

No. 22
STATE OF MICHIGAN
Journal of the Senate
99th Legislature
REGULAR SESSION OF 2017

Senate Chamber, Lansing, Thursday, March 2, 2017.

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—excused
Casperson—present
Colbeck—present
Conyers—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
Stamas—present
Warren—present
Young—present
Zorn—present

Reverend Mark Allen Hovermale of Alpha Baptist Church of Livonia offered the following invocation:

Dear Lord, we come before You simply in awe that we can come before You in prayer, come before Your presence with requests, and with thankful hearts for all that you have done, are doing, and will continue to do in our lives. Specifically within this group of public servants, I pray for wisdom today, for the decisions made on the floor, that they be honoring to You and be in the best interests of those who this body represents. I pray for clarity as this body makes decisions and debates the issues of the day. I pray for humility for this group as they work together across differences to do what is right for our great state. I thank You for their willingness to give up so much in order to serve the common good and the people. We pray a special blessing on their families as this job requires so much from them and at times can keep them away from their loved ones.

I ask that today, in all that is said and done in this chamber, that it will honor You as these public servants seek to do what is best for the common good and for the many people of our great state who are in need. I pray for grace, for mercy, for love, and kindness to flow through this chamber today, along with decision, fortitude, and a strong conscience.

I pray all these things in the name of Your Son, our Savior, Jesus Christ. 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.

Senator Kowall moved that Senators Casperson, Hildenbrand and Robertson be temporarily excused from today's session.

The motion prevailed.

Senator Kowall moved that Senator Brandenburg be excused from today's session.

The motion prevailed.

Senator Hood moved that Senator Johnson be temporarily excused from today's session.

The motion prevailed.

Senator Kowall moved that rule 3.902 be suspended to allow the guest of Senator Stamas admittance to the Senate floor.

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

The following communication was received and read:

Office of the Auditor General

February 27, 2017

Enclosed is a copy of the following:

- Report on Internal Control, Compliance, and Other Matters for the fiscal year ended September 30, 2016.
 - Michigan Legislative Retirement System (900-0140-17)
 - State of Michigan 457 Plan (071-0157-17)
 - State of Michigan 401K Plan (071-0156-17)
 - Michigan State Police Retirement System (071-0154-17)
 - Michigan Judges' Retirement System (071-0153-17)

Sincerely,
Doug Ringler
Auditor General

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

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, March 1:
House Bill Nos. 4057 4186

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

Senate Bill Nos. 202 203 204 205 206
House Bill Nos. 4285 4286 4287 4288 4289 4290 4291 4292 4293

Senator Johnson entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of
Resolutions

Senators Hopgood, Conyers, Pavlov, Gregory, Jones, Knezek, Horn, Colbeck, Rocca, Hertel, Schmidt, Hansen, Booher, Warren and Zorn offered the following resolution:

Senate Resolution No. 19.

A resolution to oppose Ontario Power Generation's proposal to build a nuclear waste repository in Kincardine, Ontario, to memorialize the United States Congress to do all it can to oppose the construction of any underground nuclear waste repository in the Great Lakes basin, and to urge the Canadian government to prohibit the siting and construction of a nuclear waste repository anywhere in the Great Lakes basin.

Whereas, Lake Huron and the other Great Lakes are critically important resources to both the United States and Canada. The Great Lakes contain 95 percent of North America's surface freshwater and provide drinking water to tens of millions of people. Pristine water is important to fishing, boating, recreation, tourism, and agriculture in Michigan and throughout the region. The agriculture, commercial and sport fishing, shipping, recreation, and tourism industries are important components of the Great Lakes, providing 1.5 million jobs and \$62 billion in wages every year; and

Whereas, Ontario Power Generation (OPG) has proposed the construction of an underground long-term burial facility, known as a deep geologic repository (DGR) or nuclear waste repository, at the Bruce Nuclear Generating Station site in Kincardine, Ontario, to bury and abandon all of OPG's low- and intermediate-level radioactive nuclear waste, some of which will remain radioactive and toxic for over 100,000 years. The proposed site, less than a mile inland from the shores of Lake Huron and about 440 yards below the lake level, is approximately 120 miles upstream from the main drinking water intakes for southeast Michigan; and

Whereas, The governments of Canada and the United States, under the *2012 Protocol Amending the Agreement Between Canada and the United States of America on Great Lakes Water Quality*, acknowledge the importance of anticipating, preventing, and responding to threats to the waters of the Great Lakes and share a responsibility and an obligation to protect the Great Lakes from contamination from various sources of pollution, including the leakage of nuclear waste from an underground nuclear waste repository; and

Whereas, During the 1980s, the U.S. Department of Energy was considering potential sites for a nuclear waste repository, including some locations in the Great Lakes basin. As a result of significant Canadian opposition, then Secretary of State for External Affairs, Joe Clark, intervened and convinced the U.S. government to honor Canada's request to exclude any sites within 40 kilometers of the Canadian border; and

Whereas, This proposal to place a permanent nuclear waste burial facility so close to the Great Lakes raises serious concerns. OPG did not consider or evaluate any other specific sites for the location of the proposed DGR. The underground nuclear waste repository proposed by OPG would be the first of its kind to be constructed in limestone, and the initial environmental impact statement noted that the acceptability of an alternative site was "unknown"; and

Whereas, After considering the Joint Review Panel Environmental Assessment report for the DGR, Canada's Minister of Environment and Climate Change advised OPG in February 2016 that further information would be required before a decision statement would be issued and instructed OPG to, among other things, undertake a study detailing the environmental effects of technically and economically feasible alternate locations for the proposed nuclear waste repository; and

Whereas, On December 28, 2016, OPG submitted a report outlining generic information about two alternative geologic regions, but failed to provide any information on specific sites or consider any areas located outside of the Great Lakes basin; and

Whereas, As of September 12, 2016, entities representing over 23 million citizens have passed 187 resolutions in the states of Michigan, Illinois, Indiana, Minnesota, Wisconsin, Pennsylvania, New York, and Ohio and in the province of Ontario opposing the proposed nuclear waste repository, with the vast majority of the resolutions opposing any permanent underground nuclear waste repository anywhere in the Great Lakes basin; and

Whereas, Placing a permanent nuclear waste burial facility within the Great Lakes basin is ill-advised. The potential damage to the Great Lakes from any leak or breach of radioactivity far outweighs any benefits that could be derived from burying radioactive waste at this site. The ecology of the Great Lakes, which is valuable beyond measure to the health and economic well-being of the entire region, should not be placed at risk by storing radioactive waste within the Great Lakes watershed; now, therefore, be it

Resolved by the Senate, That we oppose Ontario Power Generation's proposal to build a nuclear waste repository in Kincardine, Ontario; and be it further

Resolved, That we memorialize the United States Congress to do all it can to oppose the construction of any underground nuclear waste repository in the Great Lakes basin; and be it further

Resolved, That we urge the Canadian government to prohibit the siting and construction of a nuclear waste repository anywhere in the Great Lakes basin; and be it further

Resolved, That copies of this resolution be transmitted to the Prime Minister of Canada, Canada's Minister of Environment and Climate Change, Canada's Minister of Foreign Affairs, the Premier of Ontario, the Canadian Nuclear Safety Commission, the Canadian Environmental Assessment Agency, the Speaker of the United States House of Representatives, the President of the United States Senate, the members of the Michigan congressional delegation, and the United States Nuclear Regulatory Commission.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Kowall moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Kowall moved that the resolution be referred to the Committee on Energy and Technology.

The motion prevailed.

Senators Bieda, Marleau and Schuitmaker were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senator Green introduced

Senate Bill No. 207, entitled

A bill to amend 1935 PA 59, entitled "An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929," by amending section 6c (MCL 28.6c).

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

Senators Young, Conyers and Hertel introduced

Senate Bill No. 208, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 675e.

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

Senators Young, Conyers, Booher, Hertel and O'Brien introduced

Senate Bill No. 209, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 10a.

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

Senators Colbeck and Jones introduced

Senate Bill No. 210, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line

fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” (MCL 247.651 to 247.675) by adding section 11i.

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

Senators Zorn, Rocca, Knezek, Marleau and Jones introduced

Senate Bill No. 211, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 40118 (MCL 324.40118), as amended by 2015 PA 188.

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

Senators Ananich, Hopgood, Bieda, Warren, Johnson, Young, Conyers and Hertel introduced

Senate Bill No. 212, entitled

A bill to require employers to provide paid sick leave to certain employees; to specify the conditions for accruing and using paid sick leave; to prohibit retaliation against an employee for requesting, exercising, or enforcing rights granted in this act; to prescribe powers and duties of certain state departments, agencies, and officers; to provide for promulgation of rules; and to provide remedies and sanctions.

