

No. 27
STATE OF MICHIGAN
Journal of the Senate
99th Legislature
REGULAR SESSION OF 2017

Senate Chamber, Lansing, Wednesday, March 15, 2017.

10:00 a.m.

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

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

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

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

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

Reverend Sahaya Stanly of All Saints Catholic Church of Fremont offered the following invocation:

Gracious and merciful God, we give You thanks for the wonder of this new day. At the outset of this gathering of the Senate, we raise our hearts in gratitude for the magnificent gift of this great nation which is buoyed by Your ongoing inspiration and blessing. We thank You for this wonderful land of Michigan which You have enriched with an abundance of resources and the change of seasons. Bless all Your people living in this great nation and the leaders who seek Your wisdom and guidance. Bless these Senators who enact laws for the well-being of Your people. Continue to inspire and guide them that they may strive to safeguard liberty and justice for all in this great nation and in the whole world.

May all that is done this day be for Your greater honor and glory and for the well-being of humanity. Amen.

The Assistant President pro tempore, Senator O'Brien, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senators Green, Nofs and Proos entered the Senate Chamber.

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

Senator Stamas moved that Senators Colbeck, Emmons, Hune, Kowall, Marleau, Meekhof, Pavlov and Schuitmaker be excused from today's session. The motion prevailed.

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

Senator Casperson entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, March 14:
House Bill Nos. 4013 4080

The Secretary announced that the following bills and joint resolution were printed and filed on Tuesday, March 14, and are available at the Michigan Legislature website:

Senate Bill Nos. 229 230 231 232 233 234 235 236 237 238
House Bill Nos. 4345 4346 4347 4348 4349 4350 4351 4352 4353 4354 4355 4356 4357 4358
House Joint Resolution I

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

Senator Stamas 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. 46, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 698 (MCL 257.698), as amended by 2016 PA 161.

Senate Bill No. 176, entitled

A bill to amend 1996 PA 299, entitled "An act to regulate tourist-oriented directional signs on certain rural roads; and to impose certain duties upon the state transportation department," by amending section 1 (MCL 247.401), as amended by 2004 PA 528.

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

Resolutions

Senators Jones, Horn, Nofs, Marleau, Rocca, Schmidt and Schuitmaker offered the following resolution:

Senate Resolution No. 22.

A resolution to support the Attorney General's opposition to federal legislation that would weaken federal and state ballast water laws protecting our nation's waters from aquatic invasive species.

Whereas, Aquatic invasive species are one of the most serious threats to the health of the Great Lakes and the people and businesses that depend on them. More than 180 non-native aquatic species have been introduced into the Great Lakes. Over the last sixty years, most of these species, including zebra and quagga mussels, have been introduced from oceangoing ships discharging ballast water. Once introduced and established, these harmful species are nearly impossible to eradicate and can cause millions of dollars in damage and control costs. In the Great Lakes region alone, past invasions have been estimated to have impacts of more than \$100 million annually; and

Whereas, Michigan has been a national leader in efforts to prevent the introduction of aquatic invasive species into our nation's waters. Michigan was the first state to require oceangoing ships entering state waters to treat their ballast water to kill any aquatic invasive species or not discharge ballast water; and

Whereas, The United States Congress is currently considering legislation that would limit Michigan and other states' ability to protect their waters from aquatic invasive species. The proposed Commercial Vessel Incidental Discharge Act (S. 168) would adopt a ballast water standard weaker than Michigan law, and it would preempt this legislative body from adopting more strict standards as it sees fit to protect state waters from aquatic invasive species; and

Whereas, Michigan Attorney General Bill Schuette and nine other state attorneys general have taken a strong stance in support of states' rights and protecting the Great Lakes and our nation's other vital waterways. They have correctly pointed out that the proposed legislation would destroy the traditional partnership between the state and federal governments in protecting our waters and constitutes a risky, and potentially costly, step backwards in preventing future invasions of aquatic invasive species; now, therefore, be it

Resolved by the Senate, That we support the Attorney General's opposition to federal legislation that would weaken federal and state ballast water laws protecting our nation's waters from aquatic invasive species; and be it further

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

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Stamas 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 Stamas moved that the resolution be referred to the Committee on Natural Resources.

The motion prevailed.

Senators Bieda, Brandenburg and Proos were named co-sponsors of the resolution.

Senators Proos, Colbeck, Booher, Marleau, Nofs, Robertson, Hansen and Brandenburg offered the following concurrent resolution:

Senate Concurrent Resolution No. 12.

A concurrent resolution to urge the U.S. Department of State to approve the Presidential Permit application allowing the construction of the TransCanada Keystone XL pipeline between the United States and Canada.

Whereas, The United States accounts for nearly 20 percent of world energy consumption and is the world's largest petroleum consumer. The United States consumes 19.4 million barrels of oil each day and forecasts suggest this will not change for decades. Current crude oil imports amount to more than 9.4 million barrels each day, approximately 50 percent of the United States' requirements; and

Whereas, Even with new technology, oil discoveries, alternative fuels, and conservation efforts, the United States will remain dependent on imported energy for decades to come. A secure supply of crude oil is not only needed for Americans to continue to heat their homes, cook their food, and drive their vehicles, but to allow the U.S. economy to thrive and grow free from the potential threats and disruptions of crude oil supply from less secure parts of the world; and

Whereas, The growing production of conflict-free oil from Canada's oil sands and the Bakken Formation in Saskatchewan, Montana, North Dakota, and South Dakota can replace crude oil imported from countries outside of North America. However, additional pipeline capacity to refineries in the U.S. Midwest and Gulf Coast is required; and

Whereas, Increasing energy imports from Canada makes sense for the United States. Canada is a trusted neighbor with a stable democratic government, strong environmental standards—equal to that of the United States—and some of the most stringent human rights and worker protection laws in the world; and

Whereas, Improvements in production technology continue to reduce the carbon footprint of Canadian oil sands development. Oil sands production accounts for approximately 0.1 percent of global greenhouse gas (GHG) emissions. Total emissions from Canada's oil sands sector was 62 megatons in 2013, equivalent to about 3.5 percent of emissions from U.S. coal-fired power generation in the same year. Oil sands crude has similar carbon dioxide emissions to other heavy oils and is six percent more carbon-intensive than the average crude oil refined in the United States on a wells-to-wheels basis; and

Whereas, The 58 refineries in the Gulf Coast region provide a total refining capacity of approximately 8.4 million barrels per day (bpd), or nearly half of U.S. refining capacity. In 2015, these refineries imported approximately 3.2 million bpd of crude oil. Fifty percent of that supply comes from the Organization of Petroleum Exporting Countries (OPEC). The top three individual suppliers of crude oil to the Gulf Coast are Mexico (20 percent), Venezuela (24 percent), and Saudi Arabia (20 percent). Imports from Mexico and Venezuela are declining as production from these countries decreases and supply contracts expire. Once completed, TransCanada's Keystone XL and Gulf Coast Expansion projects could displace roughly 44 percent of the oil the United States currently imports from OPEC; and

Whereas, The Keystone XL pipeline project has been subject to the most thorough public consultation process of any proposed U.S. pipeline, and the subject of multiple environmental impact statements and several U.S. Department of State studies. These analyses have concluded that it poses the least impact to the environment and is much safer than other modes of transporting crude oil; and

Whereas, Pipelines are the safest method for the transportation of petroleum products when compared to other methods of transportation. Pipelines are 40 times safer than moving crude oil by rail and 100 times safer than transporting by truck. The Keystone XL pipeline will replace the equivalent of a tanker train 25 miles long, or 200 ocean tankers per year. This will reduce greenhouse gas emissions by as much as 19 million tons, or the equivalent of taking almost four million cars off the road; and

Whereas, The Keystone XL project will support thousands of construction and manufacturing jobs in the United States, representing work for pipefitters, welders, electricians, heavy equipment operators, and other sectors in virtually every state in the country. Seventy-five percent of the pipe used to build Keystone XL in the United States will come from North American mills, including half made by U.S. workers. Goods for the pipeline valued at approximately \$800 million have already been sourced from U.S. manufacturers; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the U.S. Department of State to approve the Presidential Permit application allowing the construction of the TransCanada Keystone XL pipeline between the United States and Canada; and be it further

Resolved, That copies of this resolution be transmitted to the U.S. Secretary of State.

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

Senator Stamas 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 concurrent resolution,

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

The motion prevailed.

Introduction and Referral of Bills

Senator Shirkey entered the Senate Chamber.

Senator Casperson introduced
Senate Bill No. 239, entitled

A bill to amend 1925 PA 12, entitled "An act to provide for the laying out and establishing of additional trunk line mileage; to make all roads that have been improved as federal aid projects, and all roads that have been, or that may hereafter be, approved for federal aid, trunk line highways; to provide for the widening, altering or straightening of trunk line highways; to provide for the abandonment, alteration or change of any portion of the trunk line highway; and to repeal all acts and parts of acts inconsistent herewith," (MCL 250.111 to 250.115) by adding section 3.

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

Senators Bieda, Young, Johnson, Gregory, Hertel, Conyers, Hood, Ananich and Rocca introduced
Senate Bill No. 240, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 134 and 3104 (MCL 500.134 and 500.3104), section 134 as amended by 1990 PA 256 and section 3104 as amended by 2002 PA 662.

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

Senators Bieda, Young, Johnson, Gregory, Hertel, Conyers, Hood, Ananich and Rocca introduced
Senate Bill No. 241, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending sections 2 and 3 (MCL 15.262 and 15.263), section 2 as amended by 2001 PA 38 and section 3 as amended by 2016 PA 504.

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

Senators Stamas, Schmidt, Horn, Hansen, Kowall, Knezek, Hildenbrand and Meekhof introduced
Senate Bill No. 242, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 9 (MCL 125.2009), as amended by 2014 PA 503, and by adding chapter 8D.

The bill was read a first and second time by title and referred to the Committee on Economic Development and International Investment.

Senators Schmidt, Stamas, Horn, Hansen, Kowall, Knezek, Hildenbrand and Meekhof introduced
Senate Bill No. 243, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 711 (MCL 206.711), as amended by 2016 PA 158, and by adding section 51f.

The bill was read a first and second time by title and referred to the Committee on Economic Development and International Investment.

Senators Bieda, Stamas, Schmidt, Horn, Hansen, Kowall, Knezek, Hildenbrand and Meekhof introduced
Senate Bill No. 244, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 28 (MCL 205.28), as amended by 2015 PA 10.

The bill was read a first and second time by title and referred to the Committee on Economic Development and International Investment.

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

Senators Schuitmaker, Jones and O'Brien introduced
Senate Bill No. 246, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending sections 1, 2, and 13 (MCL 15.231, 15.232, and 15.243), section 1 as amended by 1997 PA 6, section 2 as amended by 1996 PA 553, and section 13 as amended by 2006 PA 482, by designating part 1, and by adding part 2.

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

Senators Jones, Schuitmaker and O'Brien introduced
Senate Bill No. 247, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," by amending section 104a (MCL 4.1104a), as amended by 2013 PA 241.

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

House Bill No. 4013, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 223 (MCL 257.223), as amended by 2007 PA 143.

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 Insurance.

House Bill No. 4080, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1274a (MCL 380.1274a), as amended by 2003 PA 255.

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.

Committee Reports**COMMITTEE ATTENDANCE REPORT**

The Subcommittee on State Police and Military Affairs submitted the following:

Meeting held on Tuesday, March 14, 2017, at 8:32 a.m., Room 402 and 403, Capitol Building

Present: Senators Nofs (C) and Colbeck

Excused: Senator Knezek

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Tuesday, March 14, 2017, at 12:00 noon, Room 1300, Binsfeld Office Building

Present: Senators Knollenberg, Colbeck and Hopgood

Excused: Senators Pavlov (C) and Booher

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Natural Resources submitted the following:

Meeting held on Tuesday, March 14, 2017, at 1:00 p.m., Room 405, Capitol Building

Present: Senators Green (C), Booher and Hopgood

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:

Meeting held on Wednesday, March 15, 2017, at 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Hansen (C) and Hopgood

Excused: Senator Pavlov

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

Agriculture and Rural Development - Tuesdays, March 21 and March 28, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

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

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

Licensing and Regulatory Affairs - Thursday, March 16, 2:00 p.m., Room 1100, Binsfeld Office Building (373-2768)

State Police and Military Affairs - Tuesdays, March 21 (CANCELED) and March 28, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2768)

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

Economic Development and International Investment - Thursday, March 16, 1:30 p.m., Room 1200, Binsfeld Office Building (373-5323)

Insurance - Thursday, March 16, 9:30 a.m., Room 1200, Binsfeld Office Building (373-5312)

Transportation - Thursday, March 16, 8:45 a.m., Room 1100, Binsfeld Office Building (373-5312)

Senator Stamas moved that the Senate adjourn.
The motion prevailed, the time being 10:20 a.m.

The Assistant President pro tempore, Senator O'Brien, declared the Senate adjourned until Thursday, March 16, 2017, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate

