

**No. 74**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**98th Legislature**  
**REGULAR SESSION OF 2016**

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Senate Chamber, Lansing, Tuesday, December 6, 2016.

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—present  
Emmons—present  
Green—present  
Gregory—present  
Hansen—present  
Hertel—present  
Hildenbrand—present

Hood—excused  
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 Kenneth B. Horn of the 32nd District offered the following invocation:

Dear Father in Heaven, after running down the steps at the HOB and up the steps in the Capitol to be here with You, dear Lord, help me catch my breath.

As You know, Lord, with those two children and grandchildren living at home, it seems that our young children have a way of making us look at Christmas differently again with a set of fresh eyes.

As I was making out my gift list, it occurred to me, Father, that I needed to add Your name to my list. After all, You gave us the ultimate gift this month: Your Son, Jesus. I must be honest, though, it's an awfully humbling experience, Lord, trying to put together a list of things that You might appreciate of us. It seems that we're constantly asking You for things, especially as we begin our regular Senate sessions. We are human after all. So today, once again, we ask You to help us discern the difference between being smart and being wise, between waiting patiently and true patience, between asking for peace and being a person at peace, and, of course, help us distinguish the difference between hearing our colleagues and really understanding them.

With all these things we ask, and as we count down the days to Christmas, help guide us to be generous of heart at home, courageous leaders in this Chamber, and as we work toward a common solution to the many issues that are facing our great state. May all this be done this day in Your greater name, Your honor, and Your glory. Amen.

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

### Motions and Communications

Senators Ananich, Brandenburg and Conyers entered the Senate Chamber.

Senator Kowall moved that Senators Casperson, Emmons, Green and Knollenberg be temporarily excused from today's session.

The motion prevailed.

Senator Young moved that Senator Johnson be temporarily excused from today's session.

The motion prevailed.

Senator Young moved that Senator Hood be excused from today's session.

The motion prevailed.

Senator Kowall moved that rule 3.902 be suspended to allow the guests of Senators Bieda, Casperson and Knezek admittance to the Senate floor.

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

Senator Kowall moved that a respectful message be sent to the House of Representatives requesting the return of the following bills:

**Senate Bill No. 1051**

**Senate Bill No. 1052**

**Senate Bill No. 1053**

The motion prevailed.

The following communication was received and read:

Office of the Senate Majority Leader

December 1, 2016

I respectfully request you hold a hearing on Roger Curtis' appointment as Director of the Michigan Talent and Economic Development Department and report your findings to the Senate Government Operations Committee.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,  
Arlan Meekhof  
30th Senate District  
Senate Majority Leader

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 Thursday, December 1:  
**House Bill Nos. 4924 5025 5359 5360 5664 5741 5796 5851 5852 5853 5854 5855 5856 5857**  
**5912 5987**

The Secretary announced that the following bills and joint resolution were printed and filed on Thursday, December 1, and are available at the Michigan Legislature website:

**Senate Bill No. 1187**  
**House Bill Nos. 6087 6088 6089 6090 6091 6092 6093 6094 6095 6096 6097**  
**House Joint Resolution VV**

By unanimous consent the Senate proceeded to the order of  
**Introduction and Referral of Bills**

**House Bill No. 4924, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2559 (MCL 600.2559), as amended by 2012 PA 558.

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. 5025, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 303 (MCL 436.1303).

The House of Representatives has passed the bill.  
The bill was read a first and second time by title and referred to the Committee on Regulatory Reform.

**House Bill No. 5359, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 3240 (MCL 600.3240), as amended by 2014 PA 431.

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. 5360, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2558 (MCL 600.2558), as amended by 2002 PA 429.

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. 5664, entitled**

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 68c (MCL 38.68c), as amended by 2015 PA 20.

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 Appropriations.

**House Bill No. 5741, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 248c (MCL 257.248c), as amended by 2015 PA 48.

The House of Representatives has passed the bill.  
The bill was read a first and second time by title and referred to the Committee on Transportation.

**House Bill No. 5796, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by repealing section 1766 (MCL 380.1766).

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 Education.

**House Bill No. 5851, 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, 8, 15, and 31 (MCL 125.1651, 125.1658, 125.1665, and 125.1681), section 1 as amended by 2013 PA 66, section 8 as added by 1987 PA 66, section 15 as amended by 1993 PA 323, and section 31 as added by 1988 PA 425; and to repeal acts and parts of acts.

The House of Representatives has passed the bill.

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

**House Bill No. 5852, entitled**

A bill to amend 2008 PA 94, entitled "Water resource improvement tax increment finance authority act," by amending sections 3, 10, 16, and 23 (MCL 125.1773, 125.1780, 125.1786, and 125.1793), sections 3 and 10 as amended by 2013 PA 25.

The House of Representatives has passed the bill.

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

**House Bill No. 5853, entitled**

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending sections 2, 7, 13, and 21 (MCL 125.2152, 125.2157, 125.2163, and 125.2171), section 2 as amended by 2013 PA 62 and sections 7 and 13 as amended by 1993 PA 333.

The House of Representatives has passed the bill.

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

**House Bill No. 5854, entitled**

A bill to amend 2005 PA 280, entitled "Corridor improvement authority act," by amending sections 3, 11, 19, and 28 (MCL 125.2873, 125.2881, 125.2889, and 125.2898), section 3 as amended by 2013 PA 68 and section 11 as amended by 2007 PA 44.

The House of Representatives has passed the bill.

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

**House Bill No. 5855, entitled**

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending sections 1, 4, 8, 14, and 30 (MCL 125.1801, 125.1804, 125.1808, 125.1814, and 125.1830), section 1 as amended by 2014 PA 38, section 4 as amended and section 8 as added by 1987 PA 68, section 14 as amended by 1993 PA 322, and section 30 as added by 1988 PA 420.

The House of Representatives has passed the bill.

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

**House Bill No. 5856, entitled**

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 2 (MCL 125.2652), as amended by 2013 PA 67.

The House of Representatives has passed the bill.

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

**House Bill No. 5857, entitled**

A bill to amend 1974 PA 300, entitled "Motor vehicle service and repair act," by amending sections 2, 2a, 3, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 30, 32, 33, 34a, 36, and 39 (MCL 257.1302, 257.1302a, 257.1303, 257.1307, 257.1309, 257.1310, 257.1311, 257.1312, 257.1313, 257.1314, 257.1315, 257.1316, 257.1317, 257.1318, 257.1319, 257.1320, 257.1321, 257.1322, 257.1330, 257.1332, 257.1333, 257.1334a, 257.1336, and 257.1339), sections 2 and 10 as amended by 2016 PA 33, section 2a as added and sections 18, 22, and 30 as amended by 1988 PA 254, and section 17 as amended by 2002 PA 464, and by adding sections 7a, 7b, 7c, 7d, 7e, 7f, 10b, 13a, 13b, and 32a.

The House of Representatives has passed the bill.

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

**House Bill No. 5912, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78k (MCL 211.78k), as amended by 2006 PA 611.

The House of Representatives has passed the bill.

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

**House Bill No. 5987, entitled**

A bill to amend 1988 PA 466, entitled "Animal industry act," by amending section 46 (MCL 287.746), as added by 2009 PA 117.

The House of Representatives has passed the bill.

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

Senators Knollenberg, Casperson, Green and Emmons entered the Senate Chamber.

**Recess**

Senator Kowall moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:19 a.m.

12:08 p.m.

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

During the recess, Senator Johnson entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

**Messages from the House**

The House of Representatives returned, in accordance with the request of the Senate

**Senate Bill No. 1051, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21102 and 21104 (MCL 324.21102 and 324.21104).

The bill was placed on the order of Third Reading of Bills.

The House of Representatives returned, in accordance with the request of the Senate

**Senate Bill No. 1052, entitled**

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending section 6 (MCL 290.646), as amended by 2006 PA 271.

The bill was placed on the order of Third Reading of Bills.

The House of Representatives returned, in accordance with the request of the Senate

**Senate Bill No. 1053, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21506a and 21508 (MCL 324.21506a and 324.21508), as amended by 2014 PA 416.

The bill was placed on the order of Third Reading of Bills.

By unanimous consent the Senate proceeded to the order of  
**Third Reading of Bills**

Senator Kowall moved to reconsider the vote by which the following bill was passed:

**Senate Bill No. 1051, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21102 and 21104 (MCL 324.21102 and 324.21104).

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

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. 676**

**Yeas—34**

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

**Nays—3**

Colbeck	Emmons	Hune
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**Excused—1**

Hood

**Not Voting—0**

In The Chair: Schuitmaker

Senator Kowall moved to reconsider the vote by which the following bill was passed:

**Senate Bill No. 1052, entitled**

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending section 6 (MCL 290.646), as amended by 2006 PA 271.

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

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. 677**

**Yeas—33**

Ananich	Hertel	Kowall	Robertson
Bieda	Hildenbrand	MacGregor	Rocca
Booher	Hopgood	Marleau	Schmidt
Brandenburg	Horn	Meekhof	Shirkey
Casperson	Johnson	Nofs	Stamas

Conyers  
Green  
Gregory  
Hansen

Jones  
Knezek  
Knollenberg

O'Brien  
Pavlov  
Proos

Warren  
Young  
Zorn

**Nays—4**

Colbeck

Emmons

Hune

Schuitmaker

**Excused—1**

Hood

**Not Voting—0**

In The Chair: Schuitmaker

Senator Kowall moved to reconsider the vote by which the following bill was passed:

**Senate Bill No. 1053, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21506a and 21508 (MCL 324.21506a and 324.21508), as amended by 2014 PA 416.

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

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. 678**

**Yeas—29**

Ananich  
Bieda  
Booher  
Casperson  
Conyers  
Green  
Gregory  
Hansen

Hertel  
Hildenbrand  
Hopgood  
Horn  
Johnson  
Jones  
Knezek

Knollenberg  
Kowall  
MacGregor  
Marleau  
Meekhof  
Nofs  
O'Brien

Proos  
Robertson  
Schmidt  
Shirkey  
Stamas  
Warren  
Young

**Nays—8**

Brandenburg  
Colbeck

Emmons  
Hune

Pavlov  
Rocca

Schuitmaker  
Zorn

**Excused—1**

Hood

**Not Voting—0**

In The Chair: Schuitmaker

By unanimous consent the Senate returned to the order of  
**Motions and Communications**

Senator Kowall moved that rule 2.106 be suspended to allow committees to meet during Senate session.  
The motion prevailed, a majority of the members serving voting therefor.

**Recess**

Senator Kowall moved that the Senate recess until 2:00 p.m.  
The motion prevailed, the time being 12:19 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Schuitmaker.

**Recess**

Senator Kowall moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 2:01 p.m.

2:25 p.m.

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

By unanimous consent the Senate returned to the order of  
**Messages from the House**

**Senate Bill No. 753, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16283, 16284, 16285, 16286, 16287, and 16288.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Kowall moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 679**

**Yeas—36**

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

**Nays—0**



**Excused—1**

Hood

**Not Voting—1**

Rocca

In The Chair: Schuitmaker

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the 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 President pro tempore, Senator Schuitmaker, designated Senator Nofs 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. 5273, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34 (MCL 791.234), as amended by 2010 PA 353.

**House Bill No. 5205, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 6a.

**House Bill No. 4874, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 9a.

**Senate Bill No. 852, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 319, 682, and 907 (MCL 257.319, 257.682, and 257.907), section 319 as amended by 2015 PA 11, section 682 as amended by 2012 PA 263, and section 907 as amended by 2015 PA 126.

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:

**House Bill No. 4677, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2015 PA 19.

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. 5001, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17959 (MCL 333.17959), as amended by 2010 PA 304.

Substitute (S-2).

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 amendment, the following bill:

**House Bill No. 5024, entitled**

A bill to create the impaired driving safety commission; to prescribe its powers and duties; to create the impaired driving safety commission fund; to provide for use of the fund; and to repeal acts and parts of acts.

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

1. Amend page 4, line 23, after "(b)" by striking out "Fund" and inserting "Subject to an appropriation, fund".

The Senate agreed to the amendment recommended by the Committee of the Whole, and the bill as amended 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. 5326, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7333a, 7422, 17708, and 17757 (MCL 333.7333a, 333.7422, 333.17708, and 333.17757), section 7333a as amended by 2012 PA 44, section 7422 as added by 2014 PA 313, section 17708 as amended by 2016 PA 49, and section 17757 as amended by 2014 PA 525, and by adding section 17744e.

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. 4423, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627 (MCL 257.627), as amended by 2012 PA 252; and to repeal acts and parts of acts.

Substitute (S-2).

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. 4424, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 627a and 633 (MCL 257.627a and 257.633), section 627a as amended by 2005 PA 88.

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. 4425, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 628 (MCL 257.628), as amended by 2006 PA 85.

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. 4426, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 320a, 606, 608, 609, and 610 (MCL 257.320a, 257.606, 257.608, 257.609, and 257.610), section 320a as amended by 2012 PA 592 and section 606 as amended by 1980 PA 518.

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. 4427, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2103 (MCL 500.2103), as amended by 2002 PA 492.

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

**Motions and Communications**

Senator Kowall moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

**Senate Bill No. 959**

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

By unanimous consent the Senate returned 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 Nofs 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 with a substitute therefor, the following bill:

**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.

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.

**Recess**

Senator Kowall moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 2:57 p.m.

3:12 p.m.

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

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

Senator Kowall moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage at the head of the Third Reading of Bills calendar:

**House Bill No. 4874**

**Senate Bill No. 852**

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

The following bill was read a third time:

**House Bill No. 4874, entitled**

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 9a.

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. 680**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Hood

**Not Voting—0**

In The Chair: Schuitmaker

Senator Kowall moved that the bill be given immediate effect.

The motion prevailed, 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 consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions.”.

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 852, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 319, 682, and 907 (MCL 257.319, 257.682, and 257.907), section 319 as amended by 2015 PA 11, section 682 as amended by 2012 PA 263, and section 907 as amended by 2015 PA 126.

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. 681**

**Yeas—34**

Ananich	Hansen	Knollenberg	Proos
Bieda	Hertel	Kowall	Robertson

Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hopgood	Marleau	Schuitmaker
Casperson	Horn	Meekhof	Shirkey
Conyers	Hune	Nofs	Warren
Emmons	Johnson	O'Brien	Young
Green	Jones	Pavlov	Zorn
Gregory	Knezek		

**Nays—3**

Colbeck	Rocca	Stamas
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**Excused—1**

Hood

**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

**Statements**

Senators Colbeck and Young 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:

Michigan's certified presidential vote tally shows that Donald Trump defeated Hillary Clinton by 10,704 votes.

I think we can all agree that it has been a very, very long election process to get to this point. Regrettably, Green Party Presidential Candidate Jill Stein, in cooperation with former Michigan Democratic Party Chair Mark Brewer, wish to make it even longer via the submittal of an unnecessary recount request to the Michigan Bureau of Elections, and by filing a suit in federal court to ensure that the recount happens.

