

No. 37
STATE OF MICHIGAN
Journal of the Senate
99th Legislature
REGULAR SESSION OF 2017

Senate Chamber, Lansing, Thursday, April 20, 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—present
Casperson—present
Colbeck—present
Conyers—excused
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

Senator Marty Knollenberg of the 13th District offered the following invocation:

God of all creation, this honorable Senate comes before You to give You praise. You are the source of all that is good. Thank You for every gift. Thank You for allowing us to serve the people of Michigan and to make the right decisions for them. Direct us with wisdom, productivity, and respect for one another.

Lord, allow me to pay a moment of special tribute to Pamela Williams of Bloomfield Hills who unexpectedly passed away this past Tuesday. Pamela was a trustee with the Bloomfield Township library. She was also a teacher, a former principal, and dedicated community volunteer. To anyone who knew her, she was so much more. Pamela was a beautiful spirit who eased the burden of others. She was always kind and charitable, and always ready to help her neighbor. She was Your faithful servant here on Earth. I'm honored to call Pamela Williams my friend, and she will never be forgotten by the people whose lives she touched. My dear colleagues, join me in sending prayers to her family and those who loved her. May they find strength and peace during this difficult time. Thank You, my colleagues, for an opportunity to pay tribute to this wonderful soul. Amen.

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

Motions and Communications

Senator Brandenburg entered the Senate Chamber.

Senator Kowall moved that Senators Hildenbrand and Nofs be temporarily excused from today's session. The motion prevailed.

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

Senator Hood moved that Senator Conyers be excused from today's session. The motion prevailed.

Senators Hildenbrand and Nofs entered the Senate Chamber.

Senator Kowall moved that rule 3.902 be suspended to allow the guests of Senators Hansen, Meekhof, Zorn and Horn admittance to the Senate floor, including the center aisle.

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

Senator Kowall moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor. The motion prevailed, a majority of the members serving voting therefor.

The Secretary announced that the following bills and joint resolutions were printed and filed on Wednesday, April 19, and are available at the Michigan Legislature website:

| | | | | | | | | | | | | | | | |
|--------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--|
| Senate Bill Nos. | 302 | 303 | | | | | | | | | | | | | |
| House Bill Nos. | 4474 | 4475 | 4476 | 4477 | 4478 | 4479 | 4480 | 4481 | 4482 | 4483 | 4484 | 4485 | 4486 | 4487 | |
| | 4488 | 4489 | 4490 | 4491 | 4492 | 4493 | 4494 | 4495 | | | | | | | |
| House Joint Resolutions | L | M | N | | | | | | | | | | | | |

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:07 a.m.

10:35 a.m.

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

During the recess, Senators Meekhof, Rocca and Warren introduced the 27 finalists for the Governor's Fitness Awards.

During the recess, Senator Zorn introduced the Hudson High School Varsity Wrestling Team, 2017 Division 4 State Champions; Coach Scott Marry and Athletic Director Jeremy Beal; and presented them with a Special Tribute.

Coach Marry responded briefly.

During the recess, Senators Horn and Ananich, and Representatives Graves and Phelps, introduced the Flushing High School Girls Varsity Basketball Team, 2017 MHSAA Class A State Champions, and Coach Larry Ford; and presented them with a Special Tribute.

Coach Ford responded briefly.

During the recess, Senator Young entered the Senate Chamber.

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 Assistant President pro tempore, Senator O'Brien, designated Senator Young as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Schuitmaker, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4057, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 7a.

The bill 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:

House Bill No. 4063, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 43a. 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:

House Bill No. 4064, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16b of chapter XVII (MCL 777.16b), as amended by 2008 PA 562.

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.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 38, entitled

A bill to amend 1935 PA 120, entitled "An act to prescribe a method for the fingerprinting of residents of the state; to provide for the recording and filing of the fingerprints by the central records division of the department of state police; and to impose a fee," by amending section 1 (MCL 28.271), as amended by 1985 PA 175, and by adding section 4.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

House Bill No. 4329, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2017; and to provide for the expenditure of the appropriations.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 4, line 1, by striking out “5,000,000” and inserting “3,000,100”.
2. Amend page 4, line 5, by striking out “5,000,000” and inserting “3,000,100”.
3. Amend page 4, line 11, by striking out “5,000,000” and inserting “3,000,100”.
4. Amend page 4, line 14, by striking out “5,000,000” and inserting “3,000,100”.
5. Amend page 4, line 15, by striking out “5,000,000” and inserting “3,000,100”.
6. Amend page 4, line 18, by striking out “5,000,000” and inserting “3,000,100”.
7. Amend page 5, line 1, after “is” by striking out “6,000,000.00” and inserting “4,000,100.00”.
8. Amend page 5, line 2, after “are” by striking out “5,000,000.00” and inserting “3,000,100.00” and adjusting the subtotals, totals, and section 201 accordingly.

9. Amend page 6, line 21, by striking out all of sections 501 and 502 and inserting:

“Sec. 501. (1) From the funds appropriated in part 1 for the sinkhole declaration of emergency, the department of technology, management, and budget, in consultation with the county named in the declaration of emergency issued on January 6, 2017, shall allocate funds to address needs related to the declaration of emergency. These funds shall support emergency long-term bypass pumping, which includes, but is not limited to, electrical, piping, road crossings, and traffic control.

(2) Funding, described in subsection (1), shall be expended to protect public health, safety, and property, including protection of the Great Lakes, and to lessen or avert the threat of more severe and long-lasting impact to the community and its water environment.”.

The House of Representatives has concurred in the Senate substitute (S-1) as amended.

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

Third Reading of Bills

The following bill was read a third time:

House Bill No. 4136, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending sections 87b and 87f (MCL 211.87b and 211.87f), section 87b as amended and section 87f as added by 2016 PA 82.

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. 108

Yeas—37

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

Nays—0

Excused—1

Conyers

Not Voting—0

In The Chair: Schuitmaker

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 245, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 231 and 237a (MCL 750.231 and 750.237a), section 231 as amended by 2006 PA 401 and section 237a as amended by 2015 PA 26; and to repeal acts and parts of acts.

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. 109

Yeas—36

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

Nays—1

Hood

Excused—1

Conyers

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 78, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7cc (MCL 211.7cc), as amended by 2016 PA 144.

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. 110

Yeas—37

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

Nays—0

Excused—1

Conyers

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senators Bieda, Hopgood and Conyers offered the following concurrent resolution:

Senate Concurrent Resolution No. 17.

A concurrent resolution to urge the President of the United States to order the Department of Justice to investigate the recent spate of anti-Semitic attacks that have occurred in our country.

Whereas, Since January 2017, there have been multiple anti-Semitic attacks nationwide. The attacks have involved bomb threats at Jewish community centers and schools, including an Ann Arbor-based school; desecration of headstones at several Jewish cemeteries; and vandalism of synagogues; and

Whereas, The attacks against Jewish places of worship and community centers are disturbing and unsettling. Prosecution of those responsible must be swift and punishment harsh; and

Whereas, Several prominent Jewish organizations, including the American Jewish Committee, Anti-Defamation League, Jewish Community Center Association of North America, Jewish Council for Public Affairs, Orthodox Union, Conference of Presidents of Major American Jewish Organizations, Jewish Federations of North America, and Union for Reform Judaism, have called upon President Donald Trump to investigate these attacks; and

Whereas, On March 7, 2017, all 100 United States Senators signed and sent a letter to Attorney General Jeff Sessions, Department of Homeland Security Secretary John Kelly, and Federal Bureau of Investigation Director James Comey, asking each to instruct their agencies to investigate this rash of anti-Semitic attacks; and

Whereas, The President has not ordered the United States Department of Justice to investigate these attacks, despite opening his first address to Congress by condemning them. Any anti-Semitic acts, as with any hate crime, cannot be tolerated. A lack of action by the President is unacceptable; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the President of the United States to order the Department of Justice to investigate the recent spate of anti-Semitic attacks that have occurred in our country; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senators Hertel, Jones, Knezek and Rocca were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 6.

A concurrent resolution to memorialize the Congress of the United States to appropriate funds from the Nuclear Waste Fund for the establishment of a permanent repository for high-level nuclear waste or reimburse electric utility customers that paid into the fund.

(For text of resolution, see Senate Journal No. 12, p. 120.)

The House of Representatives has adopted the concurrent resolution and named Representative Maturen as co-sponsor of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 8.

A concurrent resolution to urge the U.S. Department of Energy and the U.S. Nuclear Regulatory Commission to fulfill their obligation to establish a permanent solution for handling high-level nuclear waste.

(For text of resolution, see Senate Journal No. 19, p. 210.)

The House of Representatives has adopted the concurrent resolution and named Representatives Greig and Maturen as co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 9.

A concurrent resolution to urge the President and Congress of the United States to explore and support policies that will lead to the establishment of facilities within the United States for the reprocessing and recycling of spent nuclear fuel.

(For text of resolution, see Senate Journal No. 19, p. 210.)

The House of Representatives has adopted the concurrent resolution and named Representative Maturen as co-sponsor of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 16.

A concurrent resolution of tribute offered as a memorial for John D. Pridnia, former member of the House of Representatives and Senate.

(For text of resolution, see Senate Journal No. 35, p. 421.)

The House of Representatives has adopted the concurrent resolution and named the Speaker and the entire membership as co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Introduction and Referral of Bills

Senator Hune introduced

Senate Bill No. 304, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 7 and 12 (MCL 205.427 and 205.432), section 7 as amended by 2016 PA 86 and section 12 as amended by 2016 PA 309.

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

Senators Brandenburg, Robertson, Jones and MacGregor introduced

Senate Bill No. 305, entitled

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending sections 1 and 3 (MCL 125.1801 and 125.1803), as amended by 2016 PA 505.

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

Senators Brandenburg, Robertson, Jones and MacGregor introduced

Senate Bill No. 306, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending sections 1 and 3 (MCL 125.1651 and 125.1653), as amended by 2016 PA 506.

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

Senators MacGregor, Brandenburg, Robertson and Jones introduced

Senate Bill No. 307, entitled

A bill to amend 2005 PA 280, entitled "Corridor improvement authority act," by amending sections 2 and 18 (MCL 125.2872 and 125.2888), section 2 as amended by 2013 PA 232 and section 18 as amended by 2016 PA 507.

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

Senators Robertson, Brandenburg, Jones and MacGregor introduced

Senate Bill No. 308, entitled

A bill to amend 2008 PA 94, entitled "Water resource improvement tax increment finance authority act," by amending sections 2 and 15 (MCL 125.1772 and 125.1785), section 15 as amended by 2016 PA 508.

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

Senators Jones, Brandenburg, Robertson and MacGregor introduced

Senate Bill No. 309, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending sections 2, 4, 12, 12a, 12b, and 12c (MCL 125.2152, 125.2154, 125.2162, 125.2162a, 125.2162b, and 125.2162c), sections 2 and 4 as amended by 2016 PA 509, sections 12, 12a, and 12c as amended by 2012 PA 290, and section 12b as amended by 2015 PA 125.

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

Senators Jones, Brandenburg, Robertson and MacGregor introduced

Senate Bill No. 310, entitled

A bill to amend 2004 PA 530, entitled "Historical neighborhood tax increment finance authority act," by amending sections 2 and 17 (MCL 125.2842 and 125.2857), section 17 as amended by 2016 PA 510.

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

Senators Hood, Bieda and Knezek introduced

Senate Bill No. 311, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 356 (MCL 18.1356), as amended by 1999 PA 8.

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

Senator Hood introduced

Senate Bill No. 312, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2110a and 2111 (MCL 500.2110a and 500.2111), as amended by 2012 PA 441.

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

Senator Bieda introduced

Senate Bill No. 313, entitled

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and certain cities; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal acts and parts of acts," by amending section 10 (MCL 41.810), as amended by 2004 PA 463.

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

Statements

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

The motion prevailed.

Senator Hopgood's statement is as follows:

Today I have the pleasure of sharing some wonderful news. As many of you may know, my Chief of Staff, Callie Abrams, has been pregnant. This past Monday, the 17th, she gave birth to William Abrams III. William arrived into this world at 9 pounds, 4 ounces, and 22 3/4 inches. Mom and baby are doing well. I just wanted to announce this and share it. I do have a very nice picture on my phone if anyone is interested. It's just really a wonderful thing to be able to share this news.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 284, entitled

A bill to amend 1915 PA 79, entitled "An act to provide certain requirements in written instruments conveying or mortgaging real estate or any interest therein in which there are male grantors, mortgagors or other parties executing the same to entitle the same to record," by amending section 1 (MCL 565.221), as amended by 1980 PA 489.

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, Colbeck 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 Subcommittee on Health and Human Services submitted the following:

Meeting held on Tuesday, April 18, 2017, at 2:30 p.m., Room 1100, Binsfeld Office Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Corrections submitted the following:

Meeting held on Wednesday, April 19, 2017, at 12:00 noon, Room 1100, Binsfeld Office Building

Present: Senators Proos (C), Knollenberg and Gregory

Scheduled Meetings

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

Judiciary - Tuesday, April 25, 3:00 p.m., Room 1300, Binsfeld Office Building (373-5323)

Michigan Law Revision Commission - Thursday, May 18, 11:00 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 10:54 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Tuesday, April 25, 2017, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate