

No. 46  
STATE OF MICHIGAN  
**Journal of the Senate**  
98th Legislature  
REGULAR SESSION OF 2016

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Senate Chamber, Lansing, Wednesday, May 11, 2016.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Tonya Schuitmaker.

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

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

Hopgood—present  
Horn—present  
Hune—present  
Johnson—excused  
Jones—present  
Knezek—present  
Knollenberg—present  
Kowall—present  
MacGregor—present  
Marleau—excused  
Meekhof—excused  
Nofs—present

O'Brien—present  
Pavlov—present  
Proos—present  
Robertson—present  
Rocca—present  
Schmidt—excused  
Schuitmaker—present  
Shirkey—present  
Stamas—present  
Warren—present  
Young—excused  
Zorn—present

Pastor David Barringer of Kalamazoo First Assembly of God Church of Portage offered the following invocation:

Psalm 8:1 says, "O Lord, our Lord, how majestic is Your name in all the earth. You have set Your glory above the heavens." Father God, today I worship You as the King of kings and Lord of lords. You have established Your throne in heaven. You are creator of the universe and ruler over all the nations of the earth. I acknowledge that there is no name greater than Yours. All glory, power, and honor belong to You.

I thank You for this nation and this great state of Michigan. We celebrate Your goodness and mercy upon our beautiful state. Today, we also thank You, God, for the gift of government, which You have established to serve the good of the people in Michigan.

Father, I pray according to 1 Timothy 2:1-3, which says, "I exhort therefore, that, first of all, supplications, prayers, intercessions, and giving of thanks be made for all men; for kings, and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty. For this is good and acceptable in the sight of God our Saviour."

We praise You, Lord, for the many righteous and integral men and women who serve us, and we acknowledge that they are a gift from You. I bring the needs of our Michigan state government before You and ask You to bless the state of Michigan through godly leadership. Lord, I ask that our Governor and all statewide officeholders will seek Your divine guidance and receive wisdom for every decision they will make. I ask that they would be empowered by Your Holy Spirit, act with Your justice and compassion, and govern by Your peace and Your directions.

Pour out Your presence upon our state leaders, and make Your word known to them. Cause them to be men and women of grace, mercy, and integrity, that the life of our state may be quiet and peaceable, living in all godliness and honesty. Let our leaders' hearts and ears be attentive to Your counsel, doing what is right in Your sight. Let righteousness dwell in our government.

God, we know that a house divided cannot stand. Therefore, we pray for a unified state government, standing together for the sake of the people of Michigan. I pray for Your protection to cover all of our lawmakers, as promised in Psalm 91. Give them health and vitality. Bless their marriages, children, and families. Bless every work of their hands. In the name of Jesus, I pray that You and Your kingdom of righteousness and justice will be manifested in the hearts of all our Michigan leadership. Reveal Your Son to each.

Thank you for hearing our prayer. We rejoice in receiving Your many blessings. Amen.

The President pro tempore, Senator Schuitmaker, led the members of the Senate in recital of the *Pledge of Allegiance*.

### **Motions and Communications**

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

Senator Kowall moved that Senators Brandenburg, Marleau, Meekhof and Schmidt be excused from today's session. The motion prevailed.

Senator Knezek moved that Senator Hopgood be temporarily excused from today's session. The motion prevailed.

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

Senator Kowall moved that rule 3.902 be suspended to allow the guests of Senators Zorn and Hertel 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 following communication was received:  
Office of Senator Ken Horn

May 10, 2016

I'd like to request that it be reflected in Senate Journal Number 45 for May 10, 2016 that it was my intent to vote yes on Senate Bill 853.

Sincerely,  
Ken Horn  
State Senator  
32nd District

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 10:  
**House Bill Nos. 5442 5449 5548 5549 5550 5551 5567**

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 11:  
**House Bill Nos. 5256 5263 5268 5272 5274 5276 5306 5329**

The Secretary announced that the following bills were printed and filed on Tuesday, May 10, and are available at the Michigan Legislature website:

**Senate Bill No. 957**  
**House Bill Nos. 5633 5634 5635 5636 5637**

### 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.

10:23 a.m.

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

During the recess, Senator Zorn introduced the Dundee High School Wrestling Team, 2016 MHSAA Class B State Champions, and Head Coach Tim Roberts; and presented them with a Special Tribute.

Coach Roberts responded briefly.

During the recess, Senators Hertel, Schmidt, MacGregor and Hildenbrand introduced the Michigan State University Men's Golf Team, qualifiers for the NCAA Regional Tournament, and Coach Casey Lubahn; and presented them with a State Seal.

Coach Lubahn responded briefly.

During the recess, Senators Knollenberg, Hopgood and Casperson entered the Senate Chamber.

### Messages from the Governor

The following message from the Governor was received:

Date: May 10, 2016

Time: 8:06 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 331 (Public Act No. 112), being**

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

(Filed with the Secretary of State on May 10, 2015, at 1:02 p.m.)

Respectfully,  
 Rick Snyder  
 Governor

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 Zorn as Chairperson.

After some time spent therein, the Committee arose; and the Assistant President pro tempore, Senator O'Brien, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

**Senate Bill No. 691, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17601 (MCL 333.17601), as added by 2008 PA 524.

**Senate Bill No. 692, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 939 (MCL 330.1939), as amended by 1990 PA 263.

**Senate Bill No. 693, entitled**

A bill to amend 1937 PA 72, entitled "Division on deafness act," by amending the title and section 1 (MCL 408.201), as amended by 1988 PA 434.

The bills were 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. 690, entitled**

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending subheading E of article 3 and section 315 (MCL 484.2315), as amended by 2011 PA 58.

Substitute (S-1).

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

1. Amend page 3, following line 7, by inserting:

"Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law."

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.

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

**Senate Bill No. 694, entitled**

A bill to amend 1937 PA 72, entitled "Division on deafness act," by amending section 2 (MCL 408.202), as amended by 1988 PA 434.

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.

Senator Kowall moved that Senator Booher be excused from the balance of today's session.

The motion prevailed.

### Resolutions

Senator Kowall moved that consideration of the following resolutions be postponed for today:

**House Concurrent Resolution No. 3**

**Senate Resolution No. 76**

**Senate Resolution No. 75**

The motion prevailed.

Senators Proos, Horn, Shirkey, Schuitmaker, Pavlov, Marleau, Rocca, Brandenburg, Knollenberg, O'Brien, Jones and Schmidt offered the following resolution:

**Senate Resolution No. 173.**

A resolution to oppose the requested diversion of water from Lake Michigan by the city of Waukesha, Wisconsin.

Whereas, The Great Lakes-St. Lawrence River Basin Water Resources Compact and the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement establish a high bar for determining when diversions from the Great Lakes can occur. Only communities bordering the Great Lakes basin boundary are eligible to divert water out of the basin. Furthermore, the Great Lakes states and provinces agreed to a strict standard for determining if these communities should be allowed to divert water. Under the compact, all the states must agree that those standards have been met; and

Whereas, The city of Waukesha, Wisconsin, is the first community to seek approval for a diversion from the Great Lakes basin under the compact and agreement. The city of Waukesha seeks to divert water from Lake Michigan to replace its current radium-contaminated drinking water supply. The city has requested approval to divert enough water to meet its current and future needs as well as supply water to surrounding areas that are not currently served by the city; and

Whereas, The city of Waukesha's request includes areas that may not need Great Lakes water. Under the compact, the city must demonstrate that a diversion is needed for areas within the community without adequate supplies of potable water. The city has included neighboring communities in its request that are not currently served by the city's water system and may not share similar contamination issues; and

Whereas, The city of Waukesha's request overestimates its future water needs. Under the compact, a diversion request must be limited to reasonable quantities. In addition to including potential demand from an expanded service area, the city has not properly accounted for decreasing water use in the city over the last decade and the effect of water conservation efforts. Thus, the amount of water that the city has requested is not reasonable; and

Whereas, The state of Michigan holds a fundamental interest in ensuring the protection of the Great Lakes. Michigan is literally defined by the four Great Lakes it borders, and the Great Lakes are critical to Michigan's prosperity. Consequently, we cannot support any proposal to divert Great Lakes water that does not meet the strictest interpretation of the standards agreed upon by the Great Lakes states and provinces; and

Whereas, At this time, the city of Waukesha has failed to meet the standards agreed upon by the Great Lakes states and provinces; now, therefore, be it

Resolved by the Senate, That we oppose the requested diversion of water from Lake Michigan by the city of Waukesha, Wisconsin; and be it further

Resolved, That copies of this resolution be transmitted to the Governor of Michigan; the governors of Illinois, Indiana, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin; the premiers of Ontario and Québec; and the Executive Director of the Conference of Great Lakes and St. Lawrence Governors and Premiers.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator Kowall moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Kowall moved that the resolution be referred to the Committee on Natural Resources.

The motion prevailed.

Senators Bieda, Booher, Hansen, Hildenbrand, Kowall, Robertson, Warren and Zorn were named co-sponsors of the resolution.

### **Introduction and Referral of Bills**

Senators Schmidt, Casperson and Stamas introduced

#### **Senate Bill No. 958, entitled**

A bill to amend 1982 PA 432, entitled "Motor bus transportation act," by amending section 23 (MCL 474.123), as amended by 1989 PA 233.

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

Senators Schmidt and Hansen introduced

#### **Senate Bill No. 959, entitled**

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

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

Senators Brandenburg, Hune, Marleau, Proos, Green, Warren and Schmidt introduced

#### **Senate Bill No. 960, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7o (MCL 211.7o), as amended by 2006 PA 681.

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

**House Bill No. 5256, entitled**

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2017; and to provide for the expenditure of the appropriations.

The House of Representatives has passed the bill.

The bill was read a first and second time by title.

Senator Kowall moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

**House Bill No. 5263, entitled**

A bill to make appropriations for the department of state police for the fiscal year ending September 30, 2017; and to provide for the expenditure of the appropriations.

The House of Representatives has passed the bill.

The bill was read a first and second time by title.

Senator Kowall moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

**House Bill No. 5268, entitled**

A bill to make appropriations for the department of agriculture and rural development for the fiscal year ending September 30, 2017; and to provide for the expenditure of the appropriations.

The House of Representatives has passed the bill.

The bill was read a first and second time by title.

Senator Kowall moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

**House Bill No. 5272, entitled**

A bill to make appropriations for the department of corrections for the fiscal year ending September 30, 2017; and to provide for the expenditure of the appropriations.

The House of Representatives has passed the bill.

The bill was read a first and second time by title.

Senator Kowall moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

**House Bill No. 5274, entitled**

A bill to make appropriations for the department of health and human services for the fiscal year ending September 30, 2017; and to provide for the expenditure of the appropriations.

The House of Representatives has passed the bill.

The bill was read a first and second time by title.

Senator Kowall moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

**House Bill No. 5276, entitled**

A bill to make appropriations for the legislature, the executive, the department of attorney general, the department of state, the department of treasury, the department of technology, management, and budget, the department of civil rights, the department of talent and economic development, and certain state purposes related thereto for the fiscal year ending September 30, 2017; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by the state agencies; and to declare the effect of this act.

The House of Representatives has passed the bill.

The bill was read a first and second time by title.

Senator Kowall moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

**House Bill No. 5306, entitled**

A bill to make appropriations for the department of insurance and financial services for the fiscal year ending September 30, 2017; and to provide for the expenditure of the appropriations.

The House of Representatives has passed the bill.

The bill was read a first and second time by title.

Senator Kowall moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

**House Bill No. 5329, entitled**

A bill to make appropriations for the state transportation department for the fiscal year ending September 30, 2017; and to provide for the expenditure of the appropriations.

The House of Representatives has passed the bill.

The bill was read a first and second time by title.

Senator Kowall moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

**House Bill No. 5442, entitled**

A bill to prescribe the public threat alert system as the official response to public threat situations in this state; and to provide for the powers and duties of certain state and local governmental officers and authorities.

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 Judiciary.

**House Bill No. 5449, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2015 PA 201.

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 Judiciary.

**House Bill No. 5548, entitled**

A bill to amend 1911 PA 235, entitled "An act to provide for the payment and reimbursement by counties, in certain cases upon application therefor, of expenses incurred in the burial of the bodies of honorably discharged members of the armed forces of the United States, or their spouses, and to repeal certain acts or parts of acts," by amending section 1 (MCL 35.801), as amended by 2003 PA 290.

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 Veterans, Military Affairs and Homeland Security.

**House Bill No. 5549, entitled**

A bill to amend 1946 (1st Ex Sess) PA 9, entitled "An act to create the Michigan veterans' trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act," by amending section 2 (MCL 35.602).

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 Veterans, Military Affairs and Homeland Security.

**House Bill No. 5550, entitled**

A bill to amend 1899 PA 214, entitled "An act to provide relief outside of the soldiers' home for honorably discharged indigent soldiers, sailors, marines, nurses and members of women's auxiliaries and the indigent wives, widows and minor children of such indigent or deceased soldiers, sailors, marines, nurses and members of women's auxiliaries, and to repeal certain acts and parts of acts," by amending section 1 (MCL 35.21), as amended by 1984 PA 168.



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 Veterans, Military Affairs and Homeland Security.

**House Bill No. 5551, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310 (MCL 257.310), as amended by 2016 PA 4.

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 Veterans, Military Affairs and Homeland Security.

**House Bill No. 5567, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1f of chapter IX (MCL 769.1f), as amended by 2012 PA 331.

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 Judiciary.

### Committee Reports

#### COMMITTEE ATTENDANCE REPORT

The Joint Select Committee on Flint Water Public Health Emergency (SCR 24) submitted the following:  
Meeting held on Tuesday, May 10, 2016, at 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators Stamas (C), Hune and Ananich

#### COMMITTEE ATTENDANCE REPORT

The Committee on Local Government submitted the following:  
Meeting held on Tuesday, May 10, 2016, at 12:30 p.m., Room 100, Farnum Building  
Present: Senators Zorn (C), Proos and Brandenburg  
Excused: Senators Rocca and Young

#### COMMITTEE ATTENDANCE REPORT

The Committee on Commerce submitted the following:  
Meeting held on Wednesday, May 11, 2016, at 8:30 a.m., Room 210, Farnum Building  
Present: Senators Kowall, MacGregor, O'Brien and Hertel  
Excused: Senator Schmidt (C)

### Scheduled Meetings

**Agriculture** - Thursday, May 12, 8:30 a.m., Room 110, Farnum Building (373-5323) (CANCELED)

**Transportation** - Thursday, May 12, 8:30 a.m., Room 210, Farnum Building (373-5312)

**Veterans, Military Affairs and Homeland Security** - Thursday, May 12, 11:00 a.m., Room 110, Farnum Building (373-5314)

Senator Kowall moved that the Senate adjourn.  
The motion prevailed, the time being 10:41 a.m.

The Assistant President pro tempore, Senator O'Brien, declared the Senate adjourned until Thursday, May 12, 2016, at 10:00 a.m.

JEFFREY F. COBB  
Secretary of the Senate