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

Senator MacGregor introduced

Senate Bill No. 213, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16285 and 16287 (MCL 333.16285 and 333.16287), as added by 2016 PA 359.

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

Senators Caspersen, Hildenbrand and Robertson entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 102, entitled

A bill to authorize, facilitate, and regulate the acquisition and disposal of certain property and gifts of certain property by certain entities to community foundations; to validate all transfers made before the enactment of this act; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Shirkey offered the following amendments:

1. Amend page 5, line 14, after “(2)” by striking out “and (3)” and inserting a comma and “(3), and (7)”.
2. Amend page 7, following line 12, by inserting:

“(7) In accordance with section 1260 of the revised school code, 1976 PA 451, MCL 380.1260, a school board or intermediate school board that transfers property to a community foundation pursuant to this act shall not impose any deed restriction prohibiting, or otherwise prohibit, property sold or transferred by the school board or intermediate school board from being used for any lawful public education purpose.”.

The amendments were adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 44**Yeas—26**

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

Nays—11

Ananich	Gregory	Hopgood	Warren
Bieda	Hertel	Johnson	Young
Conyers	Hood	Knezek	

Excused—1

Brandenburg

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 152, entitled

A bill to amend 1976 PA 223, entitled "An act to create an agency concerned with crime victim services; to prescribe its powers and duties; to provide compensation to certain victims of crimes; to provide for the promulgation of rules; and to provide for penalties," by amending section 5a (MCL 18.355a), as added by 2008 PA 391.

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. 45**Yeas—37**

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

Nays—0

Excused—1

Brandenburg

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 153, entitled

A bill to amend 2008 PA 546, entitled “Sexual assault victims’ medical forensic intervention and treatment act,” by amending section 5 (MCL 400.1535).

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. 46**Yeas—37**

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

Nays—0**Excused—1**

Brandenburg

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 119, entitled

A bill to require the state administrative board to convey state-owned property in Marquette County; to prescribe conditions for the conveyance; to provide for powers and duties of state departments, agencies, and officers in regard to the property; and to provide for disposition of revenue derived from the conveyance.

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. 47**Yeas—37**

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

Nays—0**Excused—1**

Brandenburg

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Committee Reports**COMMITTEE ATTENDANCE REPORT**

The Committee on Families, Seniors and Human Services submitted the following:
 Meeting held on Wednesday, March 1, 2017, at 3:00 p.m., Room 1300, Binsfeld Office Building
 Present: Senators Emmons (C), Pavlov, Jones and Casperson
 Excused: Senator Johnson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Corrections submitted the following:
 Meeting held on Wednesday, March 1, 2017, at 3:30 p.m., Room 1200, Binsfeld Office Building
 Present: Senators Proos(C), Knollenberg and Gregory

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:
 Meeting held on Wednesday, March 1, 2017, at 4:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building
 Present: Senators Booher (C), Nofs, Schuitmaker, Hansen, Gregory and Hertel
 Excused: Senator MacGregor

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submitted the following:

Meeting held on Thursday, March 2, 2017, at 9:00 a.m., Room 1200, Binsfeld Office Building

Present: Senators Hansen (C), Knollenberg and Young

Scheduled Meetings**Appropriations -****Subcommittees -**

Agriculture and Rural Development - Tuesdays, March 7, March 14 and March 21, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

General Government - Thursdays, March 16 and March 23, 8:30 a.m. and Thursday, March 9, 9:00 a.m., Room 1300, Binsfeld Office Building (373-2768)

Health and Human Services - Tuesday, March 7, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

K-12, School Aid, Education - Wednesdays, March 8, March 15, March 22 and March 29, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

K-12, School Aid, Education and House School Aid Appropriations Subcommittee - Tuesday, March 7, 8:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police and Military Affairs - Tuesdays, March 7 and March 21, 8:30 a.m., Rooms 402 and 403; Tuesday, March 14, 8:30 a.m., Room 405, Capitol Building (373-2768)

Transportation - Thursdays, March 9 (CANCELED), March 16, March 23 and March 30, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Judiciary - Tuesday, March 7, 3:00 p.m., Room 1300, Binsfeld Office Building (373-5323)

Michigan Veterans Trust Fund Board of Trustees - Tuesday, March 7, 10:30 a.m., Lansing State Office, 222 N. Washington Square, 5th Floor (284-5299)

Senator Kowall moved that the Senate adjourn.
The motion prevailed, the time being 10:18 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Tuesday, March 7, 2017, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate

