

No. 24
STATE OF MICHIGAN
Journal of the Senate
98th Legislature
REGULAR SESSION OF 2016

Senate Chamber, Lansing, Tuesday, March 8, 2016.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Ananich—present
Bieda—present
Booher—present
Brandenburg—present
Casperson—present
Colbeck—present
Emmons—present
Green—present
Gregory—present
Hansen—present
Hertel—present
Hildenbrand—present
Hood—present

Hopgood—present
Horn—present
Hune—present
Johnson—present
Jones—present
Knezek—present
Knollenberg—present
Kowall—present
MacGregor—present
Marleau—present
Meekhof—present
Nofs—present
O'Brien—present

Pavlov—present
Proos—present
Robertson—present
Rocca—present
Schmidt—present
Schuitmaker—present
Shirkey—present
Smith—present
Stamas—present
Warren—present
Young—present
Zorn—present

Senator Darwin L. Booher of the 35th District offered the following invocation:

Father God, we thank You for this day that You have given us and for the blessings You have given to our country, our state, our communities, and our families. We thank You for the many freedoms in this country, including the ability to participate in our government through voting.

We ask for Your guidance and wisdom today in the election. Give us the wisdom which will enable us at all times to know what to do. Make us to know when to speak and when to be silent. Make us to know when to say no and when to say yes. Make us to know when to criticize and when to praise. Make us to know when to act and when to wait.

And, finally, for the work that You have for each of us today, we seek Your wisdom and Your direction. Give us strength and grace as we go about the day. In Jesus' name. Amen.

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

Motions and Communications

Senator Ananich entered the Senate Chamber.

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:03 a.m.

11:56 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator O'Brien.

During the recess, Senators Young, Nofs, Knezek, Knollenberg, Marleau, Brandenburg, Proos and Johnson entered the Senate Chamber.

The following communication was received and read:
Office of the Senate Majority Leader

March 3, 2016

I would like House Bill 4898 re-referred to the Senate Committee on Agriculture.
If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,
Arlan Meekhof
30th Senate District
Senate Majority Leader

The communication was referred to the Secretary for record.

The following communication was received and read:
Office of the Auditor General

March 4, 2016

Enclosed is a copy of the following audit report:

- Performance audit report on Community and Noncommunity Water Supplies, Office of Drinking Water and Municipal Assistance, Department of Environmental Quality.

Sincerely,
Doug Ringler
Auditor General

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

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

February 19, 2016

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 #2016-001-LR (Secretary of State Filing #16-02-04) on this date at 3:17 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Advertising."

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.

February 19, 2016

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 #2015-078-NR (Secretary of State Filing #16-02-03) on this date at 3:17 p.m. for the Department of Natural Resources entitled, "Special Local Watercraft Controls."

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.

February 19, 2016

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 #2015-085-TA (Secretary of State Filing #16-02-05) on this date at 3:17 p.m. for the Department of Talent and Economic Development entitled, "Urban Land Assembly Fund."

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.

February 24, 2016

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 #2015-043-LR (Secretary of State Filing #16-02-06) on this date at 11:46 a.m. for the Department of Licensing and Regulatory Affairs entitled, "Part 16. Power Transmission & Distribution."

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.

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 following communication was received:
Office of the Attorney General

February 29, 2016

Pursuant to MCL 752.974(i), I am enclosing the Michigan Human Trafficking Commission's 2015 Report to the Governor and Legislature. I am pleased with the progress the Commission has made over the last year. I will continue to work with the Commission to tirelessly fight and combat this horrible crime in our State.

Please do not hesitate to contact me if you have any questions.

Sincerely,
Bill Schuette
Attorney General

The communication was referred to the Secretary for record.

The following communication was received:
Office of Senator Mike Kowall

March 8, 2016

I would like to request to be listed as a co-sponsor on Senate Bill 826, as allowed by new Senate Rule 1.110(c).
If you have any questions or need any additional information please do not hesitate to contact me at (517) 373-1758 or senmkowall@senate.michigan.gov.

Sincerely,
Mike Kowall
Senate Majority Floor Leader
15th District

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, March 3:
House Bill Nos. 4970 5156 5157 5158 5159

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, March 3, for his approval the following bills:

Enrolled Senate Bill No. 334 at 4:44 p.m.
Enrolled Senate Bill No. 578 at 4:46 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Friday, March 4, for his approval the following bills:

Enrolled Senate Bill No. 644 at 1:58 p.m.
Enrolled Senate Bill No. 51 at 4:08 p.m.
Enrolled Senate Bill No. 150 at 4:10 p.m.

The Secretary announced that the following bills were printed and filed on Thursday, March 3, and are available at the Michigan Legislature website:

Senate Bill Nos. 840 841 842 843
House Bill Nos. 5424 5425 5426 5427 5428

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Jones and Hertel introduced

Senate Bill No. 844, entitled

A bill to authorize the state administrative board to convey state-owned property in Ingham County; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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

Senators Schmidt, Zorn, Bieda, Booher, Horn, Hertel, Brandenburg, Emmons and Colbeck introduced

Senate Bill No. 845, entitled

A bill to designate the official moniker of the state of Michigan.

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

Senators Proos, Schmidt, Zorn, Bieda, Booher, Horn, Hertel, Brandenburg, Emmons and Colbeck introduced

Senate Bill No. 846, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 89a (MCL 125.2089a), as added by 2008 PA 100.

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

Senators Zorn, Bieda, Booher, Horn, Hertel, Brandenburg, Emmons, Colbeck and Schmidt introduced

Senate Bill No. 847, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 224 (MCL 257.224), as amended by 2013 PA 179.

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

Senators Jones, Colbeck, Caspersen and Bieda introduced

Senate Bill No. 848, entitled

A bill to provide protection for freedom of expression for student journalists in public schools and institutions of higher education.

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

Senators Colbeck, Schuitmaker and Proos introduced

Senate Bill No. 849, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 449.

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

Senators Hertel, Young, Bieda, Warren, Schmidt and Johnson introduced

Senate Bill No. 850, entitled

A bill to designate the black swallowtail butterfly as the official butterfly of the state of Michigan.

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

House Bill No. 4970, entitled

A bill to amend 1953 PA 192, entitled "An act to create a county department of veterans' affairs in certain counties, and to prescribe its powers and duties; and to transfer the powers and duties of the soldiers' relief commission in such counties," by amending section 1 (MCL 35.621), as amended by 2012 PA 235.

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 Veterans, Military Affairs and Homeland Security.

House Bill No. 5156, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1527 (MCL 380.1527), as amended by 2014 PA 484.

The House of Representatives has passed the bill.

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

House Bill No. 5157, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1246 (MCL 380.1246), as amended by 2009 PA 205.

The House of Representatives has passed the bill.

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

House Bill No. 5158, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1526 (MCL 380.1526), as amended by 1995 PA 289.

The House of Representatives has passed the bill.

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

House Bill No. 5159, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 163 (MCL 388.1763), as amended by 2015 PA 85, and by adding section 163b.

The House of Representatives has passed the bill.

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

Statements

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

The motion prevailed.

Senator Hildenbrand's statement is as follows:

We all care about our firefighters in this state. They are our family, our friends, and respected members of our communities. We count on them in times of crisis and chaos. They put their lives on the line every day to help keep us safe. We also care deeply about our firefighters' health and well-being, and we are committed to funding the firefighters cancer presumption fund. Work continues on this funding through the budget process, and this issue is a personal priority of mine, as well as most members of this body.

Working with my colleague from the 23rd District, he and I have talked many times about this issue. We will have a Senate Appropriations Committee meeting next week, and we will be adding \$1 million to the fund in the current year. I will also be pursuing additional funding through the budget process for the 2017 fiscal year. We will act quickly, but we will also be thorough to make sure we get the job done right.

Senator Hertel's statement is as follows:

I first would like to thank all the firefighters and first responders who are here today. Thank you for putting pressure on this body, and thank you for speaking your minds. It is always a great honor when people come from around the state to talk to us about issues that affect them. I want to thank you all for being here.

I also would like to thank this body and the other side of the aisle for actually agreeing to a timeline to getting this funded. It is incredibly important that we make this happen. It is not just important because we made a promise, even though the promise is important; what is more important are the families of those who have been denied workers' compensation already. This is why we need to move quickly.

Very quickly, I would like to read the names of those individuals: Doug Barry, Sterling Heights; Jesse Thompson, St. Clair Shores; Scott Stevenson, Grand Rapids; Chris Griffen, Wayne-Westland; Fred Klotzer, Warren; Drew Proctor, Wayne-Westland; Tracie Dawe, West Bloomfield Township; Brian Richter, Sterling Heights; and Captain Steve Babcock from Lansing who lost his battle while waiting for us to act.

Members, on your desks are letters from Steve's family, sent from across the country. Steve was a firefighter in my district who, unfortunately, lost his battle with cancer. Being denied workers' compensation meant that his family didn't get money for the funeral. It also meant that he couldn't take more time off to be with them. He had to pay copays out of his pocket for something that, honestly, he got on the job.

I am glad to hear that it is time for a debate and negotiation and that the time for politics is over. I am glad that we are finally, on both sides, agreeing to do this. I look forward in the coming weeks to working with my colleagues on the other side of the aisle to get this done and working with the House to get it to the Governor's desk. I can tell you these guys in the Gallery are not going to stop until it happens. They are not here for themselves; they are here for their brothers and sisters who fought bravely, and some have lost those battles.

This is really important to me because I knew Steve. I was unable to make it to his funeral because we were in the Governor's budget presentation. So, it means a lot to me that we are going to get this done for these guys. Thank you again for this agreement, and I can tell you that these guys will hold everyone to it.

Committee Reports

The Committee on Elections and Government Reform reported

Senate Bill No. 776, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 472a (MCL 168.472a), as amended by 1999 PA 219.

With the recommendation that the bill pass.

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

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Colbeck, Emmons and Shirkey

Nays: Senator Hood

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Elections and Government Reform submitted the following:

Meeting held on Thursday, March 3, 2016, at 9:00 a.m., Room 110, Farnum Building

Present: Senators Robertson (C), Colbeck, Emmons, Shirkey and Hood

The Committee on Transportation reported

Senate Bill No. 314, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 722 (MCL 257.722), as amended by 2012 PA 522.

With the recommendation that the bill pass.

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

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Horn, Pavlov and Marleau

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Thursday, March 3, 2016, at 8:30 a.m., Room 210, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Licensing and Regulatory Affairs submitted the following:

Meeting held on Thursday, March 3, 2016, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Knollenberg (C), Marleau, and Young

COMMITTEE ATTENDANCE REPORT

The Committee on Oversight submitted the following:

Joint meeting held on Thursday, March 3, 2016, at 2:00 p.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators MacGregor (C), Kowall, Stamas, Schuitmaker and Gregory

COMMITTEE ATTENDANCE REPORT

The Committee on Veterans, Military Affairs and Homeland Security submitted the following:

Joint meeting held on Thursday, March 3, 2016, at 2:00 p.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators O'Brien (C), Emmons, Zorn, Colbeck and Knezek

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Health and Human Services submitted the following:

Meeting held on Thursday, March 3, 2016, at 2:30 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Marleau (C), Proos, Shirkey and Hertel

Excused: Senators MacGregor, Hansen and Gregory

Scheduled Meetings

Appropriations -

Subcommittees -

Agriculture and Rural Development - Tuesdays, March 15 (CANCELED) and March 22, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Community Colleges - Friday, March 18, 1:00 p.m., Kirtland Community College, Rooms 251-252, Administration Building, 10775 N. Saint Helen Road, Roscommon; and Wednesday, March 23, 9:00 a.m., Room 100, Farnum Building (373-2768)

Corrections - Wednesday, March 9, 12:30 p.m., Room 405, Capitol Building (373-2768)

General Government - Thursdays, March 10, March 17, and March 24, 8:30 a.m., Room 100, Farnum Building (373-2768)

Health and Human Services - Thursday, March 10, 1:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Higher Education and House Higher Education Appropriations Subcommittee - Thursday, March 10, 1:00 p.m. or later after committees are given leave by the House to meet, House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Judiciary - Wednesday, March 9, 9:00 a.m., Room 405, Capitol Building (373-2768)

K-12, School Aid, Education - Wednesday, March 9, 8:45 a.m. or later after conclusion of House/Senate K-12 Appropriations Subcommittee meeting, Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

K-12, School Aid, Education and House School Aid Appropriations Subcommittee - Wednesday, March 9, 8:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Licensing and Regulatory Affairs - Thursday, March 10, 2:00 p.m., Room 100, Farnum Building (373-2768)

State Police and Military Affairs - Tuesdays, March 15, 8:00 a.m., Rooms 402 and 403; March 22, 8:30 a.m., Room 405; and May 3, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2768)

Transportation - Thursdays, March 10, March 17, and March 24, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Economic Development and International Investment - Thursday, March 10, 2:00 p.m., University of Michigan Mcity Test Facility, Mcity Building, Mobility Transformation Center Conference Room, 2901 Baxter Road, Ann Arbor (373-5323)

Legislative Council - Thursday, March 17, 9:30 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Michigan Competitiveness - Wednesday, March 9, 8:30 a.m., Room 210, Farnum Building (373-5314)

Transportation - Thursday, March 10, 8:30 a.m., Room 210, Farnum Building (373-5312)

Veterans, Military Affairs and Homeland Security - Thursday, March 10, 2:00 p.m., Room 110, Farnum Building (373-5314)

Senator Kowall moved that the Senate adjourn.
The motion prevailed, the time being 12:08 p.m.

The Assistant President pro tempore, Senator O'Brien, declared the Senate adjourned until Wednesday, March 9, 2016, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate