

No. 91
STATE OF MICHIGAN
Journal of the Senate
98th Legislature
REGULAR SESSION OF 2015

Senate Chamber, Lansing, Tuesday, October 13, 2015.

10:00 a.m.

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

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

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

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

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

Pastor Brad Matuzak of Word of Life Baptist Church of Alpena offered the following invocation:

Heavenly Father, I thank You for these men and women who serve this great state. I pray a blessing on them this morning, and I ask that You would bless them with a spirit of wisdom and revelation that they may know You deeply. I pray that the eyes of their hearts and their cores would be open to know and understand the truth that can only come from You.

As they serve and lead, give them discernment on when to exercise mercy and yield to another and when to stand firm on their convictions. Bless the work and labor of their hands, and enable them to lead us with humility and daily remember why they are here. Keep them in all of their ways, protecting them from harm and blessing them with healthy bodies.

I lift up their families, and I ask that You give them the grace in their hearts and peace in their minds needed while living in a fish bowl. Protect their relationships with their families, and may they be strong and grow.

As it is stated in the book of Numbers, may the Lord bless you and keep you; the Lord make his face shine on you and be gracious to you; the Lord turn his face toward you and give you peace. In the name of Jesus, we pray. Amen.

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

Motions and Communications

Senators Brandenburg and Ananich entered the Senate Chamber.

Senator Hood moved that Senator Young be temporarily excused from today’s session. The motion prevailed.

Senator Young entered the Senate Chamber.

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, October 8:
House Bill No. 4581

The Secretary announced that the following bills were printed and filed on Thursday, October 8, and are available at the Michigan Legislature website:

Senate Bill Nos.	545	546	547	548	549	550	551												
House Bill Nos.	4947	4948	4949	4950	4951	4952	4953	4954	4955	4956	4957	4958	4959	4960					
	4961	4962	4963	4964	4965	4966													

Messages from the Governor

The following message from the Governor was received:

Date: October 7, 2015
Time: 4:21 p.m.

To the President of the Senate:

Sir—I have this day approved and signed
Enrolled Senate Bill No. 134 (Public Act No. 139), being

An act to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 6, 11, 21f, 31a, 32d, and 107 (MCL 388.1606, 388.1611, 388.1621f, 388.1631a, 388.1632d, and 388.1707), section 6 as amended by 2014 PA 196 and sections 11, 21f, 31a, 32d, and 107 as amended by 2015 PA 85.

(Filed with the Secretary of State on October 7, 2015, at 4:42 p.m.)

Respectfully,
Rick Snyder
Governor

The following messages from the Governor were received and read:

September 30, 2015

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

Michigan Council for Arts and Cultural Affairs

Shannon E. White of 13521 Haddon Street, Fenton, Michigan 48430, county of Genesee, succeeding Kim Dabbs, is appointed for a term expiring September 1, 2016.

October 5, 2015

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

Michigan Developmental Disabilities Council

Kristen E. Columbus of 705 N. Harris Street, Saline, Michigan 48176, county of Washtenaw, representing parents or guardians of a child with development disabilities, succeeding herself, is reappointed for a term expiring September 30, 2019.

Heidi DeVries of 6240 Woodfield Place, S.E., #2, Kentwood, Michigan 49548, county of Kent, representing individuals with developmental disabilities, succeeding herself, is reappointed for a term expiring September 30, 2019.

Tammy K. Yeomans of 6240 Woodfield Place, S.E., Grand Rapids, Michigan 49548, county of Kent, representing individuals with developmental disabilities, filling a vacancy, is appointed for a term expiring September 30, 2019.

Steven G. Johnson of 7010 152nd Avenue, West Olive, Michigan 49460, county of Ottawa, representing parents or guardians with a child with developmental disabilities, succeeding Bob Brown, is appointed for a term expiring September 30, 2019.

October 5, 2015

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

Farm Produce Insurance Authority

Aaron R. Somers of 19475 Stevens Road, Henderson, Michigan 48841, county of Saginaw, representing producers from the largest Michigan organization representing general farm interests of Michigan, succeeding himself, is reappointed for a term expiring June 20, 2018.

October 5, 2015

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

Michigan Film Office Advisory Council

Timothy A. Pietryga of 1741 Wealthy Street, S.E., Grand Rapids, Michigan 49506, county of Kent, representing residents of the state, succeeding himself, is reappointed for a term expiring September 30, 2019.

October 5, 2015

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

Health Information Technology Commission

Karen Parker of 4355 Morrice Road, Webberville, Michigan 48819, county of Ingham, designee of the Director of the Department of Health and Human Services, succeeding Tim Becker, is appointed for a term expiring August 3, 2016.

October 5, 2015

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

Michigan Soybean Promotion Committee

Peter Crawford of 1655 Dietz Road, Dansville, Michigan 48819, county of Ingham, representing District 2 growers, succeeding Richard Welden, is appointed for a term expiring September 23, 2018.

Dennis J. Gardner of 7615 Brown Road, Croswell, Michigan 48422, county of Sanilac, representing District 4 growers, succeeding himself, is reappointed for a term expiring September 23, 2018.

Michael Sahr of 9121 E. Washington Road, Saginaw, Michigan 48601, county of Saginaw, representing District 5 growers, succeeding Thomas Hess, is appointed for a term expiring September 23, 2018.

October 5, 2015

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

State Teacher Tenure Commission

Jeffyn B. Herioux of 5 Mulberry Circle, Gladstone, Michigan 49837, county of Delta, representing classroom instructors, succeeding Karen Leslie, is appointed for a term expiring August 31, 2020.

October 8, 2015

Please be advised of the following appointment to office:

Acting State Fire Marshal

Michael G. Deprez of 43791 St. Julian Court, Sterling Heights, Michigan 48314, county of Macomb, succeeding Richard W. Miller, for a term effective October 12, 2015 and expiring at the pleasure of the Governor.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of
General Orders

Senator Kowall moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Calley, designated Senator Zorn as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Calley, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 151, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16 of chapter X (MCL 770.16), as amended by 2011 PA 212.

Senate Bill No. 374, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5101 (MCL 333.5101), as amended by 2010 PA 119.

Senate Bill No. 375, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5111 (MCL 333.5111), as amended by 2010 PA 119.

Senate Bill No. 376, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5117 (MCL 333.5117), as amended by 2010 PA 119.

Senate Bill No. 377, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5119 (MCL 333.5119), as amended by 2000 PA 209.

Senate Bill No. 378, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5121 (MCL 333.5121), as added by 1988 PA 491.

Senate Bill No. 379, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5123 (MCL 333.5123), as amended by 1994 PA 200.

Senate Bill No. 380, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5127 (MCL 333.5127), as added by 1988 PA 491.

Senate Bill No. 381, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5129 (MCL 333.5129), as amended by 2014 PA 321.

The bills were placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Senator Kowall moved that the following bills be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 409

Senate Bill No. 410

Senate Bill No. 424

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 409, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7340c (MCL 333.7340c), as added by 2014 PA 217.

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. 418

Yeas—38

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

Nays—0

Excused—0

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. 410, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13m of chapter XVII (MCL 777.13m), as amended by 2014 PA 218.

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. 419

Yeas—38

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

Nays—0

Excused—0

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. 424, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 7410 (MCL 333.7410), as amended by 2006 PA 552.

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. 420

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Knollenberg introduced

Senate Bill No. 557, 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,” by amending section 1c (MCL 247.651c), as amended by 2010 PA 28.

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

Senator Jones introduced

Senate Bill No. 558, entitled

A bill to amend 1846 RS 66, entitled “Of estates in dower, by the curtesy, and general provisions concerning real estate,” (MCL 558.1 to 558.29) by adding section 30; and to repeal acts and parts of acts.

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

Senator Jones introduced

Senate Bill No. 559, entitled

A bill to amend 1909 PA 259, entitled “An act to provide that judgments of divorce and judgments of separate maintenance shall make provision in satisfaction of the claims of the wife in the property of the husband and in satisfaction of the claims of the husband and wife in contracts of insurance and annuity upon the life of the husband or wife, and in satisfaction of claims of the husband and wife in or to any pension, annuity, retirement allowance, or accumulated contributions in any pension, annuity, or retirement system, including any rights or contingent rights in and to unvested pension, annuity, or retirement benefits; and to change the tenure of lands owned by husband and wife in case of divorce, and to provide for the disposition or partition of such lands or the proceeds thereof,” by amending section 1 (MCL 552.101), as amended by 2006 PA 288.

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

Senator Jones introduced

Senate Bill No. 560, entitled

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” by amending sections 1303, 2202, 2205, and 3807 (MCL 700.1303, 700.2202, 700.2205, and 700.3807), sections 1303, 2202, and 2205 as amended by 2000 PA 54 and section 3807 as amended by 2000 PA 177.

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

Senator Meekhof introduced

Senate Bill No. 561, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 234d and 237a (MCL 750.234d and 750.237a), section 234d as amended by 1994 PA 158 and section 237a as amended by 2015 PA 26.

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

House Bill No. 4581, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 205 (MCL 436.1205), as amended by 2010 PA 213.

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 Regulatory Reform.

Statements

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

The motion prevailed.

Senator Colbeck’s statement is as follows:

Almost four years ago, state elected officials said we can’t fix roads without a tax increase. I worked hard to show them how to fix the roads by reducing expenses in other budget areas by reprioritizing existing revenue, and I even introduced alternative revenue sources that leverage existing state assets to generate nontax revenue. Then state elected officials said that we can’t fix the roads without cutting schools and public safety. Well, I showed them how to fix the roads by reallocating 100 percent of the \$356 million in new General Fund dollars from the May 5 Consensus Revenue Estimate; by reallocating the \$214 million from the Budget Stabilization Fund that is above and beyond the \$400 million balance needed to safeguard our \$10 billion General Fund from the historic 4 percent variation between forecast and actual figures; and by promoting broad-based economic development rather than targeted friends and family economic development by reallocating \$179 million from the Michigan Strategic Fund. That’s just for starters, just three easy pickings.

Then the state elected officials said that we can’t find a solution that would have enough votes in both chambers that doesn’t feature a tax increase. Well, my friends, in case you haven’t noticed, we seem to have a little bit of trouble finding a solution that does feature a tax increase. So having said that, I have showed them that we already have a solution supported by both chambers. In June, the House passed a roads plan that featured \$119 million in new taxes and \$700 million in existing funds. In July, the Senate passed a roads plan that featured \$800 million in new taxes and \$700 million in existing funds. The common denominator is \$700 in reprioritized existing funds. That is only \$300 million more than proposed in our current budget. We only have one missing ingredient to get to a sustainable roads solution—building roads that last.

Now who would oppose a commitment to building higher-quality roads? If we were to couple the existing approval by both chambers to commit \$700 million in existing funds with the commitment to build roads that last longer, voila, we have a sustainable road solution all without raising taxes. This is not rocket science. It does beg the question, though: Why would anyone still insist that we need to increase taxes for our roads? It is my quest for a thoughtful answer to this question that drove me to issue my debate challenge last week on my 50th birthday. Since I am acutely aware of how well folks pay attention to floor statements, I followed up my floor statement with a formal letter to the office of each state elected official citing a deadline of 5:00 p.m. on Wednesday, October 14—that’s tomorrow. At this moment, no state elected official has accepted this challenge.

This begs another question: Why has nobody accepted this challenge? After all, according to some, it is common knowledge that we need to increase taxes. If it is common knowledge, it should be pretty darn easy to make your case in a public debate. So why has no one accepted this challenge? Some have dismissed it as purely a PR stunt. Oh yeah, you know me, there’s nothing a spreadsheet-toting aerospace engineer like myself likes more than TV cameras and microphones. Others have insinuated that I’m not serious about finding a real solution to our roads. Anyone who claims this has not been paying attention or is simply attempting to marginalize my perspective and the perspective of 1,404,799 voters who said “no” to another tax-increase-driven solution called Proposal 1. Others choose simply to ignore the challenge as they have ignored the solutions that I have proposed over the last three years.

What they haven’t considered is this: I’m seeking the truth. What they haven’t considered is that I’m tired of politics-as-usual solutions that ignore the will of the people. What they haven’t considered is that I’m concerned that our citizens are losing respect for our system of government, and I believe that we could regain this respect by starting to offer solutions to big problems that don’t involve asking them for more money. How much respect do we earn when our fiscal policy resembles that of a teenager asking mom and dad for more money?

So in the final analysis, we have a simple choice before us. Do we go with politics as usual and dig further into the wallets of our citizens? Or do we pass a solution that does not increase taxes and makes our citizens proud? My colleagues, in the words of President Reagan, “It is a time for choosing.”

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Thursday, October 8, 2015, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, October 8, 2015, at 1:30 p.m., Room 210, Farnum Building

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

Excused: Senator Brandenburg

Scheduled Meetings

Appropriations - Wednesday, October 14, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-1801)

Subcommittee -

K-12, School Aid, Education - Wednesday, October 14, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Commerce - Wednesday, October 14, 8:30 a.m., Room 210, Farnum Building (373-5312)

Economic Development and International Investment - Thursday, October 15, 1:30 p.m., Room 210, Farnum Building (373-5323)

Elections and Government Reform - Thursday, October 15, 9:00 a.m., Room 210, Farnum Building (373-1721)

Energy and Technology - Thursday, October 15, 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-1721)

Families, Seniors and Human Services - Wednesday, October 14, 3:00 p.m., Room 210, Farnum Building (373-5314)

Natural Resources - Wednesday, October 14, 12:30 p.m., Room 210, Farnum Building (373-5314)

Outdoor Recreation and Tourism - Wednesday, October 14, 12:30 p.m., Room 110, Farnum Building (373-1721)

Regulatory Reform - Wednesday, October 14, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5323)

State Drug Treatment Court Advisory Committee - Tuesday, October 20, 10:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Kowall moved that the Senate adjourn.
The motion prevailed, the time being 10:28 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, October 14, 2015, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate

