

No. 89
STATE OF MICHIGAN
Journal of the Senate
98th Legislature
REGULAR SESSION OF 2015

Senate Chamber, Lansing, Wednesday, October 7, 2015.

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—present
Casperson—present
Colbeck—present
Emmons—present
Green—present
Gregory—present
Hansen—present
Hertel—present
Hildenbrand—present
Hood—present

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

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

Senator Mike Shirkey of the 16th District offered the following invocation:

I would like to read from Psalm 2:1-3, and then I will finish with verses 10-12. I feel these verses are appropriate for the work that we do and for the time in which we are engaged.

This is David recanting a conversation between Jehovah, Jesus, and God and their observations about what is going on in the world among the kings, rulers, and lawmakers thinking they no longer need God. "Why do the nations conspire, and the peoples plot in vain? The kings of the earth take their stand and the rulers gather together against the Lord and his anointed one. Let us break their chains and throw off their fetters." Verses 10-12: "Therefore, you kings be wise, be warned you rulers of the earth. Serve the Lord with fear and rejoice with trembling. Kiss the son, embrace Christ, lest he be angry and you be destroyed in your way. For his wrath can flare up in a moment. Blessed are those who take refuge in him."

Heavenly Father, we thank You for this day. Thank You for this glorious opportunity and high privilege to serve in the Legislature in Michigan. Lord, we ask that You be especially present and that Your Holy Spirit engulf us today and every day as we deliberate laws, policies, and things that are government-oriented. We ask that You would guide our thoughts and words, and guard our hearts from this world.

We ask all these things in Your precious Son's name. Amen.

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

Motions and Communications

Senator Zorn entered the Senate Chamber.

Senator Kowall moved that Senator Casperson 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.

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Schuitmaker, designated Senator Hopgood as Chairperson.

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

House Bill No. 4517, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 863 (MCL 380.863).

Senate Bill No. 477, entitled

A bill to amend 2001 PA 266, entitled "Grade A milk law of 2001," by amending section 6 (MCL 288.476), as amended by 2008 PA 136.

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. 153, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 625a and 625c (MCL 257.625a and 257.625c), as amended by 2014 PA 315.

Substitute (S-4).

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. 4239, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40111 (MCL 324.40111), as amended by 2012 PA 340.

Substitute (S-2).

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

1. Amend page 3, line 1, after “vehicle” by inserting “**WHILE THAT VEHICLE IS OPERATED ON PUBLIC LAND OR ON A HIGHWAY, ROAD, OR STREET IN THIS STATE**”.

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. 239, entitled

A bill to prohibit a local unit of government from enacting an ordinance or rule that regulates a dog based solely on breed, perceived breed, or type; and to provide for the powers and duties of certain local governmental entities.

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. 453, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8501 (MCL 600.8501), as amended by 1988 PA 135.

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.

During the Committee of the Whole, Senators Young and Casperson entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 427
House Bill No. 4499
House Bill No. 4500
House Bill No. 4503
House Bill No. 4504
House Bill No. 4505
House Bill No. 4506
House Bill No. 4507
Senate Bill No. 93
Senate Bill No. 94
Senate Bill No. 95
Senate Bill No. 96
Senate Bill No. 92

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 427, entitled

A bill to amend 1963 PA 17, entitled “An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health,” by amending sections 1 and 2 (MCL 691.1501 and 691.1502), as amended by 2002 PA 543.

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. 398

Yeas—38

Ananich
Bieda

Hertel
Hildenbrand

Kowall
MacGregor

Rocca
Schmidt

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4499, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 3815 (MCL 600.3815), as amended by 2014 PA 387.

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. 399

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: 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 revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions 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:

House Bill No. 4500, entitled

A bill to amend 2004 PA 452, entitled “Identity theft protection act,” (MCL 445.61 to 445.79c) by adding section 79d.

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. 400

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: 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 prohibit certain acts and practices concerning identity theft; to require notification of a security breach of a database that contains certain personal information; to provide for the powers and duties of certain state and local governmental officers and entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4503, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 4710.

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. 401**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: 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 revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions 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:

House Bill No. 4504, entitled

A bill to create the uniform forfeiture reporting act; to require certain reports by reporting agencies regarding seized and forfeited property; to prescribe the powers and duties of certain local and state officials; to provide for certain fees and the expenditure of those fees; to require certain audits; to require certain reports by the department of state police; to provide for the withholding of law enforcement funds under certain circumstances; 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. 402**Yeas—38**

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O'Brien	Stamas

Emmons	Johnson	Pavlov	Warren
Green	Jones	Proos	Young
Gregory	Knezek	Robertson	Zorn
Hansen	Knollenberg		

Nays—0

Excused—0

Not Voting—0

In The Chair: 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.
The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4505, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 7521 (MCL 333.7521), as amended by 2001 PA 236.

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. 403

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: 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 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.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4506, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 7524b.

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. 404

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: 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 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.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4507, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 3841.

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. 405

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schuitmaker

The Assistant President pro tempore, Senator O’Brien, assumed the Chair.

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 revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence,

practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions 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. 93, entitled

A bill to amend 1982 PA 302, entitled “An act to create the Michigan justice training commission and the Michigan justice training fund; to provide the powers and duties of certain state agencies; to provide for the distribution and expenditure of funds; and to provide for the promulgation of rules,” by amending sections 1, 2, 3, 4, 5, 6, 8, and 9 (MCL 18.421, 18.422, 18.423, 18.424, 18.425, 18.426, 18.428, and 18.429), sections 1, 2, 3, 4, 5, and 6 as amended and section 9 as added by 1989 PA 158, and by adding sections 7, 8a, and 10.

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. 406

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: O’Brien

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Schuitmaker’s statement is as follows:

Senate Bill Nos. 92-96 will codify the Michigan Commission on Law Enforcement Standards and update and consolidate the various statutes and executive orders currently governing their operation. The commission, MCOLES as we usually refer to it, is responsible for setting professional standards for law enforcement officers, creating curriculum for law enforcement training, licensing law enforcement officers, and administering the Justice Training Fund and the Training to Locals Fund.

Perhaps now more than ever, it is important to ensure that our law enforcement officers are held to the highest standards and that they are qualified for the important work they do. This legislation accomplishes that. It clearly defines which

individuals with law enforcement authority are licensed and regulated by MCOLES, and it gives MCOLES the ability to hold officers accountable when they violate the public trust.

This package has broad support from the law enforcement community, and I ask for your support.

The following bill was read a third time:

Senate Bill No. 94, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 7411 (MCL 333.7411), as amended by 2013 PA 223.

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. 407

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: O’Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 95, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 181 (MCL 600.181), as amended by 2008 PA 545.

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. 408

Yeas—38

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith

Colbeck	Hune	O'Brien	Stamas
Emmons	Johnson	Pavlov	Warren
Green	Jones	Proos	Young
Gregory	Knezek	Robertson	Zorn
Hansen	Knollenberg		

Nays—0

Excused—0

Not Voting—0

In The Chair: O'Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 96, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter III (MCL 763.11), as added by 2012 PA 479.

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. 409

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: O'Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 92, entitled

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending sections 1, 2, 3, 5, 6, 7, 9, 9a, 9b, 9c, 9d, 10, 11, 12, 13, and 14 (MCL 28.601, 28.602, 28.603, 28.605, 28.606, 28.607, 28.609, 28.609a, 28.609b, 28.609c, 28.609d, 28.610, 28.611, 28.612, 28.613, and 28.614), sections 1, 3, 5, 6, 7, 11, 12, and 14 as amended and sections 9a, 9b, 9c, and 9d as added by 1998 PA 237, section 2 as amended by 2013 PA 170, section 9 as amended by 2005 PA 239, and section 10 as amended by 2010 PA 67; 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. 410

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: O'Brien

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Warren and Hertel introduced

Senate Bill No. 545, 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 5o (MCL 28.425o), as amended by 2014 PA 206.

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

Senators Hertel and Warren introduced

Senate Bill No. 546, 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 2012 PA 124.

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

Senators Warren and Hertel introduced

Senate Bill No. 547, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 509o (MCL 168.509o), as added by 1994 PA 441.

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

Senators Warren and Hertel introduced

Senate Bill No. 548, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 307 and 315 (MCL 257.307 and 257.315), section 307 as amended by 2015 PA 11 and section 315 as amended by 2008 PA 7.

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

Senators Jones, Booher and Marleau introduced

Senate Bill No. 549, entitled

A bill to amend 2013 PA 240, entitled “Michigan state capitol historic site act,” (MCL 4.1941 to 4.1949) by amending the title and by adding section 10.

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

Senator Zorn introduced

Senate Bill No. 550, entitled

A bill to amend 1966 PA 313, entitled “An act to award tuition grants to resident students enrolled in independent nonprofit institutions of higher learning; and to make an appropriation therefor,” by amending sections 2, 3, 4, 5, and 6 (MCL 390.992, 390.993, 390.994, 390.995, and 390.996), sections 3, 4, 5, and 6 as amended by 1980 PA 503, and by adding section 1a.

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

Senators Schuitmaker, Brandenburg, Jones, Hildenbrand and Bieda introduced

Senate Bill No. 551, entitled

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” by amending sections 1104, 2801, 2803, 2807, 3206, 3207, 3209, 3614, and 3701 (MCL 700.1104, 700.2801, 700.2803, 700.2807, 700.3206, 700.3207, 700.3209, 700.3614, and 700.3701), section 1104 as amended by 2009 PA 46, section 2803 as amended by 2012 PA 173, section 2807 as amended by 2000 PA 54, sections 3206 and 3209 as amended by 2012 PA 63, section 3207 as amended by 2010 PA 325, and sections 3614 and 3701 as amended by 2006 PA 299, and by adding sections 3206a and 3206b; 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.

Statements

The President pro tempore, Senator Schuitmaker, resumed the Chair.

Senators Colbeck, Nofs, O’Brien and Bieda asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Colbeck’s statement is as follows:

The roads debate was started by Governor Snyder back in 2011 when he cited it as one of four major issues that we face as a state during his first State of the State address. Only it hasn’t been much of a debate. Rather than define our objective as how best to fix our roads, debate has evolved into how best to raise at least \$1.2 billion to fix our roads. It has become a race for how to raise an additional \$1.2 billion in taxes or maximum fraction thereof. This objective effectively excludes solutions that don’t raise taxes, like building higher-quality roads and the temporary reprioritization of existing revenue. There is unanimous agreement that we need to fix our roads. Our disagreement is on the subject of how.

Proposal 1 featured \$2 billion in new taxes. It was rejected by 1,404,779 voters. Eighty-one percent of these said “no,” not outright unanimous but close. So how did the Legislature, the representatives of the people, respond to the will of the

people? Well, in June, the House put out a measured plan that featured \$119 million in new taxes and \$700 million from existing funds. In July, the Senate responded with a plan that featured \$800 million in new taxes and \$700 million from existing funds.

Please note that both chambers agreed that we should reprioritize \$700 million in existing revenue. I have demonstrated that \$700 million is more than enough to fix our roads if we simply build roads that last longer. Since this solution did not seem to fit the tax increase objective echoed by the media, it has sat idle while tax increase advocates went back to the drawing board.

In August, discussions in the House around a 600/600 plan fell apart after an attempt to connect a solution for our roads to fixing potholes in Medicaid by increasing the HICA tax. Discussions have now gone on behind closed doors as tax increase proponents attempt to cobble together a way to increase our taxes by over \$800 million and market it effectively to the very people who rejected a proposal to increase our taxes by a 4 to 1 margin.

Today, I would like to issue a challenge on how to best fix our roads. After all, that should be our objective and not tax increases. Today, I would like to issue this challenge to every elected official in this chamber, the chamber down the hall, and the folks who sit over in the Romney Building. I want to challenge you to dispense with politics as usual and bring these discussions into the light of day for all to talk about. Today, I am issuing a public debate challenge to any state elected official who believes that we need to increase our taxes. No more talking points lobbed over the fence to the media. It is time to subject the validity of your assertions to rebuttal in a public forum. All that I ask is that this debate happens prior to voting on the next iteration of road bills and that it not occur on a Sunday.

I happen to believe that we can fix our roads without increasing taxes or cutting education or public safety. In fact, over the past three years, I have provided solutions to our roads problem that would do just that. Other states' elected officials have expressed similar views and are welcome to join me in defending this assertion. I, for one, am willing to test my assertion in public debate. If you are an advocate for tax increases to fix our roads, are you willing to subject your view to public debate? Why or why not? So the choice is yours. You can return to the back room echo chambers filled with tax increase advocates, or you can test your assertions and the solutions they yield in the full light of day.

It is time to move past the false narratives, and restore an appreciation for the grand tradition of reason and debate that used to be the hallmark of our system of government. Our citizens are losing respect for elected representatives. When within two months of the Proposal 1 vote, the response to 81 percent of our voters rejecting a tax increase is to propose another tax increase, this time without a vote of the people, it is easy to see why. Our citizens deserve better.

You can give them better by contacting my office to express your willingness to join me in this debate. I should point out that if no state elected official contacts my office within one week of today, it leads me and the rest of our 10 million citizens to conclude that we do not need to increase taxes to fix our roads, and now is the time to pass legislation that fixes our potholes without digging holes in our wallets.

Senator Nofs' statement is as follows:

Colleagues, Becky Rocho was a friend and constituent of mine who passed away suddenly and unexpectedly yesterday. Becky was a 41-year veteran of the Calhoun ISD, where she established herself as a statewide expert on education management and the Revised School Code. She was so successful, in fact, that multiple counties, including all three in my district, have relied on her legislative leadership and advocacy.

As many of you who have dealt with education issues know, Becky was also an invaluable resource to a lot of policy-makers around this town. She was a staunch supporter of education and children, was always available to share her expertise, and has been key to my decision-making process through the years—especially during my term on the House Education Committee in my first term of office.

She truly was a good friend and cared about our public education and the system in the state of Michigan. She advocated for teachers, school districts, and especially all the children whom we are trying to set policies to educate properly in the state of Michigan.

Becky's passing is a tremendous loss to the education community and especially to her family. I ask that you please keep them in your thoughts and prayers.

Senator O'Brien's statement is as follows:

When I learned yesterday of Becky's passing, my first reaction was sadness; sadness for her family, for those in education, and for students around the state of Michigan. During her years in education, she was well-known as an advocate, cheerleader, and champion of students. As a lobbyist, she was known for her candor, knowledge, and effectiveness. Since yesterday, there has been an outpouring of emotions from those who knew her and worked with her. Memories frequently shared included: she taught me the ropes; she took me under her wing; she made me a better lobbyist; she knew how to work collaboratively; she knew how to get the job done; and her enthusiasm was contagious.

While she was not my constituent, I worked with Becky on education issues for my entire legislative career to date. She was quick to share resources and information that would help me as I debated issues. More importantly, she was an advocate for using research and best practices when shaping education policy. There were times when I struggled with uphill battles, and Becky would often leave me an encouraging voicemail.

Calhoun County has lost an education giant. But as we, her friends and family, celebrate her life, I would like to think that she has left something with many of us who worked with her. We will carry on her lessons of passion, collaboration, and innovation. More importantly, we will continue her legacy of student learning and aiming for the stars.

To her family, we express our deepest sympathies. Becky's family includes her husband Doug and daughter Lauren. We hope the many treasured memories bring the family some comfort in the hours, days, and weeks to come. We hope the family will know of the deep appreciation of the work of their wife and mother. As Senator Nofs said, the entire family remains in our prayers.

A moment of silence was observed in memory of education advocate and lobbyist Becky Rocho.

Senator Bieda's statement is as follows:

I want to rise today to share some concerns regarding Volkswagen's emissions scandal. My constituents have made it clear that an investment in a thriving American auto industry and a rigorous oversight process are vital to our national interest. They also want to see massive corporations held accountable for their crimes. As you may already be aware, Volkswagen installed defeat devices in their so-called clean diesel vehicles starting in 2009. Those devices were deliberately designed to cheat emission standards, and as such, violated the Clean Air Act.

As a result, Americans were sold a false bill of goods. It's great news that there is a potential recall being scheduled for January 2016. However, buyers who spend hard-earned dollars will have to take their cars in on their own time and will be without a working vehicle that may not be as efficient as the promised one once returned. If buyers do not submit to a voluntarily recall, assuming that one is coming, they will be driving vehicles belching noxious fumes that are 10 to 40 times more than the legal limit. It's probably safe to say that the resale value of those cars will diminish too.

Like many big-name corporations before them, it seems that Volkswagen knowingly betrayed and defrauded American consumers on a grand scale. Our government normally prefers striking deals and dolling out fines when corporations commit crimes. And, in fact, Volkswagen will be subject to massive fines—up to \$37,500 per car for the 500,000 cars sold after 2009. That's just for violating the civil portions of the Clean Air Act.

While \$18 billion in penalties is a serious sum, more than 1.5 million Americans incarcerated in our prison systems could not escape prosecution based on the contents of their wallets. I say if you do the crime, you do the time.

Consider this: If you are found guilty of robbing a bank, you could spend a minimum of 10 years in prison. Wire fraud, which Volkswagen allegedly may have committed, could cost you 30 years. But how will those responsible Volkswagen employees be criminally punished, if at all? The U.S. Department of Justice recently issue new guidelines requiring corporations to name wrongdoers and their alleged misconduct if they want credit for cooperation. I think that's a good start. Volkswagen may be the perfect test case for our government to demonstrate that they are truly willing to crack down on white-collar crime.

Deputy Attorney General Yates has it right: "The public needs to have confidence that there is one system of justice and it applies equally regardless of whether that crime occurs on the street corner or in a boardroom." I couldn't agree more. It's time to stop treating corporations differently than ordinary citizens. The powerful executives must understand that they can suffer real consequences when they break the law, especially when their crimes are more far-ranging than a convenience store robbery. Our citizens deserve justice. We deserve fairness.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Local Government submitted the following:

Meeting held on Tuesday, October 6, 2015, at 12:30 p.m., Room 100, Farnum Building

Present: Senators Zorn (C), Proos, Rocca and Young

Excused: Senator Brandenburg

COMMITTEE ATTENDANCE REPORT

The Committee on Michigan Competitiveness submitted the following:

Meeting held on Wednesday, October 7, 2015, at 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Shirkey (C), Stamas, Robertson, Proos and Warren

Scheduled Meetings**Appropriations -****Subcommittee -**

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

Economic Development and International Investment - Thursday, October 8, 1:30 p.m., Room 210, Farnum Building (373-5323)

Energy and Technology - Thursday, October 8, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-1721)

Finance - Tuesday, October 13, 2:30 p.m., Room 210, Farnum Building (373-5323)

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

Transportation - Thursday, October 8, 8:30 a.m., Room 210, Farnum Building (373-5323)

Senator Kowall moved that the Senate adjourn.
The motion prevailed, the time being 10:55 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, October 8, 2015, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate

