

No. 104
STATE OF MICHIGAN
Journal of the Senate
98th Legislature
REGULAR SESSION OF 2015

Senate Chamber, Lansing, Tuesday, December 1, 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—excused
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

Senator Kenneth B. Horn of the 32nd District offered the following invocation:

Dear Lord, please bless this body as it reconvenes to do the business of Your people. Each of us used our time away from this chamber in different ways: We spent time chatting with the folks back in the district; we took time to visit with family nearby; and some of us took time to reconnect with the nature of Michigan. Lord, some of us spent our time bringing our American Thanksgiving tradition to close family members living abroad.

During this time, Lord, the world prayed for the people of Paris, Nigeria, Colorado Springs, and areas all around the globe. Continue to bless, dear Lord, our men and women in uniform, as well as those of our allies around the globe as they work to keep the world safe. Bless our first responders, police, fire, and our sergeants here in the chamber, so that they may keep our families safe.

Lord, You made a world that is very big, yet quite small. Yes, there can be darkness, but still, the world is filled with kind and generous people. Until You call us home, Lord, none of us in this chamber will ever understand why You made this big, beautiful world exactly the way You did, but we sure are glad to be here and to play a very small part in Your very big plan.

In the name of Your Son, I ask that You open our minds, fill our hearts, and bless the work we do here today. Sincerely and faithfully, Your children, and we say, Amen.

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

Motions and Communications

Senators Green, Meekhof and Nofs entered the Senate Chamber.

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

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

The following communications were received and read:

Office of the Auditor General

November 23, 2015

Enclosed is a copy of the following audit report:

Performance audit report on the Construction and Facilities Management Office, Department of Military and Veterans Affairs.

November 25, 2015

Enclosed is a copy of the following audit report:

Performance audit report on the Workers' Compensation and Long Term Disability Programs for State of Michigan Employees, Office of the State Employer, Department of Technology, Management, and Budget.

Sincerely,
Doug Ringer
Auditor General

The audit reports were referred to the Committee on Government Operations.

The following communications were received:

Department of State

Administrative Rules
Notices of Filing

November 6, 2015

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2015-075-LR (Secretary of State Filing #15-11-03) on this date at 3:41 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Workers' Compensation Health Care Services."

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

November 6, 2015

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2015-062-AC (Secretary of State Filing #15-11-06) on this date at 3:41 p.m. for the Department of Agriculture and Rural Development, entitled "Regulation No. 715. Seed Law Implementation."

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.

November 6, 2015

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2015-059-AC (Secretary of State Filing #15-11-07) on this date at 3:41 p.m. for the Department of Agriculture and Rural Development, entitled "Bodies of Dead Animals."

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.

November 6, 2015

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2015-071-HS (Secretary of State Filing #15-11-08) on this date at 3:42 p.m. for the Department of Health and Human Services, entitled "Cost-Shared Services."

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.

November 6, 2015

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2015-072-HS (Secretary of State Filing #15-11-09) on this date at 3:42 p.m. for the Department of Health and Human Services, entitled "Chronic Disease Prevention and Control Unit."

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.

November 6, 2015

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2015-076-IF (Secretary of State Filing #15-11-04) on this date at 3:42 p.m. for the Department of Insurance and Financial Services, entitled "Standards for Rate Filings for Physicians and Surgeons Professional Liability Insurance."

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.

November 6, 2015

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2015-051-IF (Secretary of State Filing #15-11-05) on this date at 3:42 p.m. for the Department of Insurance and Financial Services, entitled "Surplus Lines Insurance Fees."

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.

November 6, 2015

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2015-073-LR (Secretary of State Filing #15-11-01) on this date at 3:42 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Nursing Homes and Nursing Care Facilities."

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.

November 6, 2015

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2015-074-LR (Secretary of State Filing #15-11-02) on this date at 3:42 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Minimum Standards for Hospitals."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6) or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Ruth Johnson
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

November 6, 2015

I am pleased to provide our fiscal year 2015 annual report. It details aspects of our office operations and the audit reports we issued during the past fiscal year. Article IV, Section 53 of the Michigan Constitution establishes the Office of the Auditor General's authority and requires this annual report.

During fiscal year 2015, we issued independent auditor's opinions on 19 sets of financial statements and schedules. Through the coordinated efforts of the State Budget Office's preparation of the *State of Michigan Comprehensive Annual Financial Report* and our audit of that report, Michigan set the national benchmark for timely reporting. Michigan's report was completed in less than half the time of the national average and a month more promptly than the report of the next closest state. Another significant project is the Statewide Single Audit, which we performed to assess State agency compliance with regulations tied to \$21 billion in federal funds. These two projects represent the largest use of our human resources.

We also completed 38 value-driven performance audits, including the Oversight of Health Professions, Office of Special Education, Bridge Inspection Program, Michigan Youth Challenge Academy, Data Security Using Mobile Devices, Environmental Stewardship Division, and Office of Collections, among many others.

We appreciate your positive comments regarding our report summaries, six-month audit plans, monthly audit summaries, and other efforts we implemented during 2015 to improve communications between this office and the Legislature.

Our key 2016 priorities include:

1. Address external peer review comments

Every three years, our office is subject to an evaluation by audit professionals from other states and/or the federal government to ensure that we operate in accordance with applicable standards. The October 30, 2015 peer review report gave our office the highest rating possible and our 10th consecutive clean opinion. We will devote resources to address some minor issues the team shared with us.

2. Further expedite report processing

We have taken actions resulting in shorter time frames between fieldwork completion and audit report issuance, and we intend to continue this improvement. During 2016, we will further assess whether organizational, process, and/or technology enhancements would aid in this endeavor.

I am privileged to work with such a great team of audit professionals and support staff. We will continue to strive to meet your and the public's oversight needs in an independent, objective, and transparent manner. We welcome the opportunity to provide information to assist in your decision making. Please do not hesitate to contact us to request our services.

Sincerely,
Doug Ringler
Auditor General

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 Tuesday, November 10:
House Bill Nos. 4812 4853 4854 4888 4930 4933 4934 4935 5023

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, November 19, for his approval the following bills:

Enrolled Senate Bill No. 213 at 10:55 a.m.

Enrolled Senate Bill No. 225 at 10:57 a.m.

Enrolled Senate Bill No. 226 at 10:59 a.m.
Enrolled Senate Bill No. 349 at 11:01 a.m.
Enrolled Senate Bill No. 369 at 11:03 a.m.

The Secretary announced the enrollment printing and presentation to the Governor on Monday, November 23, for his approval the following bills:

Enrolled Senate Bill No. 370 at 1:26 p.m.
Enrolled Senate Bill No. 274 at 1:28 p.m.
Enrolled Senate Bill No. 372 at 1:30 p.m.
Enrolled Senate Bill No. 427 at 1:32 p.m.
Enrolled Senate Bill No. 516 at 1:34 p.m.

The Secretary announced that the following bills were printed and filed on Thursday, November 12, and are available at the Michigan Legislature website:

Senate Bill Nos.	608	609	610	611	612	613	614	615	616	617	618	619	620	621
	622	623	624											
House Bill Nos.	5066	5067	5068	5069	5070	5071	5072	5073	5074	5075	5076	5077	5078	5079
	5080	5081												

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

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.

11:35 a.m.

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

During the recess, Senators Young, Smith and Knollenberg entered the Senate Chamber.

Messages from the Governor

The following messages from the Governor were received:

Date: November 10, 2015
Time: 8:38 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 414 (Public Act No. 180), being

An act to amend 1967 PA 281, entitled "An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement by lien and otherwise of taxes on or measured by net income and on certain commercial, business, and financial activities; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal acts and parts of acts," by amending section 51 (MCL 206.51), as amended by 2012 PA 223.

(Filed with the Secretary of State on November 10, 2015, at 2:20 p.m.)

Date: November 12, 2015
Time: 9:20 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 152 (Public Act No. 183), being

An act to amend 2004 PA 403, entitled "An act to regulate certain forms of boxing; to create certain commissions and to provide certain powers and duties for certain state agencies and departments; to license and regulate certain persons engaged in boxing, certain persons connected to the business of boxing, and certain persons conducting certain contests

and exhibitions; to confer immunity under certain circumstances; to provide for the conducting of certain tests; to assess certain fees; to create certain funds; to promulgate rules; to provide for penalties and remedies; and to repeal acts and parts of acts,” by amending the title and sections 10, 11, 12, 20, 21, 22, 30, 31, 33, 34, 35, 40, 41, 42, 44, 45, 47, 48, 55, 57, and 58 (MCL 338.3610, 338.3611, 338.3612, 338.3620, 338.3621, 338.3622, 338.3630, 338.3631, 338.3633, 338.3634, 338.3635, 338.3640, 338.3641, 338.3642, 338.3644, 338.3645, 338.3647, 338.3648, 338.3655, 338.3657, and 338.3658), sections 10, 11, 12, 21, 31, 34, 35, 47, 48, 55, 57, and 58 as amended by 2007 PA 196, sections 20 and 33 as amended by 2012 PA 546, and section 22 as amended by 2010 PA 100, and by adding sections 33a, 33b, 33c, 33d, 49, 49a, and 54a; and to repeal acts and parts of acts.

(Filed with the Secretary of State on November 12, 2015, at 12:27 p.m.)

Date: November 16, 2015

Time: 10:02 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 244 (Public Act No. 187), being

An act to amend 1994 PA 451, entitled “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,” by amending section 40119 (MCL 324.40119), as amended by 2013 PA 175.

(Filed with the Secretary of State on November 16, 2015, at 1:34 p.m.)

Date: November 16, 2015

Time: 10:04 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 245 (Public Act No. 188), being

An act to amend 1994 PA 451, entitled “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,” by amending section 40118 (MCL 324.40118), as amended by 2012 PA 520.

(Filed with the Secretary of State on November 16, 2015, at 1:36 p.m.)

Date: November 16, 2015

Time: 10:06 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 246 (Public Act No. 189), being

An act to amend 1927 PA 175, entitled “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,” by amending section 13e of chapter XVII (MCL 777.13e), as amended by 2014 PA 538.

(Filed with the Secretary of State on November 16, 2015, at 1:38 p.m.)

Date: November 24, 2015
Time: 8:44 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 213 (Public Act No. 199), being

An act to amend 1974 PA 154, entitled “An act to prescribe and regulate working conditions; to prescribe the duties of employers and employees as to places and conditions of employment; to create certain boards, commissions, committees, and divisions relative to occupational and construction health and safety; to prescribe their powers and duties and powers and duties of the department of labor and department of public health; to prescribe certain powers and duties of the directors of the departments of labor, public health, and agriculture; to impose an annual levy to provide revenue for the safety education and training division; to provide remedies and penalties; to repeal certain acts and parts of acts; and to repeal certain acts and parts of act on specific dates,” by amending section 61 (MCL 408.1061), as amended by 1996 PA 437.

(Filed with the Secretary of State on November 24, 2015, at 1:58 p.m.)

Date: November 24, 2015
Time: 8:46 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 225 (Public Act No. 200), being

An act 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 section 2 (MCL 28.422), as amended by 2015 PA 37.

(Filed with the Secretary of State on November 24, 2015, at 2:00 p.m.)

Date: November 24, 2015
Time: 8:48 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 226 (Public Act No. 201), being

An act to amend 1927 PA 175, entitled “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,” by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2015 PA 4.

(Filed with the Secretary of State on November 24, 2015, at 2:02 p.m.)

Date: November 24, 2015
Time: 8:50 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 349 (Public Act No. 202), being

An act to amend 1893 PA 206, entitled “An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making

those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts," by amending sections 78b and 78c (MCL 211.78b and 211.78c), as amended by 2003 PA 263.

(Filed with the Secretary of State on November 24, 2015, at 2:04 p.m.)

Date: November 30, 2015

Time: 12:54 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 369 (Public Act No. 204), being

An act to amend 1937 PA 94, entitled "An act to provide for the levy, assessment, and collection of a specific excise tax on the storage, use, or consumption in this state of tangible personal property and certain services; to appropriate the proceeds of that tax; to prescribe penalties; and to make appropriations," by amending section 4o (MCL 205.94o), as amended by 2012 PA 474.

(Filed with the Secretary of State on November 30, 2015, at 2:40 p.m.)

Date: November 30, 2015

Time: 12:56 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 370 (Public Act No. 205), being

An act to amend 1933 PA 167, entitled "An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act," by amending section 4t (MCL 205.54t), as amended by 2010 PA 116.

(Filed with the Secretary of State on November 30, 2015, at 2:42 p.m.)

Date: November 30, 2015

Time: 1:00 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 516 (Public Act No. 207), being

An act 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.

(Filed with the Secretary of State on November 30, 2015, at 2:46 p.m.)

Date: November 30, 2015

Time: 1:02 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 274 (Public Act No. 208), being

An act to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on

vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 719 (MCL 257.719), as amended by 2012 PA 282.

(Filed with the Secretary of State on November 30, 2015, at 2:48 p.m.)

Date: November 30, 2015

Time: 1:04 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 372 (Public Act No. 203), being

An act to amend 1966 PA 291, entitled “An act to create the firefighters training council; to prescribe the powers and duties of the council, the state fire marshal, and certain fire departments and other organizations; to create the firefighters training council fund and to provide for allocations from the fund to local agencies of government participating in a firefighters training program; and to make an appropriation,” by amending section 9 (MCL 29.369), as amended by 2013 PA 166.

(Filed with the Secretary of State on November 30, 2015, at 2:38 p.m.)

Date: November 30, 2015

Time: 1:06 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 427 (Public Act No. 209), being

An act to amend 1963 PA 17, entitled “An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health,” by amending sections 1 and 2 (MCL 691.1501 and 691.1502), as amended by 2002 PA 543.

(Filed with the Secretary of State on November 30, 2015, at 2:50 p.m.)

Respectfully,
Rick Snyder
Governor

The following message from the Governor was received on November 18, 2015, and read:

EXECUTIVE ORDER
No. 2015-15

Employment First in Michigan

WHEREAS, Section 1 of Article V of the Michigan Constitution vests the executive power of the state of Michigan in the Governor; and

WHEREAS, the state of Michigan recognizes that an individual’s employment and work result in tangible and intangible benefits, including the enhancement of independence and economic self-sufficiency, as well as purpose, dignity, self-esteem, and a sense of accomplishment and pride; and

WHEREAS, an individual’s employment and work also promote inclusion in other community activities; and

WHEREAS, the state of Michigan recognizes that a diverse workforce enriches local communities and enhances economic development; and

WHEREAS, the state of Michigan recognizes that competitive employment within an integrated setting is the first priority and optimal outcome for persons with disabilities, regardless of level or type of disability; and

WHEREAS, the state of Michigan recognizes intermediate steps and services may be needed to assist persons with disabilities along the path to the optimal outcome or to honor the choices and goals of the individual; and

WHEREAS, the mission of Employment First in Michigan is to establish the expectation and promote opportunities for all working-age individuals with disabilities in Michigan to gain competitive employment within an integrated setting, with or without supports, and to engage businesses and organizations that value the contributions of employees with disabilities; and

WHEREAS, the state of Michigan will promote the dignity, self-esteem, and economic self-sufficiency of working-age individuals with disabilities by providing access to meaningful and productive paid employment;

NOW, THEREFORE, I, Brian Calley, Governor of the state of Michigan, by virtue of the powers and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. IMPLEMENTATION OF EMPLOYMENT FIRST

A. All state departments and agencies that provide services and support to persons with disabilities, and all state departments and agencies that provide employment, economic development, or other related services, shall implement Employment First in Michigan by coordinating efforts and collaborating to ensure that state programs, policies, procedures, and funding support competitive employment within an integrated setting as the first priority and optimal outcome for persons with disabilities.

B. All state agencies shall, whenever feasible, share data and information across systems in order to track progress toward full implementation of this Order.

C. All state agencies are encouraged to adopt measurable goals and objectives to promote assessment of progress in implementing this Order.

D. Oversight for implementation of this Order shall be placed within the State Rehabilitation Council as established under Executive Order 2012-15, MCL 445.2033, and pursuant to the Rehabilitation Act of 1973, 29 U.S.C. § 701, *et. seq.*

E. Nothing in this Order shall be construed to limit or disallow any disability benefits to which a person with a disability who is unable to be employed as contemplated by this Order would otherwise be entitled.

F. Nothing in this Order should be construed to limit the ability of a person with a disability to select an employment option that they determine to be the best choice for themselves.

G. Nothing in this Order shall be construed to require any employer to give preference to hiring persons with disabilities.

H. Nothing in this Order shall be construed to grant any individual or entity a judicially enforceable right or cause of action.

I. If the terms of this Order are inconsistent with federal law or regulations governing interpretation, definitions, etc., an agency or department may modify its programs, policies, procedures, and funding support as necessary to comply with federal requirements.

J. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

II. DEFINITIONS

For purposes of the implementation of this Order, the following definitions apply:

A. "Employment First" is a national movement affirming the philosophy that competitive employment in an integrated setting is the first priority and optimal outcome in the provision of services for persons with disabilities.

B. "Employment" means a job available in the general workforce and in which the employee is included on the payroll of the business, industry, community rehabilitation organization or staffing agency, or is a self-employed business owner.

C. "Disability" means, with respect to an individual:

- A physical or mental impairment that substantially limits one or more major life activities of such individual;
- A record of such an impairment; or
- Being regarded as having such impairment.

D. "Integrated setting" means:

- With respect to the provision of services, means a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals other than non-disabled individuals who are providing services to those applicants or eligible individuals; and
- With respect to an employment outcome, means a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals, other than non-disabled individuals who are providing services to those applicants or eligible individuals, to the same extent that non-disabled individuals in comparable positions interact with other persons.

E. "Competitive employment" means:

- In the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and
- For which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for that or similar work performed by individuals who are not disabled.

F. "Intermediate steps and services" may include, but are not limited to, facility-based programs, internships, and job training programs.

This Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 18th day of November, in the Year of our Lord Two Thousand Fifteen.

Brian Calley

Acting and Lieutenant Governor

By the Governor:
Ruth A. Johnson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

October 30, 2015

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

Health Endowment Fund Board

Cynthia Ann Estrada of 11333 Dunlavy Lane, Whitmore Lake, Michigan 48189, county of Livingston, designee of the Senate Majority Leader, succeeding herself, is reappointed for a term expiring October 1, 2019.

Susan Mary Jandernoa of 8805 Olive Shore, West Olive, Michigan 49460, county of Ottawa, designee of the Speaker of the House, succeeding herself, is reappointed for a term expiring October 1, 2019.

October 30, 2015

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

Middle-Eastern American Affairs Commission

Adel Mozip of 4400 Charles Street, Dearborn, Michigan 48126, county of Wayne, succeeding Paul Sophiea, is appointed for a term expiring April 19, 2017.

November 2, 2015

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

Crime Victim Services Commission

Karen Hall of 16496 Waterman Drive, Roseville, Michigan 48066, county of Wayne, representing community-based victim advocates and Democrats, succeeding Emily McIntyre, is appointed for a term expiring September 27, 2018.

Brian Lee Mackie of 2401 Meadowridge Court, Ann Arbor, Michigan 48105, county of Washtenaw, representing county prosecuting attorneys and Democrats, succeeding Brian Pepler, is appointed for a term expiring September 27, 2018.

November 2, 2015

Please be advised of the following appointment to office:

Early Childhood Investment Corporation

Judith O'Neill of 239 Ridge Road, Grosse Pointe Farms, Michigan 48236, county of Wayne, succeeding Beverly Hammerstrom, is appointed for a term expiring July 22, 2019.

November 3, 2015

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

Michigan Board of Nursing Home Administrators

Ian Koffler of 4641 Thornberry Hill Court, N.E., Grand Rapids, Michigan 49525, county of Kent, representing the general public, succeeding Jeffrey Buetner, is appointed for a term expiring June 30, 2018.

November 5, 2015

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

Michigan Film Office Advisory Council

Michael Mittelstaedt of 426 W. Eleventh Street, Traverse City, Michigan 49684, county of Grand Traverse, representing broad areas of film and motion picture making, production of television programs and commercials, and related industries in Michigan, succeeding Amy Weber, is appointed for a term expiring September 30, 2019.

November 10, 2015

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

Hispanic/Latino Commission of Michigan

Noel Garcia of 1777 Foxcroft Road, East Lansing, Michigan 48823, county of Ingham, succeeding himself, is reappointed for a term expiring December 10, 2018.

Anthony William Garcia-Rubio of 1021 Chestnut Street, Cadillac, Michigan 49601, county of Wexford, succeeding Gilberto Guzman, is appointed for a term expiring December 10, 2018.

Sonya Marie Hernandez of 1053 Becker Road, Muskegon, Michigan 49445, county of Muskegon, succeeding herself, is reappointed for a term expiring December 10, 2018.

Carlos Sanchez of 1730 Ridgemoor Drive, S.E., Grand Rapids, Michigan 49506, county of Kent, succeeding himself, is reappointed for a term expiring December 10, 2018.

Monica B. Reyes of 950 Shattuck, Saginaw, Michigan 48604, county of Saginaw, succeeding Kelly Shipman, is appointed for a term expiring December 10, 2016.

November 10, 2015

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

Committee on Juvenile Justice

Michael Malix Burrell Reynolds of 1412 Beatrice Street, Detroit, Michigan 48217, county of Wayne, representing members who have been or are currently under the jurisdiction of the juvenile justice system and under the age of 24 at the time of appointment, succeeding Austin Schmidt, is appointed for a term expiring December 31, 2017.

November 10, 2015

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

Board of Marriage and Family Therapy

Shawn Dee Johnson of 4111 Okemos Road, Suite 104, Okemos, Michigan 48864, county of Ingham, representing professionals, succeeding Francesca Pernice-Duca, is appointed for a term expiring June 30, 2019.

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 Hansen, Green, Colbeck, Jones, Bieda, Young, Warren, Proos, Knollenberg, Booher, Hildenbrand, Marleau and Hertel introduced

Senate Bill No. 625, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406t. The bill was read a first and second time by title and referred to the Committee on Insurance.

Senator Hertel introduced

Senate Bill No. 626, entitled

A bill to amend 1966 PA 134, entitled "An act to impose a tax upon written instruments which transfer any interest in real property; to provide for the administration of this act; and to provide penalties for violations of this act," by amending sections 1, 2, and 5 (MCL 207.501, 207.502, and 207.505).

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

Senator Kowall introduced

Senate Bill No. 627, entitled

A bill to authorize this state and certain public authorities to develop certain eligible projects and to enter into certain agreements; to impose certain conditions on those agreements; to impose certain powers and duties on certain state and local officials and employees; to authorize the financing of certain eligible projects; and to exempt certain property from certain taxes.

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

Senator Kowall introduced

Senate Bill No. 628, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 319 and 741 (MCL 257.319 and 257.741), section 319 as amended by 2015 PA 11 and section 741 as amended by 2006 PA 298, and by adding sections 751, 752, and 753.

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

House Bill No. 4812, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17702, 17704, and 17755 (MCL 333.17702, 333.17704, and 333.17755), sections 17702 and 17704 as amended by 2014 PA 280.

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

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

House Bill No. 4853, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811a (MCL 257.811a), as amended by 2003 PA 103.

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 Transportation.

House Bill No. 4854, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 309 and 312b (MCL 257.309 and 257.312b), section 309 as amended by 2015 PA 11 and section 312b as amended by 2013 PA 177.

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 Transportation.

House Bill No. 4888, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 24 (MCL 211.24), as amended by 2012 PA 409.

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. 4930, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2015 PA 19.

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 Finance.

House Bill No. 4933, entitled

A bill to amend 2000 PA 251, entitled "Patient's right to independent review act," by amending sections 3, 5, 7, 9, 11, 13, 17, 19, 23, 25, and 27 (MCL 550.1903, 550.1905, 550.1907, 550.1909, 550.1911, 550.1913, 550.1917, 550.1919, 550.1923, 550.1925, and 550.1927), section 3 as amended by 2006 PA 542 and sections 11, 13, and 23 as amended by 2000 PA 398.

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. 4934, entitled

A bill to amend 1984 PA 64, entitled "The coordination of benefits act," by amending the title and sections 2, 3, and 4 (MCL 550.252, 550.253, and 550.254), section 3 as amended by 1996 PA 325; and to repeal acts and parts of acts.

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. 4935, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 106, 116, 120, 221, 222, 250, 402, 436, 436a, 454, 460, 462, 606, 632, 1001, 2003, 2006, 2059, 2212a, 2212b, 2213, 2213a, 2213b, 2214, 2236, 2237, 3400, 3402, 3403, 3404, 3405, 3405a, 3406a, 3406c, 3406d, 3406e, 3406j, 3406k, 3406l, 3406m, 3406n, 3406o, 3406p, 3406q, 3406r, 3406s, 3407, 3407b, 3408, 3409, 3411, 3412, 3413, 3414, 3416, 3418, 3420, 3422, 3424, 3425, 3426, 3428, 3432, 3438, 3440, 3452, 3472, 3474, 3474a, 3475, 3476, 3501, 3503, 3505, 3507, 3508, 3509, 3511, 3513, 3515, 3517, 3519, 3528, 3533, 3535, 3545, 3547, 3548, 3551, 3553, 3555, 3557, 3559, 3561, 3563, 3569, 3571, 3573, 3701, 3703, 3705, 3711, 3723, 4601, 4701, 6428, 7060, and 7705 (MCL 500.106, 500.116, 500.120, 500.221, 500.222, 500.250, 500.402, 500.436, 500.436a, 500.454, 500.460, 500.462, 500.606, 500.632, 500.1001, 500.2003, 500.2006, 500.2059, 500.2212a, 500.2212b, 500.2213, 500.2213a, 500.2213b, 500.2214, 500.2236, 500.2237, 500.3400, 500.3402, 500.3403, 500.3404, 500.3405, 500.3405a, 500.3406a, 500.3406c, 500.3406d, 500.3406e, 500.3406j, 500.3406k, 500.3406l, 500.3406m, 500.3406n, 500.3406o, 500.3406p, 500.3406q, 500.3406r, 500.3406s, 500.3407, 500.3407b, 500.3408, 500.3409, 500.3411, 500.3412, 500.3413, 500.3414, 500.3416, 500.3418, 500.3420, 500.3422, 500.3424, 500.3425, 500.3426, 500.3428, 500.3432, 500.3438, 500.3440, 500.3452, 500.3472, 500.3474, 500.3474a, 500.3475, 500.3476, 500.3501, 500.3503, 500.3505, 500.3507, 500.3508, 500.3509, 500.3511, 500.3513, 500.3515, 500.3517, 500.3519, 500.3528, 500.3533, 500.3535, 500.3545, 500.3547, 500.3548, 500.3551, 500.3553, 500.3555, 500.3557, 500.3559, 500.3561, 500.3563, 500.3569, 500.3571, 500.3573, 500.3701, 500.3703, 500.3705, 500.3711, 500.3723, 500.4601, 500.4701, 500.6428, 500.7060, and 500.7705), sections 116 and 436a as added and section 436 as amended by 1992 PA 182, section 221 as added by 2001 PA 275, section 222 as amended by 1994 PA 443, section 250 as amended by 2002 PA 684, section 454 as amended by 1987 PA 168, section 632 as amended by 1994 PA 226, section 1001 as amended by 2008 PA 342, section 2006 as amended by 2004 PA 28, section 2059 as amended by 1986 PA 253, section 2212a as amended by 2001 PA 235, section 2212b as amended by 2000 PA 486, section 2213 as amended by 2012 PA 445, section 2213a as amended by 2002 PA 707, sections 2213b, 3426, and 3705 as amended and sections 3405a, 3428, 3472, and 3474a as added by 2013 PA 5, section 2236 as amended by 2014 PA 140, sections 3405 and 3475 as amended by 2014 PA 263, section 3406a as added by 1982 PA 527, section 3406c as amended by 1994 PA 233, sections 3406d and 3406e as

added by 1989 PA 59, section 3406j as added by 1998 PA 136, section 3406k as amended by 2004 PA 7, section 3406l as added by 2004 PA 171, section 3406m as added by 1998 PA 402, section 3406n as added by 1999 PA 179, section 3406o as added by 1999 PA 177, section 3406p as added by 2000 PA 425, section 3406q as amended and sections 3701, 3703, 3711, and 3723 as added by 2003 PA 88, section 3406r as added by 2004 PA 375, section 3406s as added by 2012 PA 100, section 3407b as added by 2000 PA 27, section 3409 as amended by 1990 PA 170, section 3418 as amended by 1984 PA 280, section 3425 as added by 1980 PA 429, section 3440 as amended by 1987 PA 52, section 3476 as added by 2012 PA 215, sections 3501, 3505, 3507, 3508, 3509, 3511, 3513, 3535, 3545, 3547, 3548, 3551, 3553, 3555, 3557, 3559, 3561, 3563, 3569, and 3573 as added by 2000 PA 252, section 3503 as amended by 2006 PA 366, sections 3515, 3517, 3519, 3533, and 3571 as amended by 2005 PA 306, section 3528 as amended by 2002 PA 621, sections 4601 and 4701 as added by 2008 PA 29, section 7060 as amended by 1999 PA 82, and section 7705 as amended by 2006 PA 671, and by adding sections 607, 608, 3401a, 3402a, 3402b, 3402c, 3402d, 3402e, 3402f, 3402g, 3402h, 3477, and 3544; and to repeal acts and parts of acts.

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. 5023, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 75102 (MCL 324.75102), as amended by 2012 PA 251.

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.

By unanimous consent the Senate returned 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 Shirkey offered the following concurrent resolution:

Senate Concurrent Resolution No. 19.

A concurrent resolution to approve the release of money from the Roads Innovation Fund for deposit into the Michigan Transportation Fund, as provided by section 1j(5) of 1951 PA 51.

Whereas, Section 1j of 1951 PA 51, MCL 247.651j, creates a Roads Innovation Fund within the State Treasury into which the first \$100,000,000.00 received and collected attributable to taxes imposed under section 8(1) of the motor fuel tax act, 2000 PA 403, MCL 207.1008, shall be annually deposited beginning in fiscal year 2016-2017; and

Whereas, Section 1j(5) of 1951 PA 51, MCL 247.651j(5), provides that the Department of Transportation shall expend money from the Roads Innovation Fund only after each house of the legislature approves a one-time concurrent resolution on a record roll call vote to release money in the fund. Once released by the one-time concurrent resolution, money in the Roads Innovation Fund shall be deposited in the Michigan Transportation Fund; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we approve the release of money from the Roads Innovation Fund, as provided by section 1j(5) of 1951 PA 51.

Pending the order that, under rule 3.204, the concurrent 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 question being on the adoption of the concurrent resolution,

Senator Kowall moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Booher, Hansen, Knollenberg and MacGregor were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 18.

A concurrent resolution prescribing the legislative schedule.

(For text of resolution, see Senate Journal No. 103, p. 1841.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

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. 4059

Senate Bill No. 331

Senate Bill No. 363

The motion prevailed.

The following bill was read a third time:

House Bill No. 4059, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 61 (MCL 38.1361), as amended by 2012 PA 464.

The question being on the passage of the bill,

Senator Pavlov offered the following substitute:

Substitute (S-8).

The question being on the adoption of the substitute,

Senator O'Brien offered the following amendments to the substitute:

1. Amend page 5, line 9, after "(9)," by striking out "or".
2. Amend page 5, line 9, after "(10)" by inserting a comma and "**OR (11)**".
3. Amend page 6, line 1, after "**OR**" by striking out "**(11)**" and inserting "**(12)**".
4. Amend page 9, following line 4, by inserting:

"(11) SUBSECTION (1) DOES NOT APPLY TO A RETIRANT WHO IS A FORMER TEACHER OR ADMINISTRATOR WHO RETIRES AFTER JUNE 30, 2010 AND ON OR BEFORE OCTOBER 1, 2014, WHO FOLLOWING A BONA FIDE TERMINATION, INCLUDING NOT WORKING IN THE MONTH OF HIS OR HER RETIREMENT EFFECTIVE DATE, BECOMES EMPLOYED IN A TEACHING OR RESEARCH CAPACITY BY A UNIVERSITY THAT IS CONSIDERED A REPORTING UNIT FOR THE LIMITED PURPOSE DESCRIBED IN SECTION 7(3). A RETIRANT DESCRIBED IN THIS SUBSECTION IS NOT ELIGIBLE TO USE ANY SERVICE OR COMPENSATION ATTRIBUTABLE TO THE EMPLOYMENT DESCRIBED IN THIS SUBSECTION FOR RECOMPUTATION OF HIS OR HER RETIREMENT ALLOWANCE. THE REPORTING UNIT AT WHICH THE RETIRANT PROVIDES THE SERVICES DESCRIBED IN THIS SUBSECTION SHALL PAY 100% OF THE CONTRIBUTION RATES FOR THE UNFUNDED ACTUARIAL ACCRUED LIABILITY FOR RETIREE HEALTH CARE AND THE UNFUNDED ACTUARIAL ACCRUED LIABILITY FOR PENSION TO THE RETIREMENT SYSTEM FOR THE EMPLOYMENT DESCRIBED IN THIS SUBSECTION. THE REPORTING UNIT SHALL REPORT THE EMPLOYMENT OF A RETIRANT AS DESCRIBED IN THIS SUBSECTION TO THE RETIREMENT SYSTEM BY JULY 1 OF EACH YEAR. THE REPORTING UNIT SHALL INCLUDE IN THE REPORT THE NAME OF THE RETIRANT, THE CAPACITY IN WHICH THE RETIRANT IS EMPLOYED, AND THE TOTAL ANNUAL COMPENSATION PAID TO THE RETIRANT." and renumbering the remaining subsection.

The amendments to the substitute were adopted.

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

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 532

Yeas—35

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

Nays—0

Excused—3

Johnson

Marleau

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 provide a retirement system for the public school employees of this state; to create certain funds for this retirement system; to provide for the creation of a retirement board; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; to authorize and make appropriations for the retirement system; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

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

The motion prevailed.

Senator Zorn’s statement is as follows:

Today I would like to introduce my colleagues to my fall intern, Cait Corie. Cait is a student at Monroe County Community College, studying to earn a degree in political science. She is going to be leaving to go to London next year for about six months and eventually will return back to Michigan to study law and public policy.

Cait has done a great job in our office this semester, and I would especially like to thank her for the work she did on the dysautonomia resolution back in October.

Please help me thank Cait for her service not only to the office, but to the state of Michigan.

Senator Johnson entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 331, entitled

A bill to amend 1986 PA 119, entitled “An act to regulate the business of buying or receiving used motor vehicle parts; to prescribe the powers and duties of certain state and local officers; and to provide penalties,” by amending sections 1, 2, and 4 (MCL 257.1351, 257.1352, and 257.1354) and by adding section 2a.

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. 533

Yeas—36

Ananich
Bieda
Booher
Brandenburg
Casperson
Colbeck
Emmons
Green
Gregory

Hansen
Hertel
Hildenbrand
Hood
Hopgood
Horn
Hune
Johnson
Jones

Knezek
Knollenberg
Kowall
MacGregor
Meekhof
Nofs
O’Brien
Pavlov
Pros

Robertson
Rocca
Schmidt
Schuitmaker
Shirkey
Smith
Warren
Young
Zorn

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Warren's statement is as follows:

I rise today to ask that we observe a moment of silence to honor the people who were killed or injured in the shooting rampage that took place at a Planned Parenthood center in Colorado Springs on Friday, November 27.

Officer Garrett Swasey, along with Iraq veteran Ke'Arre Stewart and Jennifer Markovsky, who were killed that day, and the nine additional citizens who were wounded and sent to a local hospital aren't just statistics. They all have families who will forever remember a time of fear and loss when they should be celebrating and giving thanks. And they're not alone. In 2014, there were more than 50,000 victims of gun violence in the United States—more than 12,500 of which were fatal.

Since the Supreme Court's *Roe v. Wade* decision in 1973, 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.

We cannot keep asking for thoughts and prayers to comfort these victims' families without providing meaningful change to go along with them. I am standing here today asking you to join me to ensure that our citizens have unfettered access to health care. I ask you to join me to ensure that our citizens can feel safe from gun violence in public places. I ask you to ensure that we pay serious attention to terrorism, both foreign and domestic. Most of all, I call on you to be aware that our words and our rhetoric have meaning—outside this chamber and this Capitol dome—and severe consequences for the people of this state and this nation.

We have to put ourselves forward to be leaders, and with that comes great responsibility. Enough is enough.

A moment of silence was observed in memory of the victims of the Planned Parenthood shooting in Colorado Springs, Colorado.

Senator Bieda's statement is as follows:

I would like to take this time to honor the memory of a very good friend of mine who was a former Warren city councilman and city clerk, Richard Sulaka, who was born on March 31, 1955, and grew up in Warren. Following his graduation in 1973 from Fitzgerald High School, he became a real estate broker. He was a true public servant and a highly respected figure in the Chaldean-American business community throughout his career until his unfortunate and unexpected death on November 19, 2015.

Many in the community have said that Richard was a great family man and a loyal and honorable man who deeply cared about his community. That description was spot-on. Richard was a dedicated, tireless public servant, as well as a strong advocate for the Chaldean community, who volunteered and organized countless hours of events from youth activities to assisting Chaldean business owners. However, he always remembered his first priority was his family.

I would like to honor those who were closest to him, including his wife, Giovana, whom he married in 1984; his sons, Richard II and Michael; and his daughter, Angelina, and her husband, David. Joyously, Richard had the opportunity to learn of his first grandchild who was born just a couple weeks before he passed away. I know he was looking forward to seeing Athena Evangeline on Thanksgiving. I would like to think that he sought that from a higher perch.

Richard served on the Warren City Council from 1991 to 1999. As a city councilman, he was instrumental in efforts to implement term limits for Warren's elected officials. He was then elected as Warren city clerk and served from 1999 to 2007. During his time as city clerk, it was said that he built one of the best city departments. His tenure as city clerk included the city's conversion to an updated, modern voting system. Because of his passion for public service, he was much loved by his loyal and very competent staff. He opted not to run for a third term as city clerk and ran in 2007 for a then-open Warren mayoral seat. While he was not successful in his run for Warren mayor, he continued his business career and service to the Chaldean-American community, as well as the larger Warren community. He continued to give back and to educate all those who came in contact with him.

Richard was a very good friend of mine. I've known him since the early 1980s, and I remember him as a very genuinely nice person and somebody whom I will miss. I was also very grateful to have him as part of my circle of friends. He was active in St. Martin de Porres Parish and worked on numerous civic and fraternal organizations. He also operated three charitable bingo halls, two in Warren and one in Sterling Heights. He was a much-beloved and admired community leader who will long be remembered by family and friends as an integral part of the community.

I would like to request a moment of silence as we honor the former Warren city councilman and city clerk, Richard Sulaka, for his integrity, leadership, and devotion to the city of Warren and the Chaldean-American community. May he rest in peace.

A moment of silence was observed in memory of Richard Sulaka, former Warren city councilman and city clerk.

Senator Colbeck's statement is as follows:

Religious liberty in our country is at risk. This risk has been steadily escalating over the past century, but has reached alarming levels in recent years. On Monday, May 5, 2014, in a 5-4 decision, the Supreme Court reversed a decision by the Court of Appeals that held that the practice of praying before legislative assemblies violates the Establishment Clause of the First Amendment. As a reminder, this clause reads: "Congress shall make no laws respecting the establishment of religion."

Praying before a public assembly does not make a law. I am thankful that five members of the Supreme Court did not stop their reading of the First Amendment at the Establishment Clause, for the First Amendment goes on to say: "or prohibiting the free expression thereof or abridging the freedom of speech." Four of the members of the Supreme Court sought to prohibit invocations before legislative assemblies. Thankfully, five of the members appear to have read the entire First Amendment. The opinion of the five carried the day by the narrowest of margins, by one vote.

I wish this case were an isolated case, but it's not. In fact, the Family Research Council documents over 1,200 court cases over the past decade dealing with the infringement of religious liberty in our nation, a nation founded on the principle that our rights were endowed by our Creator. You can review this list at www.religioushostilities.org. Remember, these are only the incidents that have become court cases. These 1,200 cases are simply the tip of the iceberg.

Thankfully, many Americans are waking up and taking a stand. Nationally, you may recall the Houston mayor who subpoenaed the sermons of five pastors because they promoted the biblical view of marriage. The subpoena was withdrawn after the mayor received pressure from community leaders, such as Senator Ted Cruz and Governor Mike Huckabee.

The Pulpit Freedom Initiative is another example of the faith community fighting to defend our First Amendment rights. Thousands of pastors every year challenge the IRS to enforce the prohibition on political speech in their sermons by taping and sending them to the IRS. These pastors know that the statute prohibiting such speech is unconstitutional. The IRS prefers that pastors live in fear of prosecution under an unconstitutional law. The IRS knows that they would lose any court case taken up by the Supreme Court, so they have not attempted to prosecute these pastors. The Bible says do not be afraid 63 times. Perhaps God is trying to tell us something.

In our own backyard, I am encouraged by a wellspring of revival throughout our state. Did you know that we have weekly Bible studies featuring 20 to 30 legislators? By the way, you are all invited to join us. We meet Wednesday mornings at 7:00 a.m. in the House Office Building. Earlier this year, almost 200 pastors and legislators came together in Lansing to commit ourselves to the truth of 2 Chronicles 7:14, which says: "If my people who are called by my name, will humble themselves and pray and seek my face, and turn from their wicked ways, then I will hear from heaven, and will forgive their sins, and heal their land."

In September, I participated in a forum, entitled "The Body of Christ in the Public Square" and another called "Covenants and Courage," to bring awareness of the erosion of our civil liberties. Tomorrow, people of faith will be holding a religious liberty rally on the Capitol steps. Throughout this state, people of faith are waking up and reaffirming the fundamental right upon which all other rights rest, the freedom of religion.

It is time to fearlessly expose the myth of separation of church and state. The Establishment Clause of the First Amendment protects us against the theocracy such as our Founders left behind in Great Britain under the Anglican Church. We now need to take a stand to assert the Free Exercise Clause. Our Constitution ensures the freedom of religion, not the freedom from religion.

In the words of Thomas Jefferson, "Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God?" We would do well to heed his wise counsel.

Committee Reports

The Committee on Local Government reported

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.

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.

Dale W. Zorn
Chairperson

To Report Out:

Yeas: Senators Zorn, Proos, Brandenburg and Young

Nays: Senator Rocca

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

COMMITTEE ATTENDANCE REPORT

The Committee on Local Government submitted the following:

Meeting held on Tuesday, November 10, 2015, at 12:30 p.m., Room 100, Farnum Building

Present: Senators Zorn (C), Proos, Brandenburg, Rocca and Young

The Committee on Judiciary reported

Senate Bill No. 508, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145e.

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.

Rick Jones

Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca, Colbeck and Bieda

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 509, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145f.

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, Colbeck and Bieda

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, November 10, 2015, at 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower

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

The Committee on Education reported

House Bill No. 4594, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 166b (MCL 388.1766b), as amended by 2012 PA 130.

With the recommendation that the bill pass.

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

Phillip J. Pavlov

Chairperson

To Report Out:

Yeas: Senators Pavlov, Knollenberg, Booher and Colbeck

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 4790, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 6 (MCL 388.1606), as amended by 2015 PA 85.

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.

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Knollenberg, Booher and Colbeck

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, November 10, 2015, at 12:00 noon, Room 110, Farnum Building

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

The Committee on Health Policy reported

Senate Bill No. 502, entitled

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

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.

Mike Shirkey
Chairperson

To Report Out:

Yeas: Senators Shirkey, Hune, O'Brien, Marleau, Jones, Stamas, Robertson and Hertel

Nays: Senators Knezek and Hopgood

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

The Committee on Health Policy reported

Senate Bill No. 592, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 10205 (MCL 333.10205), as added by 1999 PA 62.

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.

Mike Shirkey
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Health Policy reported

House Bill No. 4438, entitled

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

With the recommendation that the bill pass.

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

Mike Shirkey
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Tuesday, November 10, 2015, at 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower
Present: Senators Shirkey (C), Hune, O'Brien, Marleau, Jones, Stamas, Robertson, Hertel, Knezek and Hopgood

The Committee on Banking and Financial Institutions reported

Senate Bill No. 200, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding section 88s.
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.

Darwin L. Booher
Chairperson

To Report Out:

Yeas: Senators Booher, O'Brien, Zorn, MacGregor, Rocca, Hertel and Young

Nays: None

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

The Committee on Banking and Financial Institutions reported

Senate Bill No. 578, entitled

A bill to amend 2002 PA 660, entitled "Consumer mortgage protection act," by amending sections 2, 6, and 13 (MCL 445.1632, 445.1636, and 445.1643), section 2 as amended by 2012 PA 443; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Darwin L. Booher
Chairperson

To Report Out:

Yeas: Senators Booher, O'Brien, Zorn, MacGregor, Rocca, Hertel and Young

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Tuesday, November 10, 2015, at 3:39 p.m., Room 100, Farnum Building

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

Excused: Senator Nofs

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Corrections submitted the following:

Joint meeting held on Thursday, November 12, 2015, at 8:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Proos (C), Knollenberg and Gregory

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)

Commerce - Wednesday, December 2, 8:30 a.m., Room 210, Farnum Building (373-5312)

Criminal Justice Policy Commission - Wednesday, December 2, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Families, Seniors and Human Services - Wednesday, December 2, 3:00 p.m., Room 210, Farnum Building (373-5323)

Insurance - Wednesday, December 2, 2:00 p.m., Room 100, Farnum Building (373-5312)

Michigan Competitiveness - Wednesday, December 2, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower and Thursday, December 3, 9:30 a.m., Rooms 402 and 403, Capitol Building (373-5314)

Natural Resources - Wednesday, December 2, 12:30 p.m., Room 210, Farnum Building (373-5314)

Regulatory Reform - Wednesday, December 2, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5323)

Senator Kowall moved that the Senate adjourn.
The motion prevailed, the time being 12:06 p.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, December 2, 2015, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate

