

No. 60
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2014

Senate Chamber, Lansing, Tuesday, September 9, 2014.

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
Anderson—present
Bieda—present
Booher—present
Brandenburg—excused
Casperson—present
Caswell—present
Colbeck—present
Emmons—excused
Green—present
Gregory—present
Hansen—present
Hildenbrand—present

Hood—present
Hopgood—present
Hune—present
Hunter—excused
Jansen—present
Johnson—present
Jones—present
Kahn—present
Kowall—present
Marleau—present
Meekhof—present
Moolenaar—present
Nofs—present

Pappageorge—present
Pavlov—present
Proos—present
Richardville—present
Robertson—present
Rocca—present
Schuitmaker—present
Smith—excused
Walker—present
Warren—present
Whitmer—present
Young—present

Senator Steven M. Bieda of the 9th District offered the following invocation:

Dear God of Creation, we come before You today to give You honor and praise. You are worthy of praise. You are the source of all that is good. You are the source of all of our blessings. Thank You for every gift that we have been given. We thank You for the opportunity to come together this day, and we ask for Your hand of blessing on this session. We ask that You would guide and direct our meeting so that it is full of wisdom, productivity, and respect for one another.

Thank You for helping us to accomplish our work and our goals this day. I hope that we have a very successful session, and thank you for joining me in prayer. Amen.

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

Motions and Communications

Senator Hood entered the Senate Chamber.

The following communications were received and read:

Office of the Auditor General

August 19, 2014

Enclosed is a copy of the following audit report:

Performance audit of the Enterprise Data Warehouse, Department of Technology, Management, and Budget.

August 19, 2014

Enclosed is a copy of the following audit report:

Performance audit of Prisoner Education Programs, Department of Corrections.

August 22, 2014

Enclosed is a copy of the following Preliminary Survey Summary:

Emergency Management and Homeland Security Division, Michigan Department of State Police.

August 25, 2014

Enclosed is a copy of the following Preliminary Survey Summary:

Wildlife Division, Department of Natural Resources.

August 27, 2014

Enclosed is a copy of the following audit report:

Follow-up of the performance audit of the Michigan Women, Infants, and Children Information System, Department of Community Health and Department of Technology, Management, and Budget.

August 29, 2014

Enclosed is a copy of the following audit report:

Performance audit of the Michigan State Disbursement Unit, Office of Child Support, Department of Human Services.

Sincerely,
Doug Ringler, C.P.A., C.I.A.
Auditor General

The audit reports and preliminary survey summaries were referred to the Committee on Government Operations.

The following communication was received:

Department of State

August 27, 2014

This will acknowledge receipt of the initiative petition entitled "The Scientific Fish and Wildlife Conservation Act." This initiated law would ensure that decisions affecting the taking of fish and wildlife are made using principles of sound

scientific fish and wildlife management, to provide for free hunting, fishing and trapping licenses for active members of the military, and to provide appropriations for fisheries management activities necessary for rapid response, prevention, control and/or elimination of aquatic invasive species, including Asian carp, which was adopted by the Michigan Senate on August 13, 2014 and filed with this Department on August 14, 2014. The initiative petition was also approved by the Michigan House of Representatives on August 27, 2014 and filed with this Department on August 27, 2014.

The initiative petition has been assigned Act Number 281 of the Public Acts of 2014.

Sincerely,
Ruth A. Johnson
Secretary of State

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, August 27:
House Bill No. 5045

The Secretary announced that the following initiative petition was filed with the Secretary of State:

Legislative Initiative Petition

An initiation of legislation to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” to enact the scientific fish and wildlife conservation act; to use principles of sound scientific fish and wildlife management; to provide for free hunting, fishing, and trapping licenses of active members of the military; to provide appropriations for fisheries management activities; and to provide for rapid response, prevention, control, and/or elimination of aquatic invasive species, including Asian carp, by amending sections 40103, 40110, 40113a, 43536a, and 48703a (MCL 324.40103, 324.40110, 324.40113a, 324.43536a, and 324.48703a), sections 40103 and 40110 as amended by 2013 PA 21, section 40113a as amended by 2013 PA 22, section 43536a as amended by 2013 PA 108, and section 48703a as added by 2013 PA 21.

(Filed with the Secretary of State on August 14, 2014, at 3:14 p.m.)

The Secretary announced that the following bills were printed and filed on Thursday, August 14, and are available at the Michigan Legislature website:

Senate Bill Nos. 1020 1021 1022 1023 1024 1025 1026
House Bill Nos. 5720 5721 5722 5723 5724

The Secretary announced that the following bills were printed and filed on Thursday, August 28, and are available at the Michigan Legislature website:

House Bill Nos. 5725 5726 5727 5728 5729 5730 5731 5732 5733 5734 5735 5736 5737 5738

Senator Hopgood moved that Senator Johnson be temporarily excused from today’s session.
The motion prevailed.

Senator Hopgood moved that Senators Hunter and Smith be excused from today’s session.
The motion prevailed.

Senator Meekhof moved that Senators Brandenburg and Emmons be excused from today’s session.
The motion prevailed.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:06 a.m.

11:04 a.m.

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

During the recess, Senator Johnson entered the Senate Chamber.

Messages from the Governor

The following messages from the Governor were received and read:

August 7, 2014

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

Michigan Law Enforcement Officer Memorial Monument Fund Commission

Mary D. Johnson of 4108 Hagadorn Road, Okemos, Michigan 48864, county of Ingham, representing an individual nominated by the Michigan State Troopers Association who is a survivor of a State Trooper that was killed while on duty, is appointed for a term expiring June 30, 2016.

August 7, 2014

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

Michigan State Waterways Commission

Alex J. Declercq of 1026 Balfour Drive, Grosse Pointe Park, Michigan 48230, county of Wayne, representing the marines-trades industry and does not own or operate a harbor or marine, succeeding himself, is reappointed for a term expiring September 18, 2017.

Gary F. Marowske of 254 Grosse Pointe Boulevard, Grosse Pointe Farms, Michigan 48236, county of Macomb, representing the general public, succeeding himself, is reappointed for a term expiring September 18, 2017.

August 8, 2014

Please be advised of the following appointments to office:

Early Childhood Investment Corporation

Hiram E. Fitzgerald of 700 Windy Rush Lane, DeWitt, Michigan 48820, county of Clinton, succeeding Carolyn Clark, is appointed for a term expiring July 22, 2018.

Guadalupe Lara of 14852 Englewood Drive, Allen Park, Michigan 48216, county of Wayne, succeeding Betsy Boggs, is appointed for a term expiring July 22, 2018.

Susan K. Broman of 636 Fountain Street, N.E., Grand Rapids, Michigan 49503, county of Kent, a designee from the Michigan Department of Education, succeeding herself, is reappointed for a term expiring July 22, 2018.

August 8, 2014

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

State Employees' Retirement System Board

Vernon L. Johnson of 2211 Barritt Street, Lansing, Michigan 48912, county of Ingham, representing a retiree member of the retirement system, succeeding Ronald Jones, is appointed for a term expiring July 31, 2016.

Ruth Schwartz of 1800 Onondaga Road, Holt, Michigan 48842, county of Ingham, representing employees, succeeding herself, is reappointed for a term expiring July 31, 2017.

August 8, 2014

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

Michigan Humanities Council

Miranda C. Krajniak of 311 Cherry Lane, Apt. #2, Grand Rapids, Michigan 49503, county of Kent, succeeding Brian Brunner, is appointed for a term expiring December 31, 2015.

August 8, 2014

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

Michigan Board of Nursing

Benjamin R. Bufford of 2040 Rowland Avenue, S.E., Grand Rapids, Michigan 49546, county of Kent, representing the general public, succeeding Michael Ferency, is appointed for a term expiring June 30, 2018.

Lawrence K. Olson of 407 Curtis Road, East Lansing, Michigan 48823, county of Ingham, representing the general public, succeeding LaDonna Schultz, is appointed for a term expiring June 30, 2018.

Elizabeth A. Recker of 2936 Burritt Street, N.E., Grand Rapids, Michigan 49504, county of Kent, representing professional registered nurses with a baccalaureate degree engaged in nursing practice or nursing administration, succeeding Kelly Beranek, is appointed for a term expiring June 30, 2017.

Amy Lynn Zoll of 1500 S. Hillsdale Road, Hillsdale, Michigan 49242, county of Hillsdale, representing nurse midwives, succeeding Sandra Velez, is appointed for a term expiring June 30, 2017.

August 11, 2014

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

Michigan Board of Audiology

Teresa A. Zwolan of 4050 Brookview Court, Ann Arbor, Michigan 48108, county of Washtenaw, representing professional members, succeeding Peggy Jo Frank, is appointed for a term expiring June 30, 2018.

August 11, 2014

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

Board of Barber Examiners

Phillip D. Smith III of 173 Nichole Avenue, Brooklyn, Michigan 49230, county of Jackson, representing barbers, succeeding Dennis Sullivan, is appointed for a term expiring September 30, 2017.

Jordan T. Dutcher of 3842 S. State Road, Harbor Springs, Michigan 49740, county of Emmet, representing barbers, succeeding Paul Data, is appointed for a term commencing October 1, 2014, and expiring September 30, 2018.

Marlene K. Grover of 8475 W. Allen Road, Fowlerville, Michigan 48836, county of Livingston, representing barbers, succeeding herself, is reappointed for a term commencing October 1, 2014, and expiring September 30, 2018.

Robert D. Morey of 8398 Peninsula Drive, Fenton, Michigan 48430, county of Genesee, representing barbers, succeeding himself, is reappointed for a term commencing October 1, 2014, and expiring September 30, 2018.

August 11, 2014

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

State Building Authority Board of Trustees

Patrick J. Devlin of 15799 S. Hampton, Livonia, Michigan 48154, county of Wayne, representing the general public, succeeding himself, is reappointed for a term expiring August 21, 2018.

August 11, 2014

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

Manufactured Housing Commission

Creighton J. Weber of 5340 Hollow Drive, Bloomfield Hills, Michigan 48302, county of Oakland, representing financial institutions, succeeding himself, is reappointed for a term expiring May 9, 2017.

Thomas D. Lutz of 1050 Round Lake Road, White Lake Township, Michigan 48386, county of Oakland, representing organized labor, succeeding Brenda Abbey, is appointed for a term expiring May 9, 2015.

August 11, 2014

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

Michigan Board of Marriage and Family Therapy

Sara B. Dupuis of 1727 Woodside Drive, East Lansing, Michigan 48823, county of Ingham, representing professionals, succeeding Jeffrey Angera, is appointed for a term expiring June 30, 2018.

August 11, 2014

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

Michigan Public School Employees Retirement System Board

Charles D. Christner of 11784 Burgoyne Drive, Brighton, Michigan 48114, county of Livingston, representing retired teachers, succeeding John Oleszk, is appointed for a term expiring March 30, 2018.

Michael W. Ringuette of 1944 Bloomfield Oaks Drive, West Bloomfield, Michigan 48324, county of Oakland, representing the general public with experience in health insurance or actuarial science, succeeding himself, is reappointed for a term expiring March 30, 2018.

August 12, 2014

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

Michigan Board of Acupuncture

Jonathan T. Zaidan of P.O. Box 647, Birmingham, Michigan 48303, county of Oakland, representing physicians licensed under part 170 or 175, succeeding John Pappas, is appointed for a term expiring June 30, 2018.

August 18, 2014

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

Acting Executive Director - Michigan Administrative Hearing System

Christopher R. Seppanen of 1569 E. Vermontville Highway, Charlotte, Michigan 48813, county of Eaton, is appointed for a term expiring at the pleasure of the Governor.

August 18, 2014

I respectfully submit the following appointment to office:

Michigan Strategic Fund Board of Directors

James V. Walsh of 9100 Ladner Farms Drive, N.E., Ada, Michigan 49301, county of Kent, nominee of the Speaker of the House, succeeding Chris Tracy, is appointed for a term expiring December 31, 2016.

August 18, 2014

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

Ski Area Safety Board

David Kubiske of 4525 Douglas Road, Ida, Michigan 48140, county of Monroe, representing public members from the Lower Peninsula with ski experience, succeeding himself, is reappointed for a term expiring June 8, 2018.

August 18, 2014

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

Michigan Travel Commission

John M. Madigan of 831 W. Munising Avenue, Munising, Michigan 49862, county of Alger, succeeding Elizabeth Workman, is appointed for a term expiring August 20, 2018.

Sally J. Laukitis of 145 Euna Vista Drive, Holland, Michigan 49423, county of Ottawa, succeeding herself, is reappointed for a term expiring August 20, 2018.

August 21, 2014

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

Mental Health Diversion Council

John A. Holman, Jr., of 1320 Trotters Lane, Williamston, Michigan 48895, county of Ingham, representing the State Court Administrative Office, succeeding Jessica Parks, is appointed for a term expiring January 30, 2016.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

The following bill was announced:

Senate Bill No. 481, entitled

An act to amend 1980 PA 299, entitled "An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations and to regulate certain persons and activities relative to those occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to provide immunity from certain civil liability for certain entities and certain related occupations under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," (MCL 339.101 to 339.2919) by adding section 205a; and to repeal acts and parts of acts.

(For veto message, see Senate Journal No. 59, p. 1570.)

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Senator Meekhof moved that the bill be referred to the Committee on Regulatory Reform.

The motion prevailed.

The following bill was announced:

Senate Bill No. 484, entitled

An act to amend 1979 PA 152, entitled "An act to provide for the establishment and collection of fees for the investigation, regulation, and enforcement of certain occupations and professions, and for certain agencies and businesses; to create certain funds for certain purposes; and to prescribe certain powers and duties of certain state agencies and departments," by repealing section 29 (MCL 338.2229).

(For veto message, see Senate Journal No. 59, p. 1570.)

The question being on the passage of the bill, the objections of the Governor in the contrary notwithstanding, Senator Meekhof moved that the bill be referred to the Committee on Regulatory Reform.

The motion prevailed.

Messages from the House

Senator Meekhof moved that consideration of the following bills be postponed for today:

House Bill No. 4369

Senate Bill No. 66

The motion prevailed.

Senate Bill No. 92, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16333, 17703, 17705, 17707, 17711, 17721, and 17731 (MCL 333.16333, 333.17703, 333.17705, 333.17707, 333.17711, 333.17721, and 333.17731), section 16333 as added by 1993 PA 80, section 17703 as amended by 2012 PA 209, section 17705 as amended by 1986 PA 304, section 17707 as amended by 1990 PA 333, sections 17711 and 17721 as amended by 2006 PA 390, and section 17731 as amended by 1994 PA 234, and by adding sections 17739, 17739a, 17739b, and 17739c.

The House of Representatives has substituted (H-5) the bill.

The House of Representatives has passed the bill as substituted (H-5), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 16333, 17703, 17707, 17711, 17721, and 17731 (MCL 333.16333, 333.17703, 333.17707, 333.17711, 333.17721, and 333.17731), section 16333 as added by 1993 PA 80, section 17703 as amended by 2012 PA 209, section 17707 as amended by 2014 PA 280, sections 17711 and 17721 as amended by 2006 PA 390, and section 17731 as amended by 1994 PA 234, and by adding sections 17739, 17739a, 17739b, and 17739c.

Pursuant to rule 3.202, the bill was laid over one day.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

The motion prevailed.

Senator Pappageorge's statement is as follows:

I missed the session on August 13. My wife fell and broke her knee cap. Therefore, I could not make it in. Had I been here, on Roll Call Nos. 527-534, I would have voted "yes" on all of them.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Meekhof 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 Pappageorge 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 with a substitute therefor, the following bill:

Senate Bill No. 901, entitled

A bill to create the sexual assault kit evidence submission act; to provide for the collection of sexual assault kit evidence; to prescribe the powers and duties of certain state and local government departments and agencies; to establish certain procedures regarding the collection, handling, and disposition of sexual assault kit evidence; and to prohibit the exclusion of sexual assault kit evidence under certain circumstances.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 903, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811z.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 970, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 7a, 18b, 25, 67a, 212, 306, 307, 309, 312e, 312f, 319, 324, and 904 (MCL 257.7a, 257.18b, 257.25, 257.67a, 257.212, 257.306, 257.307, 257.309, 257.312e, 257.312f, 257.319, 257.324, and 257.904), sections 7a and 212 as amended by 2002 PA 534, section 18b as added and section 67a as amended by 1988 PA 346, sections 306 and 312e as amended by 2011 PA 159, section 307 as amended by 2012 PA 55, section 309 as amended by 2012 PA 355, section 312f as amended by 2012 PA 473, section 319 as amended by 2012 PA 306, section 324 as amended by 2006 PA 298, and section 904 as amended by 2008 PA 461, and by adding section 306a.

Substitute (S-2).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 32, line 9, after "any" by inserting "**REGISTRATION PLATE**,".

The Senate agreed to the substitute as amended recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Whitmer introduced

Senate Bill No. 1027, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by amending the heading of chapter 5 of article II and by adding part 162.

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

Senator Smith introduced

Senate Bill No. 1028, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 5n (MCL 28.425n), as added by 2000 PA 381.

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

Senators Jones, Bieda and Green introduced

Senate Bill No. 1029, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 306, 310e, and 811 (MCL 257.306, 257.310e, and 257.811), section 306 as amended by 2014 PA 120, section 310e as amended by 2011 PA 124, and section 811 as amended by 2006 PA 589, and by adding section 310f.

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

Senators Ananich, Young, Gregory, Johnson, Smith, Bieda, Anderson, Whitmer and Hood introduced

Senate Bill No. 1030, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding section 253.

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

Senators Ananich, Young, Gregory, Johnson, Smith, Bieda, Anderson and Whitmer introduced

Senate Bill No. 1031, 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 Reforms, Restructuring and Reinventing.

Senators Colbeck, Robertson and Nofs introduced

Senate Bill No. 1032, 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 11g.

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

Senators Colbeck and Nofs introduced

Senate Bill No. 1033, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 129.

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

Senator Hopgood introduced
Senate Bill No. 1034, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11514 (MCL 324.11514), as amended by 2008 PA 394, and by adding section 11105a.

The bill was read a first and second time by title and referred to the Committee on Natural Resources, Environment and Great Lakes.

Senator Jones introduced
Senate Bill No. 1035, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11514 (MCL 324.11514), as amended by 2008 PA 394, and by adding sections 11105a and 61506d.

The bill was read a first and second time by title and referred to the Committee on Natural Resources, Environment and Great Lakes.

Senator Jones introduced
Senate Bill No. 1036, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5129 (MCL 333.5129), as amended by 2004 PA 98.

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

House Bill No. 5045, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 657a.

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 and Elections.

Statements

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

The motion prevailed.

Senator Hansen's statement is as follows:

Senator Hildenbrand and I wanted to take a moment to tell you about Kids' Food Basket, an organization which we are both very passionate about. The mission of Kids' Food Basket is to attack childhood hunger to help young people to learn and live well. They currently provide sack suppers to over 6,000 kids every weekday during the school year, plus hundreds more at local sites during the summer. I have helped pack some of these sack suppers myself, and I know that the positive impact they have on our communities is huge.

Senator Hildenbrand's statement is as follows:

I have also had the opportunity to pack sack suppers in Grand Rapids in support of our young people. Every sack supper distributed by Kids' Food Basket is an important step in ending childhood hunger. Today we are asking for your help as Senators and your staffs to help the Kids' Food Basket reach their goal of having 50,400 decorated brown paper bags by the middle of September. Senator Hansen and I will be providing brown paper bags and colored pencils to your offices to help us reach this goal. If you and your staff can help decorate the brown paper bags with a little touch of love for each of these children, we would greatly appreciate it.

Of course, we will also include a contribution envelope if you can find a way to help financially as well. The Kids' Food Basket would greatly appreciate your financial help as well. Thank you for your support in this effort.

Senator Caswell's statement is as follows:

It is my privilege and honor, as I leave Lansing, to be able to tell you a little bit about some of the people who have worked for me, without whom I would have accomplished nothing. One individual who has left my office is Chad Arnold. Chad started in 2001 in the office of Senator Mike Goschka. In fact, my office is the same as Senator Goschka's, and Chad had the same chair in my office as he had in Senator Goschka's. I guess you could say he's a fairly conservative guy; he likes things the same. From 2005 to 2010, he worked for Senator Nancy Cassis as legislative director, and then when she left, he worked for a year, in 2011, with Representative Paul Muxlow. Then I was fortunate enough to have him come to my office in January of 2012.

He is an alumnus of the University of Michigan, which I never held against him when I hired him. He's an excellent, top-notch, skilled soccer player, and his team oftentimes lets him down. His wife Amy is a teacher at Leslie Elementary School, and they have two children, Jack and Elizabeth, both of whom he informs me are perfect. He loves Subway, and he goes there every day. He insists that Alisha goes with him, and they eat the meal that continues to take weight off of everybody.

On a more serious note, this is a very hardworking, moral, dependable individual. Prior to coming to Lansing—in my previous life, I think we were all guilty of this—we look at bureaucracies and we look at people who work in government and we don't have a high regard for them. I can tell you that since I have been here, I have the deepest respect for the people who work for the citizens of this state, across the board, and Chad is one of those. He has moved on to the Senate Majority Policy Office, where his skills will be able to be used in a more general way, and I am very happy for him.

I am very proud that he chose to accept the job when I offered it to him, and he has worked for me these last couple years. He is a good man and he will do a very good job for this Legislature in the Senate Majority Policy Office. Chad, thank you very much.

Committee Reports

The Committee on Natural Resources, Environment and Great Lakes reported

Senate Concurrent Resolution No. 20.

A concurrent resolution to oppose the U.S. Environmental Protection Agency's proposal to garnish wages without a court order.

(For text of resolution, see Senate Journal No. 58, p. 1551.)

With the recommendation that the following substitute (S-1) be adopted and that the concurrent resolution then be adopted:

A concurrent resolution to oppose the U.S. Environmental Protection Agency's proposal to garnish wages without a court order.

Whereas, The U.S. Environmental Protection Agency (EPA) issued a final direct rule on July 2, 2014, that would allow the agency to conduct administrative wage garnishment. Unless the EPA takes action to actively withdraw the rule, the EPA will be able to garnish the non-federal wages of private citizens to collect unpaid fines without a court order effective September 2, 2014; and

Whereas, In the face of adverse comments, the EPA withdrew the final direct rule only two weeks later. However, despite the public outcry, the EPA continues to move forward—through the more traditional rule-making process—with a proposed rule that would accomplish the same thing as the final direct rule and allow the EPA to garnish wages without a court order; and

Whereas, The EPA has a long history of regulatory overreach and issuing substantial fines against ordinary citizens conducting activities, ultimately determined to be legal, on their own property. The EPA can administratively fine individuals hundreds of thousands of dollars per day, easily large enough to ruin a family. At the same time, disputes over EPA jurisdiction and enforcement are common and have been successfully challenged in case after case; and

Whereas, Administrative wage garnishment will compound the problems already faced by property owners attempting to fight questionable EPA actions. This process will allow EPA to dictate the procedures for challenging fines and wage garnishment and remove it from a neutral court setting. EPA will be able to decide if an individual can present an oral defense, to choose the hearing officer, and to determine the site of the hearing. The burden of proof will be on the individual, not the agency. In short, administrative wage garnishment will allow an agency with institution-wide issues unbridled discretion to judge its own actions and further power to suppress challenges to its authority; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we oppose the U.S. Environmental Protection Agency's proposal to garnish wages without a court order; and be it further

Resolved, That copies of this resolution be transmitted to the Administrator of the U.S. Environmental Protection Agency and the members of the Michigan congressional delegation.

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Pavlov, Green, Kowall and Meekhof

Nays: Senators Warren and Hood

The concurrent resolution and the substitute recommended by the committee were placed on the order of Resolutions.

The Committee on Natural Resources, Environment and Great Lakes reported

Senate Resolution No. 168.

A resolution to oppose the U.S. Environmental Protection Agency's proposal to garnish wages without a court order.

(For text of resolution, see Senate Journal No. 58, p. 1550.)

With the recommendation that the following substitute (S-1) be adopted and that the resolution then be adopted:

A resolution to oppose the U.S. Environmental Protection Agency's proposal to garnish wages without a court order.

Whereas, The U.S. Environmental Protection Agency (EPA) issued a final direct rule on July 2, 2014, that would allow the agency to conduct administrative wage garnishment. Unless the EPA takes action to actively withdraw the rule, the EPA will be able to garnish the non-federal wages of private citizens to collect unpaid fines without a court order effective September 2, 2014; and

Whereas, In the face of adverse comments, the EPA withdrew the final direct rule only two weeks later. However, despite the public outcry, the EPA continues to move forward—through the more traditional rule-making process—with a proposed rule that would accomplish the same thing as the final direct rule and allow the EPA to garnish wages without a court order; and

Whereas, The EPA has a long history of regulatory overreach and issuing substantial fines against ordinary citizens conducting activities, ultimately determined to be legal, on their own property. The EPA can administratively fine individuals hundreds of thousands of dollars per day, easily large enough to ruin a family. At the same time, disputes over EPA jurisdiction and enforcement are common and have been successfully challenged in case after case; and

Whereas, Administrative wage garnishment will compound the problems already faced by property owners attempting to fight questionable EPA actions. This process will allow EPA to dictate the procedures for challenging fines and wage garnishment and remove it from a neutral court setting. EPA will be able to decide if an individual can present an oral defense, to choose the hearing officer, and to determine the site of the hearing. The burden of proof will be on the individual, not the agency. In short, administrative wage garnishment will allow an agency with institution-wide issues unbridled discretion to judge its own actions and further power to suppress challenges to its authority; now, therefore, be it

Resolved by the Senate, That we oppose the U.S. Environmental Protection Agency's proposal to garnish wages without a court order; and be it further

Resolved, That copies of this resolution be transmitted to the Administrator of the U.S. Environmental Protection Agency and the members of the Michigan congressional delegation.

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Pavlov, Green, Kowall and Meekhof

Nays: Senators Warren and Hood

The resolution and the substitute recommended by the committee were placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources, Environment and Great Lakes submitted the following:

Meeting held on Wednesday, August 13, 2014, at 11:00 a.m., Room 210, Farnum Building

Present: Senators Casperson (C), Pavlov, Green, Kowall, Meekhof, Warren and Hood

The Committee on Judiciary reported

Senate Bill No. 979, entitled

A bill to amend 1990 PA 319, entitled "An act to prohibit local units of government from imposing certain restrictions on the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols or other firearms, ammunition for pistols or other firearms, or components of pistols or other firearms," by amending sections 1, 2, 3, and 4 (MCL 123.1101, 123.1102, 123.1103, and 123.1104).

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.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Rocca

Nays: Senator Bieda

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. 998, entitled

A bill to create the sexual assault evidence kit tracking and reporting act; to require the tracking and reporting of sexual assault evidence kit information; to create the sexual assault evidence kit tracking and reporting commission; to prescribe

the powers and duties of the sexual assault evidence kit tracking and reporting commission; to create a database of information to track and report sexual assault evidence kit information; and to prescribe the powers and duties of certain state departments and officials.

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.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca 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. 1004, entitled

A bill to create a sexual assault victim's rights act; to provide for certain victim's rights in sexual assault cases; to require certain notifications; and to require certain duties of certain state and local officials and agencies.

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.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca 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. 1015, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 7 and 7a (MCL 722.27 and 722.27a), section 7 as amended by 2005 PA 328 and section 7a as amended by 2012 PA 600.

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.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

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 Judiciary submitted the following:

Meeting held on Wednesday, August 13, 2014, at 11:00 a.m., Room 110, Farnum Building

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

Scheduled Meetings

Appropriations - Wednesday, September 10, 2:00 p.m. and Thursday, September 11, 11:00 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Subcommittees -

Capital Outlay - Wednesday, September 10, 4:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

K-12, School Aid, Education and House School Aid Appropriations Subcommittee - Thursday, September 11, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Economic Development - Wednesday, September 10, 2:00 p.m., Room 110, Farnum Building (373-5312)

Families, Seniors and Human Services - Wednesday, September 10, 3:00 p.m., Room 210, Farnum Building (373-5323)

Legislative Council - Wednesday, September 17, 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Natural Resources, Environment and Great Lakes - Thursday, September 11, 8:30 a.m., Room 210, Farnum Building (373-5312)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 11:23 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, September 10, 2014, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate