

No. 94
STATE OF MICHIGAN
Journal of the Senate
98th Legislature
REGULAR SESSION OF 2015

Senate Chamber, Lansing, Tuesday, October 20, 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—excused
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

Bob Taylor of Grace Point Church of Adrian offered the following invocation:

Dear Heavenly Father, we thank You for this beautiful morning that You have provided for us and the opportunity of being here as free men and women to govern this great state of Michigan. You have given us many freedoms that no other nation can enjoy.

We ask, Lord, for a special blessing on each Senator and staff person here in the room today. We pray that You would guide them with knowledge, wisdom, and diligence in carrying out their duties as Senators. May we do what is best for the people of our state. We ask that Your will be done in all that is said and done.

We thank You for Your blessings on our state of Michigan and the United States of America. In Jesus' precious name, we pray. 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 Senator Green be 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, 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 Secretary announced that the following House bills were received in the Senate and filed on Thursday, October 15:
House Bill Nos. 4758 4822 4836 4843

The Secretary announced that the following House bills were received in the Senate and filed on Friday, October 16:
House Bill Nos. 4476 4477 4478 4479 4481 4788

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, October 15, for his approval the following bills:

Enrolled Senate Bill No. 298 at 3:48 p.m.

Enrolled Senate Bill No. 299 at 3:50 p.m.

Enrolled Senate Bill No. 240 at 3:52 p.m.

Enrolled Senate Bill No. 360 at 3:54 p.m.

The Secretary announced that the following bills were printed and filed on Thursday, October 15, and are available at the Michigan Legislature website:

Senate Bill Nos. 562 563 564 565 566 567 568

House Bill Nos. 4986 4987 4988 4989

The Secretary announced that the following bills were printed and filed on Friday, October 16, and are available at the Michigan Legislature website:

House Bill Nos. 4990 4991 4992 4993 4994 4995 4996 4997 4998

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:05 a.m.

10:51 a.m.

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

During the recess, Senator Stamas introduced Emily Kieliszewski, Miss Michigan 2015, and presented her with a Special Tribute.

Messages from the Governor

The following messages from the Governor were received and read:

October 5, 2015

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

Ski Area Safety Board

James P. Grundstrom of 447 N. Basin Drive, Negaunee, Michigan 49866, county of Marquette, representing public members from the Upper Peninsula, succeeding Jim Vander Spoel, is appointed for a term expiring June 8, 2018.

Steven L. Robinson of 415 Argyle Street, Birmingham, Michigan 48009, county of Oakland, representing engineers with ski experience, succeeding Ron Edwards, is appointed for a term expiring June 8, 2019.

October 12, 2015

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

Michigan Interagency Coordinating Council for Infants and Toddlers with Developmental Disabilities

Deana Strudwick of 19900 Grass Lake Lane, White Pigeon, Michigan 49099, county of Saint Joseph, representing public or private providers of early intervention services, succeeding Sondra Stegenga, is appointed for a term expiring October 31, 2016.

Judy Goth-Owens of 629 Kensington Drive, East Lansing, Michigan 48823, county of Ingham, representing individuals involved in personnel preparation, succeeding herself, is reappointed for a term expiring October 31, 2019.

Lauren E. Heilman of 6430 E. 48 Road, Cadillac, Michigan 49601, county of Wexford, representing parents of infants or toddlers with disabilities or children with disabilities less than 13 years old at the time of appointment with knowledge of, or experience with, programs for infants and toddlers with disabilities, succeeding herself, is reappointed for a term expiring October 31, 2019.

Barbara A. Corbin of 1126 Glenwood Street, Jenison, Michigan 49425, county of Kent, representing public/private providers of early intervention services, succeeding herself, is reappointed for a term expiring October 31, 2019.

Prachi E. Shah of 1706 Jackson Avenue, Ann Arbor, Michigan 48103, county of Washtenaw, representing other individuals, succeeding herself, is reappointed for a term expiring October 31, 2019.

Phil Pavlov of 1577 S. Allen Road, St. Clair, Michigan 48179, county of St. Clair, representing the Michigan Legislature, is appointed for a term expiring October 31, 2016.

October 12, 2015

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

Michigan Iron Industry Museum Advisory Board

Robert E. Niemela of 26344 West M-64, Ontonagon, Michigan 49953, county of Ontonagon, representing the mineral industry, succeeding himself, is reappointed for a term expiring October 4, 2019.

Charles M. Swanson of 1021 Allouez Road, Marquette, Michigan 49855, county of Marquette, representing the Marquette County Historical Society, succeeding himself, is reappointed for a term expiring October 4, 2019.

October 12, 2015

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

Board of Mechanical Rules

Catherine A. Gay of 2450 London Drive, Troy, Michigan 48085, county of Oakland, representing energy-producing utilities, succeeding herself, is reappointed for a term expiring October 1, 2019.

Robert S. Logan of 20500 13 Mile Road, Battle Creek, Michigan 49014, county of Calhoun, representing chief mechanical inspectors of a government subdivision, succeeding himself, is reappointed for a term expiring October 1, 2019.

Daniel G. Grafmiller of 2461 West Shiawassee Avenue, Fenton, Michigan 48430, county of Genesee, representing ductwork, succeeding himself, is reappointed for a term expiring October 1, 2019.

Mark F. Riley of 3336 Kipling Avenue, Berkley, Michigan 48072, county of Oakland, representing chief mechanical inspectors, succeeding himself, is reappointed for a term expiring October 1, 2019.

Christopher J. Freeman of 67955 W. 8 Mile Road, South Lyon, Michigan 48178, county of Washtenaw, representing the general public, succeeding himself, is reappointed for a term expiring October 1, 2019.

Kenneth D. Misiewicz of 630 Jordan Lake Street, Lake Odessa, Michigan 48849, county of Ionia, representing specialty work areas, succeeding himself, is reappointed for a term expiring October 1, 2019.

Robert J. Fosburg of 7251 Bridge Town Lane, Caledonia, Michigan 49316, county of Kent, representing hydronic heating and cooling process piping, succeeding himself, is reappointed for a term expiring October 1, 2019.

October 12, 2015

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

Michigan Pharmacy and Therapeutics Committee

Victoria Tutag Lehr of 1091 Mohegan Drive, Birmingham, Michigan 48009, county of Oakland, representing pharmacists, succeeding herself, is reappointed for a term expiring October 1, 2017.

James A. Mathews of 345 Woodlawn Avenue, Grand Haven, Michigan 49417, county of Ottawa, representing pharmacists, succeeding Eleonora Huskey, is appointed for a term expiring October 1, 2017.

Margo S. Farber of 1246 Berkshire Road, Grosse Pointe Park, Michigan 48230, county of Wayne, representing pharmacists, succeeding herself, is reappointed for a term expiring October 1, 2017.

Steven P. Hadesman of 23736 Old Orchard Trail, Bingham Farms, Michigan 48025, county of Oakland, representing physicians, succeeding himself, is reappointed for a term expiring October 1, 2017.

Anthony F. Ognjan of 14785 Runnymede Drive, Shelby Township, Michigan 48315, county of Macomb, representing physicians, succeeding himself, is reappointed for a term expiring October 1, 2017.

October 12, 2015

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

Michigan Board of Physical Therapy

Jill Marlan of 11190 Forest Hill Road, DeWitt, Michigan 48820, county of Clinton, representing professionals, succeeding Vijay Kumar, is appointed for a term expiring December 31, 2016.

October 15, 2015

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

Library of Michigan Board of Trustees

Judith A. Hauser of 2111 Pontiac Lake Road, Waterford, Michigan 48328, county of Oakland, representing librarians from a public or private K-12 system, succeeding herself, is reappointed for a term expiring October 1, 2018.

Elaine K. Didier of 13060 Beacon Hill Drive, Plymouth, Michigan 48170, county of Wayne, representing librarians from a special library, succeeding Tara Fulton, is appointed for a term expiring October 1, 2018.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Nofs, Brandenburg, Pavlov, Hansen, Marleau, Knollenberg, Casperson, Schmidt, Horn and Schuitmaker introduced **Senate Bill No. 569, entitled**

A bill to amend 1978 PA 30, entitled "An act to provide for the creation and use of budget stabilization funds by counties, cities, villages, and townships," by amending section 3 (MCL 141.443).

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

Senators MacGregor, Proos, Hansen and Zorn introduced

Senate Bill No. 570, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7o (MCL 211.7o), as amended by 2006 PA 681.

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

Senator Kowall introduced

Senate Bill No. 571, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 3, 6, and 55 (MCL 169.203, 169.206, and 169.255), section 3 as amended by 2012 PA 273 and sections 6 and 55 as amended by 2013 PA 252.

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

House Bill No. 4476, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 1035.

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

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

House Bill No. 4477, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 227 and 316 (MCL 600.227 and 600.316).

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

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

House Bill No. 4478, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2950 (MCL 600.2950), as amended by 2001 PA 200.

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

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

House Bill No. 4479, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 81 (MCL 750.81), as amended by 2012 PA 366.

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

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

House Bill No. 4481, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 5 and 7a (MCL 722.25 and 722.27a), section 5 as amended by 1993 PA 259 and section 7a as amended by 2015 PA 50.

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

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

House Bill No. 4758, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending sections 132, 221, 275, 277, 278, 280, 476, 528, and 569 (MCL 280.132, 280.221, 280.275, 280.277, 280.278, 280.280, 280.476, 280.528, and 280.569), sections 275, 278, and 280 as amended by 2002 PA 406.

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. 4788, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2012 PA 365.

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

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

House Bill No. 4822, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1280f.

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

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

House Bill No. 4836, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1204f (MCL 500.1204f), as added by 2006 PA 442, and by adding section 3908 and chapter 39A.

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 Insurance.

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

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

By unanimous consent the Senate returned to the order of
Messages from the House

Senate Bill No. 103, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1249 and 1249a (MCL 380.1249 and 380.1249a), section 1249 as amended by 2014 PA 257 and section 1249a as added by 2011 PA 102, and by adding sections 1249b and 1531j; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-8) the bill.

The House of Representatives has passed the bill as substituted (H-8), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 1249 and 1249a (MCL 380.1249 and 380.1249a), section 1249 as amended by 2014 PA 257 and section 1249a as added by 2011 PA 102, and by adding sections 1249b, 1531j, and 1531k.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Kowall moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 441

Yeas—35

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

Nays—2

| | |
|--------|-------|
| Warren | Young |
|--------|-------|

Excused—1

Green

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

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

The motion prevailed.

Senator Knezek’s statement is as follows:

Colleagues, I rise today to share why I and many of us on the Democrat side of the aisle are in support of Senate Bill No. 103 as returned from the House. I want to express my deep appreciation and respect for the Senator from the 20th District for all of her work and her efforts within the House of Representatives to make sure that we could create and craft a better piece of legislation here today.

Senate Bill No. 103, as amended, provides clearly defined evaluation expectations that help to create a system of effective teacher accountability here in the state of Michigan. Senate Bill No. 103 now includes a greater reliance on the recommendations of the evaluation tool from the 2013 Michigan Council of Educator Effectiveness report. It allows for more local decision making, and more importantly, this bill requires training for both educators and observers to ensure they fully understand how this evaluation tool works. This means that there is greater transparency for teachers as well as more accurate evaluations.

In addition, the bill provides greater flexibility with regard to student growth data. Measuring student growth based upon multiple factors, rather than just test results, provides a more accurate picture of student learning and teacher effectiveness. This bill, as amended, will help hold our teachers accountable and ensure that our students are receiving a quality education in the state of Michigan.

Senate Bill No. 195, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17748 (MCL 333.17748), as amended by 2014 PA 413.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Kowall moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 442

Yeas—34

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

Nays—3

| | | |
|---------|------|---------|
| Colbeck | Horn | Shirkey |
|---------|------|---------|

Excused—1

Green

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

Senate Bill No. 309, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending section 66 (MCL 559.166), as amended by 1983 PA 113.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,
Senator Kowall moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 443

Yeas—37

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

Nays—0

Excused—1

Green

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 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
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 Knezek 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:

Senate Bill No. 326, entitled

A bill to designate an official airplane of the state of Michigan.

Senate Bill No. 421, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 653 (MCL 257.653).

Senate Bill No. 422, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12g of chapter XVII (MCL 777.12g), as amended by 2008 PA 467.

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. 4173, entitled

A bill to amend 1993 PA 330, entitled "State real estate transfer tax act," by amending sections 3 and 6 (MCL 207.523 and 207.526), as amended by 2008 PA 473.

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:

House Bill No. 4286, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2010 PA 317.

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.

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. 516

Senate Bill No. 400

Senate Bill No. 401

Senate Bill No. 402

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 516, 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 1, 5b, 8, and 12a (MCL 28.421, 28.425b, 28.428, and 28.432a), section 1 as amended by 2015 PA 25, section 5b as amended by 2015 PA 16, section 8 as amended by 2015 PA 3, and section 12a as amended by 2006 PA 559.

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. 444

Yeas—30

| | | | |
|-------------|-------------|-----------|-------------|
| Bieda | Horn | Marleau | Rocca |
| Booher | Hune | Meekhof | Schmidt |
| Brandenburg | Johnson | Nofs | Schuitmaker |
| Casperson | Jones | O’Brien | Shirkey |
| Colbeck | Knezek | Pavlov | Smith |
| Emmons | Knollenberg | Proos | Stamas |
| Hansen | Kowall | Robertson | Zorn |
| Hildenbrand | MacGregor | | |

Nays—7

| | | | |
|---------|--------|---------|-------|
| Ananich | Hertel | Hopgood | Young |
| Gregory | Hood | Warren | |

Excused—1

Green

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. 400, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending the heading of part 121 and sections 12101, 12102, 12102a, 12103, 12105, 12107, 12109, 12111, 12112, 12113, 12114, 12115, 12116, and 12117 (MCL 324.12101, 324.12102, 324.12102a, 324.12103, 324.12105, 324.12107, 324.12109, 324.12111, 324.12112, 324.12113, 324.12114, 324.12115, 324.12116, and 324.12117), sections 12101, 12102, 12105, 12107, 12111, and 12113 as amended by 2008 PA 8, section 12102a as amended by 2008 PA 153, sections 12103, 12109, and 12112 as amended by 2014 PA 286, sections 12114 and 12116 as amended by 1998 PA 140, and section 12115 as amended by 2004 PA 587.

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. 445**Yeas—37**

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

Nays—0**Excused—1**

Green

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. 401, entitled

A bill to amend 1998 PA 138, entitled "Hazardous materials transportation act," by amending sections 2 and 3 (MCL 29.472 and 29.473), section 2 as amended by 2013 PA 74.

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. 446**Yeas—37**

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

Nays—0

Excused—1

Green

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. 402, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13c of chapter XVII (MCL 777.13c), as amended by 2006 PA 59.

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. 447**Yeas—37**

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

Nays—0**Excused—1**

Green

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Resolutions

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.

Senator O'Brien offered the following resolution:

Senate Resolution No. 106.

A resolution to observe October 2015 as National Physical Therapy Month.

Whereas, The state of Michigan encourages options for an active and healthy lifestyle; and

Whereas, The state of Michigan now allows the citizens of Michigan to go directly to a physical therapist for injury prevention and promoting fitness; and

Whereas, Physical therapists are experts in evaluating and treating movement dysfunction; and

Whereas, The Michigan Physical Therapy Association speaks for the best interests of the public in recommending physical therapy by a licensed physical therapist to optimize movement and function; and

Whereas, Through a national effort, the Michigan Physical Therapy Association and community members are encouraged to join together to raise awareness of the importance of movement and activity in preventive health during the month of October 2015; and

Whereas, This effort will bring awareness to our communities and around the country for healthier and more active lifestyles; now, therefore, be it

Resolved by the Senate, That the members of this legislative body observe October 2015 as National Physical Therapy Month in the state of Michigan, and in doing so, urge all citizens to join in a national effort to raise health and fitness awareness.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator Kowall moved that the rule be suspended.

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

The resolution was adopted.

Senators Bieda, Booher, Brandenburg, Hansen, Hildenbrand, Horn, Kowall, MacGregor, Marleau, Proos, Stamas, Warren and Zorn were named co-sponsors of the resolution.

Committee Reports

The Committee on Appropriations reported

House Concurrent Resolution No. 14.

A concurrent resolution relative to secondary road patrol funds for counties providing road patrol services to cities and villages.

(For text of resolution, see Senate Journal No. 88, p. 1580.)

With the recommendation that the concurrent resolution be adopted.

David S. Hildenbrand
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, October 14, 2015, at 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

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

Excused: Senator Green

The Committee on Families, Seniors and Human Services reported

Senate Bill No. 503, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 3, 7, 13, 15, and 25 of chapter XIIB (MCL 712B.3, 712B.7, 712B.13, 712B.15, and 712B.25), as added by 2012 PA 565.

With the recommendation that the bill pass.

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

Judith K. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Pavlov and Jones

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Seniors and Human Services reported

Senate Bill No. 529, entitled

A bill to amend 2008 PA 260, entitled "Guardianship assistance act," by amending sections 2, 3, 4, 5a, 5b, 6, 7, 8, and 9 (MCL 722.872, 722.873, 722.874, 722.875a, 722.875b, 722.876, 722.877, 722.878, and 722.879), sections 2, 3, 4, and 9 as amended and sections 5a and 5b as added by 2009 PA 15 and section 6 as amended by 2011 PA 229, and by adding section 5c.

With the recommendation that the bill pass.

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

Judith K. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Pavlov and Jones

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Seniors and Human Services reported

Senate Bill No. 530, entitled

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

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Judith K. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Pavlov and Jones

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 Families, Seniors and Human Services submitted the following:

Meeting held on Wednesday, October 14, 2015, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Emmons (C), Pavlov, Jones and Casperson

Excused: Senator Johnson

The Committee on Energy and Technology reported

Senate Concurrent Resolution No. 6.

A concurrent resolution to memorialize the Congress of the United States to appropriate funds from the Nuclear Waste Fund for the establishment of a permanent repository for high-level nuclear waste or reimburse electric utility customers who paid into the fund.

(For text of resolution, see Senate Journal No. 28, p. 342.)

With the recommendation that the concurrent resolution be adopted.

Mike Nofs
Chairperson

To Report Out:

Yeas: Senators Nofs, Proos, Horn, Schuitmaker, Shirkey, Zorn, Hopgood, Knezek and Bieda

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Energy and Technology reported

Senate Concurrent Resolution No. 8.

A concurrent resolution to urge the U.S. Department of Energy and the U.S. Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste.

(For text of resolution, see Senate Journal No. 28, p. 343.)

With the recommendation that the concurrent resolution be adopted.

Mike Nofs
Chairperson

To Report Out:

Yeas: Senators Nofs, Proos, Horn, Schuitmaker, Shirkey, Zorn, Hopgood, Knezek and Bieda

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Thursday, October 15, 2015, at 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Nofs (C), Proos, Horn, Schuitmaker, Shirkey, Zorn, Hopgood, Knezek and Bieda

Excused: Senator Hune

The Committee on Economic Development and International Investment reported

Senate Bill No. 539, entitled

A bill to amend 2008 PA 549, entitled "Michigan promise zone authority act," by amending the title and sections 5, 7, 9, 11, 17, and 19 (MCL 390.1665, 390.1667, 390.1669, 390.1671, 390.1677, and 390.1679), sections 5, 7, 11, and 17 as amended by 2013 PA 210, and by adding sections 4 and 4a; and to repeal acts and parts of acts.

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.

Kenneth B. Horn
Chairperson

To Report Out:

Yeas: Senators Horn, Schmidt, Brandenburg, Stamas, Emmons, Warren and Bieda

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Economic Development and International Investment reported

Senate Bill No. 540, entitled

A bill to amend 1993 PA 331, entitled "State education tax act," by amending section 5 (MCL 211.905), as amended by 2004 PA 443.

With the recommendation that the bill pass.

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

Kenneth B. Horn
Chairperson

To Report Out:

Yeas: Senators Horn, Schmidt, Brandenburg, Stamas, Emmons, Warren and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development and International Investment submitted the following:

Meeting held on Thursday, October 15, 2015, at 1:30 p.m., Room 210, Farnum Building

Present: Senators Horn (C), Schmidt, Brandenburg, Stamas, Emmons, Warren and Bieda

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources submitted the following:

Meeting held on Wednesday, October 14, 2015, at 12:30 p.m., Room 210, Farnum Building

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

Scheduled Meetings

Appropriations - Wednesday, October 21, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-1801)

Commerce, Economic Development and International Investment, and Transportation - Monday, November 2, 10:15 a.m., Lake Superior State University, Cisler Center, Superior Room, 650 West Easterday Avenue, Sault Ste. Marie (373-5312)

Economic Development and International Investment - Thursday, October 22, 1:30 p.m., Room 210, Farnum Building (373-5323)

Economic Development and International Investment, Transportation, and Commerce - Monday, November 2, 10:15 a.m., Lake Superior State University, Cisler Center, Superior Room, 650 West Easterday Avenue, Sault Ste. Marie (373-5312)

Elections and Government Reform - Thursday, October 22, 9:00 a.m., Room 210, Farnum Building (373-1721)

Families, Seniors and Human Services - Wednesday, October 21, 3:00 p.m., Room 210, Farnum Building (373-5323)

Finance - Tuesday, October 27, 2:30 p.m., Room 210, Farnum Building (373-5312)

Natural Resources - Wednesday, October 21, 12:30 p.m., Room 210, Farnum Building (373-5314)

Transportation, Commerce, and Economic Development and International Investment - Monday, November 2, 10:15 a.m., Lake Superior State University, Cisler Center, Superior Room, 650 West Easterday Avenue, Sault Ste. Marie (373-5312)

Senator Kowall moved that the Senate adjourn.
The motion prevailed, the time being 11:25 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, October 21, 2015, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate