

No. 105
STATE OF MICHIGAN
Journal of the Senate
98th Legislature
REGULAR SESSION OF 2015

Senate Chamber, Lansing, Wednesday, December 2, 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—excused
Warren—present
Young—present
Zorn—present

Reverend James Hill of St. John Lutheran Church of Detroit offered the following invocation:

Most holy and merciful God, You whose loving-kindness is from everlasting to everlasting, we make bold to come before Your throne this morning, for we are reminded that apart from You, we can do nothing. First, we thank You for the manifold blessings poured out on our beloved state, a land rich in beauty and resources and filled with hearty and hardworking people; a blessed land that we call home.

I thank You for the men and women before me chosen by You and their neighbors to conduct the important legislative affairs of Michigan. Help them to never lose sight of the rich grace that has been lavished on us, that every good and perfect gift is from above and that the greatest of these is the Redeemer born in Bethlehem.

Yet, in the minutes of blessings, there are challenges that confront us as a people, some difficult and some intractable. There is homelessness and poverty, addiction, unemployment, education, road repair, and the plight of our inner cities, and all of these challenges, Lord, impact all of us; though men and women of goodwill may differ on how to solve them.

We ask for Your Spirit's presence in this Legislature to help these few to work together for the good of the many. May their actions reflect St. Paul's words of love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, and self-control. 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 Senators Knollenberg and Robertson be temporarily excused from today's session. The motion prevailed.

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

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

Senator Kowall moved that rule 3.902 be suspended to allow the guests of Senators Meekhof and MacGregor admittance to the Senate floor, including the center aisle.

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.

The following communication was received:
Office of Senator Curtis Hertel, Jr.

November 30, 2015

I am writing to request my addition in co-sponsorship of Senate Bill 30, sponsored by Senator Knezek. Please feel free to contact me if you need any further information.

Sincerely,
Curtis Hertel, Jr.
State Senator
District 23

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, December 1:
House Bill No. 4983

The Secretary announced that the following bills were printed and filed on Tuesday, December 1, and are available at the Michigan Legislature website:

Senate Bill Nos. 627 628

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:06 a.m.

10:19 a.m.

The Senate was called to order by the President, Lieutenant Governor Calley.

During the recess, Senator MacGregor introduced the Rockford High School Boys Cross Country Team, 2015 MHSAA Division I State Champions, Head Coach Andrew Martin and Assistant Coach Josh Miller; and presented them with a Special Tribute.

Coach Martin responded briefly.

During the recess, Senators Knollenberg, Robertson, Johnson, Young and Warren entered the Senate Chamber.

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 President, Lieutenant Governor Calley, designated Senator Meekhof 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 bill:

House Bill No. 4843, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7403 and 7404 (MCL 333.7403 and 333.7404), as amended by 2012 PA 183.

The bill 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. 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.

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.

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:

House Bill No. 4248

House Bill No. 4249

House Bill No. 4250

House Bill No. 4501

House Bill No. 4709

House Bill No. 4710

House Bill No. 4711

The motion prevailed.

The following bill was read a third time:

House Bill No. 4248, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 13 (MCL 750.13); and to repeal acts and parts of acts.

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. 535

Yeas—37

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

Nays—0

Excused—1

Stamas

Not Voting—0

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4249, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by repealing sections 546, 547, 548, 549, 550, and 551 (MCL 750.546, 750.547, 750.548, 750.549, 750.550, and 750.551).

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. 536

Yeas—37

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

Green
Gregory
Hansen

Jones
Knezek

Pavlov
Proos

Young
Zorn

Nays—0

Excused—1

Stamas

Not Voting—0

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4250, entitled

A bill to repeal 1935 PA 140, entitled “An act to prohibit endurance contests known as walkathons and similar endurance contests; to prescribe a penalty for the violation thereof, and to repeal Act No. 65 of the Public Acts of 1933,” (MCL 752.161 to 752.162).

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. 537

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
Nofs
O’Brien
Pavlov
Proos

Robertson
Rocca
Schmidt
Schuitmaker
Shirkey
Smith
Warren
Young
Zorn

Nays—0

Excused—1

Stamas

Not Voting—0

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:

House Bill No. 4501, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 12m and 16e of chapter XVII (MCL 777.12m and 777.16e), section 12m as amended by 2005 PA 54 and section 16e as added by 1998 PA 317.

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. 538**Yeas—37**

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

Nays—0**Excused—1**

Stamas

Not Voting—0

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure

in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4709, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 347 (MCL 750.347).

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. 539

Yeas—37

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

Nays—0

Excused—1

Stamas

Not Voting—0

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4710, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 74206 (MCL 324.74206), as added by 1995 PA 58.

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. 540

Yeas—37

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

Nays—0

Excused—1

Stamas

Not Voting—0

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4711, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 5 of chapter IX (MCL 769.5); and to repeal acts and parts of acts.

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. 541

Yeas—37

Ananich	Hertel	Knollenberg	Robertson
Bieda	Hildenbrand	Kowall	Rocca

Booher	Hood	MacGregor	Schmidt
Brandenburg	Hopgood	Marleau	Schuitmaker
Casperson	Horn	Meekhof	Shirkey
Colbeck	Hune	Nofs	Smith
Emmons	Johnson	O'Brien	Warren
Green	Jones	Pavlov	Young
Gregory	Knezek	Proos	Zorn
Hansen			

Nays—0

Excused—1

Stamas

Not Voting—0

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The Senate agreed to the full title.

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. 75

The motion prevailed.

Senators Warren, Gregory, Young, Ananich, Bieda, Hopgood, Hertel, Knezek and Hood offered the following resolution:
Senate Resolution No. 118.

A resolution to request that the U.S. Department of Justice and the U.S. Congress fully investigate the unrelenting acts of violence against reproductive health clinics and invest federal resources towards security upgrades and heightened safeguards to protect innocent civilians from acts of domestic terrorism.

Whereas, On Friday, November 27, 2015, a tragic shooting at a Planned Parenthood Center in Colorado Springs resulted in the death of a police officer, a mother of two, a veteran father of two, and the hospitalization of nine individuals wounded by the gunfire. The suspected shooter allegedly made inflammatory anti-choice remarks, indicating a strong motivation for the attack; and

Whereas, Since the groundbreaking *Roe v. Wade* Supreme Court decision in 1973, which granted women a constitutional right to abortion, there have been nearly 7,000 acts of violence in the United States and Canada against reproductive health care clinics, including eight murders, 17 attempted murders, and hundreds of arsons, bombings, death threats, and other horrendous acts of terrorism. Furthermore, there have been nearly 200,000 acts of disruption against reproductive health care clinics, including over 15,000 hate mailings and harassing phone calls, 661 bomb threats, and thousands of other deeply troublesome acts of intimidation; and

Whereas, The anti-choice organization, Center for Medical Progress, began releasing contentious—and now discredited—videos in July 2015 which make false allegations about the practices of Planned Parenthood. Since these grossly misleading and highly edited videos were released, none of the states that opened investigations against Planned Parenthood, as a result of the videos, have been able to substantiate these claims; and

Whereas, In a knee-jerk reaction to the controversial videos, the U.S. Senate attempted to defund Planned Parenthood, and the U.S. House of Representatives formed a select investigative panel to examine the already debunked accusations made in the video. Additionally, elected officials and polarizing groups have intensified their hateful rhetoric against Planned Parenthood and like organizations, which has undeniably contributed to the increased acts of violence against reproductive health centers; and

Whereas, The FBI sent out a nationwide warning to law enforcement officials in September that the violent attacks on reproductive health clinics would likely continue, and states are beginning to ramp up security efforts at clinic locations in response to the drastic increase in acts of violence targeted towards Planned Parenthood and other reproductive health care clinics; and

Whereas, Domestic terrorism is defined in 18 U.S.C. 2331 as activities involving acts dangerous to human life that are a violation of the criminal laws of the United States or of any state and appear to be intended to intimidate or coerce a civilian population, to influence the policy of a government by intimidation or coercion, or to affect the conduct of a government by mass destruction, assassination, or kidnapping. The recent Colorado shooting and history of intentional attacks against reproductive health clinics fit the definition of domestic terrorism, but have received minimal attention or have not been thoroughly investigated as acts of domestic terrorism by the federal government; now, therefore, be it

Resolved by the Senate, That we request the U.S. Department of Justice and the U.S. Congress to fully investigate the unrelenting acts of violence against reproductive health clinics and invest federal resources towards security upgrades and heightened safeguards to protect innocent civilians from acts of domestic terrorism; and be it further

Resolved, That copies of this resolution be transmitted to the Attorney General of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senators Bieda, Warren, Ananich, Hertel and Hopgood offered the following resolution:

Senate Resolution No. 119.

A resolution to urge the Governor and Attorney General to exercise their authority to terminate the 1953 easement and shut down Enbridge Energy Line 5 under the Straits of Mackinac.

Whereas, The Enbridge Energy Line 5 pipeline under the Great Lakes is 62 years old, carries nearly 23 million gallons of light crude oil and natural gas liquids each day, and is within a few miles of the Mackinac Bridge and Mackinac Island, two of Michigan's most recognizable landmarks; and

Whereas, The original agreement with the state of Michigan called for a maximum flow of 300,000 barrels per day, but has since been raised to 540,000 barrels per day, well above the intended amount when originally built; and

Whereas, Corrosion is the No. 1 reason that pipelines fail. Between 1996 and 2013, Enbridge's entire system of pipelines had 1,244 reportable spills, leaks, and releases. A University of Michigan study indicates the Straits of Mackinac are the "worst possible place" for an oil spill in the Great Lakes; and

Whereas, The United States Coast Guard testified before Congress in 2015 that the Coast Guard would be unable to respond effectively to an open water oil spill in the Great Lakes and that no plan exists for how to recover oil from a leak during the winter when the lake is covered in ice; and

Whereas, The Great Lakes provide immeasurable value to Michigan and are deeply rooted in the state's culture, heritage, and economy. The state's water resources are vital for agriculture, fishing, irrigation, drinking water, electric generation, mining, manufacturing, and wildlife. The state has more than 3,200 miles of freshwater coastline. Leveraging this important natural resource and ensuring its long-term sustainability are critical to prosperity in Michigan; and

Whereas, An oil spill in the Straits of Mackinac would have catastrophic results for the environment and economy in Michigan and would devastate fisheries in the Great Lakes, including the tribal fishing grounds of five federally recognized

tribes. Communities that rely on the Great Lakes for their drinking water would be negatively affected. A significant spill could result in serious economic consequences for the entire state, as 1 in 5 Michigan jobs are connected to the Great Lakes and other water resources; and

Whereas, Enbridge's easement with the state of Michigan states that Enbridge "shall follow the usual, necessary and proper procedures for the type of operation involved, and at all times shall exercise the due care of a reasonably prudent person for the safety and welfare of all persons and all public and private property"; and

Whereas, Because of insufficient anchoring, the advanced age of the pipeline, the lack of midstream shutoff valves, and insufficient emergency response plans, Enbridge is not operating the pipeline in accordance with the due care of a reasonably prudent person for the safety and welfare of all public and private property; and

Whereas, Enbridge was found in 2014 to be in violation of its 1953 easement with the state of Michigan for their anchor spacing requirements; and

Whereas, Enbridge's easement with Michigan requires a liability bond of \$1,000,000 and a surety bond of \$100,000, amounts that are woefully outdated and ineffective in the event of a catastrophic spill. According to the Michigan Petroleum Pipeline Task Force Report, Enbridge has yet to document that it is in compliance with the easement requirement to cover all damages and losses; and

Whereas, The Governor and Attorney General have a perpetual and continuing duty to protect sources of drinking water, fishing, swimming, navigation, commerce, recreation, and ecological values; and

Whereas, The Attorney General stated on July 14, 2015, that the pipeline's days were numbered and that the state would be unlikely to approve a pipeline of this nature if it were proposed today; and

Whereas, The Enbridge Energy Line 5 pipeline is a threat to our public waters, and the Governor and Attorney General have an obligation to take action to ensure that the pipeline does not rupture and create an environmental and economic disaster; now, therefore, be it

Resolved by the Senate, That we urge the Governor and Attorney General to exercise their authority to terminate the 1953 easement and shut down Enbridge Energy Line 5 under the Straits of Mackinac; and be it further

Resolved, That copies of this resolution be transmitted to the Governor and Attorney General.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senators Jones and Marleau were named co-sponsors of the resolution.

Senators Warren, Bieda and Hopgood offered the following concurrent resolution:

Senate Concurrent Resolution No. 20.

A concurrent resolution to urge the Governor and Attorney General to exercise their authority to terminate the 1953 easement and shut down Enbridge Energy Line 5 under the Straits of Mackinac.

Whereas, The Enbridge Energy Line 5 pipeline under the Great Lakes is 62 years old, carries nearly 23 million gallons of light crude oil and natural gas liquids each day, and is within a few miles of the Mackinac Bridge and Mackinac Island, two of Michigan's most recognizable landmarks; and

Whereas, The original agreement with the state of Michigan called for a maximum flow of 300,000 barrels per day, but has since been raised to 540,000 barrels per day, well above the intended amount when originally built; and

Whereas, Corrosion is the No. 1 reason that pipelines fail. Between 1996 and 2013, Enbridge's entire system of pipelines had 1,244 reportable spills, leaks, and releases. A University of Michigan study indicates the Straits of Mackinac are the "worst possible place" for an oil spill in the Great Lakes; and

Whereas, The United States Coast Guard testified before Congress in 2015 that the Coast Guard would be unable to respond effectively to an open water oil spill in the Great Lakes and that no plan exists for how to recover oil from a leak during the winter when the lake is covered in ice; and

Whereas, The Great Lakes provide immeasurable value to Michigan and are deeply rooted in the state's culture, heritage, and economy. The state's water resources are vital for agriculture, fishing, irrigation, drinking water, electric generation, mining, manufacturing, and wildlife. The state has more than 3,200 miles of freshwater coastline. Leveraging this important natural resource and ensuring its long-term sustainability are critical to prosperity in Michigan; and

Whereas, An oil spill in the Straits of Mackinac would have catastrophic results for the environment and economy in Michigan and would devastate fisheries in the Great Lakes, including the tribal fishing grounds of five federally recognized tribes. Communities that rely on the Great Lakes for their drinking water would be negatively affected. A significant spill could result in serious economic consequences for the entire state, as 1 in 5 Michigan jobs are connected to the Great Lakes and other water resources; and

Whereas, Enbridge's easement with the state of Michigan states that Enbridge "shall follow the usual, necessary and proper procedures for the type of operation involved, and at all times shall exercise the due care of a reasonably prudent person for the safety and welfare of all persons and all public and private property"; and

Whereas, Because of insufficient anchoring, the advanced age of the pipeline, the lack of midstream shutoff valves, and insufficient emergency response plans, Enbridge is not operating the pipeline in accordance with the due care of a reasonably prudent person for the safety and welfare of all public and private property; and

Whereas, Enbridge was found in 2014 to be in violation of its 1953 easement with the state of Michigan for their anchor spacing requirements; and

Whereas, Enbridge's easement with Michigan requires a liability bond of \$1,000,000 and a surety bond of \$100,000, amounts that are woefully outdated and ineffective in the event of a catastrophic spill. According to the Michigan Petroleum Pipeline Task Force Report, Enbridge has yet to document that it is in compliance with the easement requirement to cover all damages and losses; and

Whereas, The Governor and Attorney General have a perpetual and continuing duty to protect sources of drinking water, fishing, swimming, navigation, commerce, recreation, and ecological values; and

Whereas, The Attorney General stated on July 14, 2015, that the pipeline's days were numbered and that the state would be unlikely to approve a pipeline of this nature if it were proposed today; and

Whereas, The Enbridge Energy Line 5 pipeline is a threat to our public waters, and the Governor and Attorney General have an obligation to take action to ensure that the pipeline does not rupture and create an environmental and economic disaster; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the Governor and Attorney General to exercise their authority to terminate the 1953 easement and shut down Enbridge Energy Line 5 under the Straits of Mackinac; and be it further

Resolved, That copies of this resolution be transmitted to the Governor and Attorney General.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senators Jones and Marleau were named co-sponsors of the concurrent resolution

Introduction and Referral of Bills

Senators Jones, Schmidt, Casperson, Horn, Green, Schuitmaker, Young, Booher and Hansen introduced

Senate Bill No. 629, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19b of chapter XIII A (MCL 712A.19b), as amended by 2012 PA 386.

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

Senator Shirkey introduced

Senate Bill No. 630, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 6093 and 6097 (MCL 600.6093 and 600.6097), section 6097 as amended by 2002 PA 224.

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

Senator Shirkey introduced

Senate Bill No. 631, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 43, 44a, 51, 52, 52a, and 54 (MCL 211.43, 211.44a, 211.51, 211.52, 211.52a, and 211.54), section 43 as amended by 1994 PA 253, section 44a as amended by 2012 PA 184, section 51 as amended by 2012 PA 57, and section 52a as added by 2004 PA 441.

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

Senator Schuitmaker introduced

Senate Bill No. 632, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 308, 846, 866, and 867 (MCL 600.308, 600.846, 600.866, and 600.867), section 308 as amended by 2013 PA 164 and section 846 as amended by 1989 PA 70; 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 Judiciary.

Senator Schuitmaker introduced

Senate Bill No. 633, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 1303 (MCL 700.1303), as amended by 2000 PA 54.

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

House Bill No. 4983, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74116 (MCL 324.74116), as amended by 2013 PA 81.

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

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

Statements

A moment of silence was observed in memory of Laquan McDonald, shooting victim in Chicago, Illinois, and Detroit activist Ron Scott.

Committee Reports

The Committee on Health Policy reported

Senate Bill No. 352, entitled

A bill to allow for designation of a caregiver; to prescribe the duties of a designated caregiver; to enable a hospital to assist in designating a caregiver; and to prescribe the duties of state departments and agencies.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Mike Shirkey
Chairperson

To Report Out:

Yeas: Senators Shirkey, Hune, O'Brien, Jones, Robertson, Hertel, Knezek and Hopgood

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 Health Policy submitted the following:

Meeting held on Tuesday, December 1, 2015, at 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Shirkey (C), Hune, O'Brien, Jones, Robertson, Hertel, Knezek and Hopgood

Excused: Senators Marleau and Stamas

The Committee on Education reported

Senate Bill No. 216, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 4, 6, 98, 107, 230, and 256 (MCL 388.1604, 388.1606, 388.1698, 388.1707, 388.1830, and 388.1856), section 4 as amended by 2012 PA 201 and sections 6, 98, 107, 230, and 256 as amended by 2014 PA 196.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Knollenberg, Booher, Colbeck and Knezek

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 Education submitted the following:

Meeting held on Tuesday, December 1, 2015, at 12:18 p.m., Room 110, Farnum Building

Present: Senators Pavlov (C), Knollenberg, Booher, Colbeck and Knezek

The Committee on Judiciary reported

Senate Bill No. 615, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 6094a.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Colbeck

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, December 1, 2015, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Jones (C), Schuitmaker, Rocca and Colbeck

Excused: Senator Bieda

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:

Meeting held on Tuesday, December 1, 2015, at 8:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Nofs (C), Colbeck and Knezek

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Tuesday, December 1, 2015, at 2:30 p.m., Room 100, Farnum Building

Present: Senators Booher (C), O'Brien, Nofs, MacGregor, Rocca, Hertel and Young

Excused: Senator Zorn

Scheduled Meetings

Appropriations -

Subcommittee -

K-12, School Aid, Education and House School Aid Appropriations Subcommittee - Thursday, December 3, 8:00 a.m., Room 327, South Tower, House Office Building (373-2768)

Michigan Competitiveness - Thursday, December 3, 9:30 a.m., Rooms 402 and 403, Capitol Building (373-5314)

Transportation - Thursday, December 3, 8:30 a.m., Room 210, Farnum Building (373-5312)

Senator Kowall moved that the Senate adjourn.

The motion prevailed, the time being 10:48 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, December 3, 2015, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate