hopgood	Knezek	Young
Gregory	Johnson	Rocca	Zorn
Hertel			

**Nays—24**

Booher	Hansen	MacGregor	Robertson
Brandenburg	Hildenbrand	Marleau	Schmidt
Casperson	Horn	Meekhof	Schuitmaker
Colbeck	Hune	O’Brien	Shirkey
Emmons	Knollenberg	Pavlov	Smith
Green	Kowall	Proos	Stamas

**Excused—1**

Nofs



**Not Voting—0**

In The Chair: President

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. 365****Yeas—37**

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

**Nays—0****Excused—1**

Nofs

**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. 369, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4o (MCL 205.94o), as amended by 2012 PA 474.

The question being on the passage of the bill,

Senator Knezek offered the following amendment:

1. Amend page 8, following line 4, by inserting:

**"(8) THE LEGISLATURE WILL APPROPRIATE SUFFICIENT FUNDS FROM THE GENERAL FUND TO THE STATE SCHOOL AID FUND TO FULLY COMPENSATE FOR ANY LOSS OF REVENUE TO THE STATE SCHOOL AID FUND RESULTING FROM THE ENACTMENT OF THIS LEGISLATION."**

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Hood requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 366****Yeas—13**

Ananich  
Bieda  
Gregory  
Hertel

Hood  
Hopgood  
Johnson

Jones  
Knezek  
Rocca

Warren  
Young  
Zorn

**Nays—24**

Booher  
Brandenburg  
Casperson  
Colbeck  
Emmons  
Green

Hansen  
Hildenbrand  
Horn  
Hune  
Knollenberg  
Kowall

MacGregor  
Marleau  
Meekhof  
O'Brien  
Pavlov  
Proos

Robertson  
Schmidt  
Schuitmaker  
Shirkey  
Smith  
Stamas

**Excused—1**

Nofs

**Not Voting—0**

In The Chair: President

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. 367****Yeas—37**

Ananich  
Bieda  
Booher  
Brandenburg  
Casperson  
Colbeck  
Emmons  
Green  
Gregory  
Hansen

Hertel  
Hildenbrand  
Hood  
Hopgood  
Horn  
Hune  
Johnson  
Jones  
Knezek

Knollenberg  
Kowall  
MacGregor  
Marleau  
Meekhof  
O'Brien  
Pavlov  
Proos  
Robertson

Rocca  
Schmidt  
Schuitmaker  
Shirkey  
Smith  
Stamas  
Warren  
Young  
Zorn

**Nays—0****Excused—1**

Nofs

**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. 370, entitled**

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 4t (MCL 205.54t), as amended by 2010 PA 116.

The question being on the passage of the bill,

Senator Knezek offered the following amendment:

1. Amend page 7, following line 27, by inserting:

**“(8) THE LEGISLATURE WILL APPROPRIATE SUFFICIENT FUNDS FROM THE GENERAL FUND TO THE STATE SCHOOL AID FUND TO FULLY COMPENSATE FOR ANY LOSS OF REVENUE TO THE STATE SCHOOL AID FUND RESULTING FROM THE ENACTMENT OF THIS LEGISLATION.”.**

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Hood requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 368**

**Yeas—13**

Ananich	Hood	Jones	Warren
Bieda	Hopgood	Knezek	Young
Gregory	Johnson	Rocca	Zorn
Hertel			

**Nays—24**

Booher	Hansen	MacGregor	Robertson
Brandenburg	Hildenbrand	Marleau	Schmidt
Casperson	Horn	Meekhof	Schuitmaker
Colbeck	Hune	O’Brien	Shirkey
Emmons	Knollenberg	Pavlov	Smith
Green	Kowall	Proos	Stamas

**Excused—1**

Nofs

**Not Voting—0**

In The Chair: President

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. 369****Yeas—37**

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

**Nays—0****Excused—1**

Nofs

**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. 306, entitled**

A bill to enter into the compact for a balanced budget.

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. 370****Yeas—26**

Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Horn	Meekhof	Schmidt
Casperson	Hune	O'Brien	Schuitmaker
Colbeck	Jones	Pavlov	Shirkey
Emmons	Knollenberg	Proos	Stamas
Green	Kowall	Robertson	Zorn
Hansen	MacGregor		

**Nays—11**

Ananich	Hertel	Johnson	Warren
Bieda	Hood	Knezek	Young
Gregory	Hopgood	Smith	

**Excused—1**

Nofs

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senators Brandenburg, Emmons, Hansen, Hune, Knollenberg, Kowall, Meekhof, Pavlov, Proos, Schmidt, Schuitmaker, Shirkey and Zorn were named co-sponsors of the bill.

Senators Green 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 Green's statement is as follows:

Folks, I believe in the power of the states. Article V of the U.S. Constitution grants states the ability to provide leadership when required by proposing constitutional amendments. Senate Bill No. 306 is an updated approach to the balanced budget amendment. This new approach speeds up the Article V process by having states enter into an interstate compact; 38 would be required. It avoids the common objections to an Article V convention and fast-tracks potential adoption.

With the ongoing financial crisis and political gridlock in Washington, D.C., there is no more appropriate time for us to act other than now. The only permanent solution to the problem, regardless of who controls what branch of government, is a balanced budget amendment proposed by the states. While Republicans and Democrats may not always agree on how much money to spend and where to spend it, I hope that we can all agree that government at all levels should balance its budget.

Thank you for your time, and I urge your support.

Senator Robertson's statement is as follows:

Senate Bill No. 306 is a very well-written piece of legislation, and I'm proud to be a co-sponsor. I want to thank the sponsor for bringing forward this issue of a balanced budget, as he has in previous sessions. Michigan requires a balanced budget in our own Constitution, and I believe what's good for Michigan is good for the nation.

I also want to state for the record that I believe that balancing the federal budget is not merely a fiscal issue, but most importantly, it's a moral issue as well. Regardless of the philosophies of the two parties, whether it's a belief in a limited role for government or an activist role for government, it is wrong to pile debt upon our children, grandchildren, and great-grandchildren.

By my reading, Senate Bill No. 306 is a thoughtful, well-reasoned, and tightly-worded effort to anticipate every conceivable issue that could arise from a convention called under Article V. The compact method is a much-improved approach over previous efforts. The language of Senate Bill No. 306 contains limitations on the convention, strong enforcement procedures, and throughout there are belts and suspenders on every major issue.

I support its passage and encourage your "yes" vote.

The following bill was read a third time:

**Senate Bill No. 91, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811dd.

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. 371****Yeas—37**

Ananich	Hertel	Knollenberg	Rocca
Bieda	Hildenbrand	Kowall	Schmidt
Booher	Hood	MacGregor	Schuitmaker
Brandenburg	Hopgood	Marleau	Shirkey
Casperson	Horn	Meekhof	Smith
Colbeck	Hune	O'Brien	Stamas
Emmons	Johnson	Pavlov	Warren

Green  
Gregory  
Hansen

Jones  
Knezek

Proos  
Robertson

Young  
Zorn

**Nays—0**

**Excused—1**

Nofs

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Stamas' statement is as follows:

It is truly my pleasure to have some friends here at the Capitol today. I am joined by 10 of the 12 players and their parents of the Midland Northwest Little League All Stars. Coach Chris Heeny is here with me on the floor, as well as Representative Glenn.

The team defeated Bay City, Senate District No. 31, the good Senator's team, and won the state championship for 9- and 10-year-olds. This is the highest level you can reach at that age, so it is a huge accomplishment for the team. I am honored to give a tribute to the team and coach signed on behalf of myself, Governor Snyder, and Representative Glenn.

Please join me in congratulating and welcoming to the Capitol the team and coach.

The following bill was read a third time:

**Senate Bill No. 468, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17739a, 17739b, and 17739c (MCL 333.17739a, 333.17739b, and 333.17739c), as added by 2014 PA 285.

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. 372**

**Yeas—34**

Ananich  
Bieda  
Booher  
Casperson  
Emmons  
Green  
Gregory  
Hansen  
Hertel

Hildenbrand  
Hood  
Hopgood  
Horn  
Hune  
Johnson  
Jones  
Knezek  
Knollenberg

Kowall  
MacGregor  
Marleau  
Meekhof  
O'Brien  
Pavlov  
Proos  
Robertson

Rocca  
Schmidt  
Schuitmaker  
Shirkey  
Stamas  
Warren  
Young  
Zorn

**Nays—3**

Brandenburg

Colbeck

Smith

**Excused—1**

Nofs

**Not Voting—0**

In The Chair: President

Senator Green offered to amend the title to read as follows:

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 17739a, 17739b, 17739c, and 17748a (MCL 333.17739a, 333.17739b, 333.17739c, and 333.17748a), sections 17739a, 17739b, and 17739c as added by 2014 PA 285 and section 17748a as added by 2014 PA 280.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

By unanimous consent the Senate returned to the order of

**Messages from the House****Senate Bill No. 62, entitled**

A bill to amend 1937 PA 103, entitled “An act to prescribe certain conditions relative to the execution of instruments entitled to be recorded in the office of the register of deeds,” by amending section 3 (MCL 565.203).

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

Senator Kowall moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 281, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8322 (MCL 600.8322), as amended by 2005 PA 326.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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****Senate Resolution No. 84**

The motion prevailed.

Senator Meekhof offered the following resolution:

**Senate Resolution No. 91.**

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 2.103 of the Standing Rules of the Senate are hereby amended to read as follows:

**“2.103 STANDING COMMITTEES**

The standing committees of the Senate shall be:

Agriculture (5 members)

Appropriations (17 members)

Banking and Financial Institutions (8 members)  
 Commerce (5 members)  
 Economic Development and International Investment (7 members)  
 Education (5 members)  
 Elections and Government Reform (5 members)  
 Energy and Technology (10 members)  
 Families, Seniors and Human Services (5 members)  
 Finance (7 members)  
 Government Operations (5 members)  
 Health Policy (10 members)  
 Insurance (9 members)  
 Judiciary (5 members)  
 Local Government (5 members)  
 Michigan Competitiveness (5 members)  
 Natural Resources (5 members)  
 Outdoor Recreation and Tourism (5 members)

**OVERSIGHT (5 MEMBERS)**

Regulatory Reform (9 members)  
 Transportation (5 members)  
 Veterans, Military Affairs and Homeland Security (5 members)

Statutory standing committees:

Administrative Rules (5 members) (see MCL 24.235)  
 Legislative Council (6 members and 3 alternates) (see MCL 4.1103)  
 Legislative Retirement Board of Trustees (2 members) (see MCL 38.1026)  
 Michigan Capitol Committee (4 members) (see MCL 4.1701)".

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, a majority of the members serving voting therefor.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

The Secretary announced that the Majority Leader has made the appointment of the following standing committee:  
**Oversight** - Senators MacGregor (C), Kowall (VC), Stamas, Schuitmaker and Gregory (MVC).

The standing committee appointments were approved, a majority of the members serving voting therefor.

The following communications were received:

Department of State

Administrative Rules  
 Notices of Filing

September 15, 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 #2015-008-LR (Secretary of State Filing #15-09-01) on this date at 4:00 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Workers' Compensation Health Care Services."

These rules become effective immediately upon filing with the Secretary of State.

September 15, 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 #2012-116-LR (Secretary of State Filing #15-09-03) on this date at 4:01 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Board of Physical Therapy - 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.



September 15, 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 #2012-113-LR (Secretary of State Filing #15-09-04) on this date at 4:01 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Psychology - 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.

September 15, 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 #2013-043-NR (Secretary of State Filing #15-09-02) on this date at 4:01 p.m. for the Department of Natural Resources, entitled "Watercraft Rented to Public."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6), or 48 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.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, September 16:  
**House Bill Nos. 4438 4563 4658**

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators Stamas, Horn, Schmidt and Hansen introduced

**Senate Bill No. 501, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 302a (MCL 257.302a), as amended by 2006 PA 298.

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

Senators Marleau, Shirkey, Jones, Stamas and Robertson introduced

**Senate Bill No. 502, entitled**

A bill to amend 1984 PA 323, entitled "The health care false claim act," by amending section 4a (MCL 752.1004a), as added by 2004 PA 411.

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

**House Bill No. 4438, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17744a (MCL 333.17744a), as added by 2013 PA 186, and by adding section 17744d.

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 Health Policy.

**House Bill No. 4563, entitled**

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," by amending section 110c (MCL 41.110c), as added by 1989 PA 77.

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. 4658, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 6096.

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 Families, Seniors and Human Services.

**Statements**

Senators Bieda and Colbeck 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 wanted to rise in observance of Constitution Day. Today is an American holiday, a federal observance that recognizes the adoption of the United States Constitution, as well as those who have become U.S. citizens. It's normally observed on September 17, the day in 1787 when delegates to the Constitutional Convention signed the document in Philadelphia.

It's actually a relatively recent law. It was established as a federal holiday in 2004 with the passage of an amendment by Senator Robert Byrd to the omnibus spending bill of 2004. Before this law was enacted, the holiday was known as Citizenship Day. In addition to renaming the holiday Constitution Day and Citizenship Day, the act mandates that all publicly-funded educational institutions and all federal agencies provide educational programming on the history of the American Constitution on that day. In May of 2005, the United States Department of Education announced the enactment of this law and that it would apply to any school receiving federal funds of any kind. This holiday is not observed by granting time off from work for federal employees.

I think it is really important that we recognize and remember the sacrifices of our Founding Fathers, and take the time to actually read the document and understand it. As somebody who serves in public service, I think one of the most misquoted documents out there is probably the U.S. Constitution, and so I certainly appreciate the observance of this holiday. Thank you for your consideration.

Senator Colbeck's statement is as follows:

Today is a very special day in American history as we are celebrating Constitution Day. For all of the students up in the Gallery, I just want to make sure that we all take to heart a quote from our first Chief Justice of the Supreme Court, one of our Founding Fathers, and one of the authors of the Federalist Papers, John Jay. He once wisely said that every member of the state should diligently read and study the Constitution of its country. By knowing their rights, they would perceive when they're violated and be better able to defend and assert them. That is my charge to everyone in this fine establishment. Please note that he didn't just say every student should read the Constitution; he said every member of this country.

I encourage everyone here to take some time and go out and read their Constitution. It doesn't take very long as it is a very short document, and I hope that we celebrate this day and memorialize it in style.

Senator Kowall moved that when the Senate adjourns today, it stand adjourned until Thursday, September 24, at 10:00 a.m. The motion prevailed.

**Committee Reports**

The Committee on Appropriations reported

**House Bill No. 4517, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 863 (MCL 380.863).

With the recommendation that the bill pass.

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

David S. Hildenbrand  
Chairperson

To Report Out:

Yeas: Senators Hildenbrand, MacGregor, Hansen, Stamas, Schuitmaker, Knollenberg, Booher, Shirkey, Proos, Green, Marleau, Gregory, Hopgood, Hertel, Knezek and Young

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, September 16, 2015, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Hildenbrand (C), MacGregor, Hansen, Stamas, Schuitmaker, Knollenberg, Booher, Shirkey, Proos, Green, Marleau, Gregory, Hopgood, Hertel, Knezek and Young

Excused: Senator Nofs

The Committee on Natural Resources reported

**Senate Concurrent Resolution No. 11.**

A concurrent resolution to urge the Congress of the United States to restore Great Lakes Restoration Initiative funding to \$300 million for fiscal year 2016.

(For text of resolution, see Senate Journal No. 38, p. 513.)

With the recommendation that the concurrent resolution be adopted.

Thomas A. Casperson  
Chairperson

To Report Out:

Yeas: Senators Casperson, Pavlov, Robertson and Warren

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Natural Resources reported

**Senate Concurrent Resolution No. 14.**

A concurrent resolution to oppose the United States Environmental Protection Agency's efforts to study or commission a study that could lead to regulations on grills and barbecues.

(For text of resolution, see Senate Journal No. 46, p. 708.)

With the recommendation that the concurrent resolution be adopted.

Thomas A. Casperson  
Chairperson

To Report Out:

Yeas: Senators Casperson, Pavlov and Robertson

Nays: Senator Warren

The concurrent resolution was placed on the order of Resolutions.

The Committee on Natural Resources reported

**Senate Resolution No. 42.**

A resolution to urge the Congress of the United States to restore Great Lakes Restoration Initiative funding to \$300 million for fiscal year 2016.

(For text of resolution, see Senate Journal No. 38, p. 513.)

With the recommendation that the resolution be adopted.

Thomas A. Casperson  
Chairperson

To Report Out:

Yeas: Senators Casperson, Pavlov, Robertson and Warren

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Natural Resources reported

**Senate Resolution No. 56.**

A resolution to oppose the United States Environmental Protection Agency's efforts to study or commission a study that could lead to regulations on grills and barbecues.

(For text of resolution, see Senate Journal No. 46, p. 708.)

With the recommendation that the resolution be adopted.

Thomas A. Casperson  
Chairperson

**To Report Out:**

Yeas: Senators Casperson, Pavlov and Robertson

Nays: Senator Warren

The resolution was placed on the order of Resolutions.

The Committee on Natural Resources reported

**Senate Resolution No. 79.**

A resolution to encourage the United States Forest Service to issue the owners of privately-held hunting camps on leased acres within the Ottawa National Forest special use authorization under the Recreation Residence Program or to renew or grandfather lease agreements with those remaining 104 leaseholders.

(For text of resolution, see Senate Journal No. 61, p. 1355.)

With the recommendation that the following substitute (S-1) be adopted and that the resolution then be adopted:

A resolution to encourage the United States Forest Service to issue the owners of privately-held hunting camps on leased acres within the Ottawa National Forest special use authorization under the Recreation Residence Program.

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

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

Whereas, The USFS has informed leaseholders that leases will not be renewed at the end of 2016 because it is national policy not to lease national forest land to individuals. The holders of the active leases will have 90 days after the leases expire to remove the hunting cabins and return the land to its natural state; and

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

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

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

Whereas, Although the National Forest Service placed a moratorium on the establishment of new tracts under the Recreation Residence program in 1968, the authority to issue special use authorization under the Recreation Residence program remains in federal regulations (36 CFR Part 251). Therefore, lifting that moratorium for the limited purpose of establishing a Recreation Residence tract in the Ottawa National Forest and issuing special use authorization permits is possible and would allow the many families currently leasing in the Ottawa National Forest an opportunity that is provided to thousands of people elsewhere in the country; and

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

Resolved by the Senate, That we encourage the United States Forest Service to issue the owners of privately-held camps on leased acres within the Ottawa National Forest special use authorization under the Recreation Residence Program; and be it further

Resolved, That copies of this resolution be transmitted to the Chief of the United States Forest Service and the members of the Michigan congressional delegation.

Thomas A. Casperson  
Chairperson

**To Report Out:**

Yeas: Senators Casperson, Pavlov, Robertson and Warren

Nays: None

The resolution and the substitute recommended by the committee were placed on the order of Resolutions.

**COMMITTEE ATTENDANCE REPORT**

The Committee on Natural Resources submitted the following:

Meeting held on Wednesday, September 16, 2015, at 12:30 p.m., Room 210, Farnum Building

Present: Senators Casperson (C), Pavlov, Robertson, Stamas and Warren

**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)

**State Police and Military Affairs** - Tuesday, October 6, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2768)

**Finance** - Tuesdays, September 22 (CANCELED) and September 29, 2:30 p.m., Room 210, Farnum Building (373-5323)

**Judiciary** - Tuesday, September 22, 3:00 p.m., Room 110, Farnum Building (373-1721)

**Senate Fiscal Agency Board of Governors** - Thursday, September 24, 11:00 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Senator Kowall moved that the Senate adjourn.

The motion prevailed, the time being 11:15 a.m.

In pursuance of the order previously made, the President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, September 24, 2015, at 10:00 a.m.

JEFFREY F. COBB  
Secretary of the Senate