Attorney General Bill Schuette is leading the state effort to expose the dubious basis for the recount petition, but the involvement of the federal government by Jill Stein and Mark Brewer is a bit more problematic. United States District Judge Mark Goldsmith, an appointee of President Obama, issued an order shortly after midnight yesterday to start a manual recount of 4.8 million votes in eight days. Electoral College votes must be certified by December 13 for our electors to vote on December 19. The order was clearly an attempt to delay the vote count so that Michigan electors would not be able to cast their 16 Electoral College votes for Donald Trump. There are two problems with this order. No. 1, Michigan votes have already been certified, and No. 2, Judge Goldsmith's ruling is outside of his jurisdiction to rule on elector selection per Article II, section 1, of the United States Constitution which states that, "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors." Clearly, the federal government has no jurisdiction in the manner by which a state allocates its electors. Regardless of these efforts, Michigan's election results have been certified. Michigan's 16 electors will be voting for the winner of the presidential election, Donald Trump, as members of the Electoral College on December 19.

Valid recount efforts by parties who have true grievances to reconcile are indeed important to pursue. That is not the case with this recount effort. So, what is the end game being pursued by Mark Brewer and Jill Stein? Perhaps the end game is merely a mea culpa for Jill Stein who received 50,700 Michigan votes that would otherwise have likely gone to Hillary Clinton, more than enough votes to overcome Hillary Clinton's 10,704 vote deficit in Michigan, although the same might be said for Gary Johnson's impact upon Donald Trump's results.

Perhaps the end game is to promote the National Popular Vote movement which would undermine the Electoral College that protects states' rights and has served us well since our founding. Electors in Michigan are getting hammered by thousands of emails from out-of-state agitators demanding that they cast their Electoral College vote for Hillary Clinton, not Donald Trump. Many of these emails reference the National Popular Vote.

Perhaps the end game is to simply create chaos and distract us from the flurry of last-gasp agency directives issued by the Obama administration. Perhaps the goal is to establish a basis for false claims of illegitimacy throughout the Trump presidency as a means of diluting the clear mandate for government reform conveyed by voters.

Whatever the end game may be for Jill Stein and Mark Brewer, the former chair of the Michigan Democratic Party, as Americans, I say that we use their actions as a call to action. If we are going to be forced to do an unnecessary and expensive recount, let's use it as a catalyst to fight voter fraud throughout our state and hopefully throughout our nation.

Let's start with the 392 of 662 Detroit precincts in which the number of ballots in precinct poll books does not match the machine printout. Under Michigan law, these votes were counted in the final Michigan vote tally but they cannot be recounted—a convenient circumstance for anyone not interested in recounting votes in a particular precinct. This discrepancy has been blamed on faulty optical scanners that require multiple passes of a single ballot through the machine. If this is the case, then the vote count on the faulty machine is supposed to be adjusted by a poll worker when this happens. There should be no difference between the poll book ballot count and the machine ballot count.

Another explanation for this discrepancy could be that multiple ballots not tracked in the poll books were inserted into the machine or a single ballot was passed through the voting machine multiple times in the interest of committing voter fraud. Whatever the true cause, it is clear that we need to have poll watchers at these precincts in future elections.

We need to preserve the principle that one citizen equals one vote, and it is my hope that each of you will join me in this pursuit.

Senator Young's statement is as follows:

To the previous speaker, my colleague from the 7th District, if you're going to criticize the election machines in Detroit, I think it would be incumbent upon you to make sure that we provide the necessary funding and reforms to make sure it doesn't happen again. I am very well aware that Donald Trump is our President now, whether we like it or not. This recount is not about changing the results; I don't think it will. This is about making sure that every single vote is counted. In America—to establish, to preserve, to protect, and to advance democracy—every vote must be counted. They say in Wayne County they found 500 something votes. They say there are over 70,000 ballots where people did not vote for the President at the top of the ticket. This was something that was brought forth by computer scientists and election law experts who are saying there are discrepancies in the count of this vote.

Again, I don't think this will change the results, but for the sake of integrity and honor in our election system, we have to make sure that every vote is counted. That's why I am supporting this recount. I'm not supporting this for political reasons. I'm not trying to undermine the vote. I just want to make sure that our elections were done fairly, justly, and that every vote was counted.

### Committee Reports

The Committee on Families, Seniors and Human Services reported

**House Bill No. 4976, entitled**

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending section 3 (MCL 722.953), as amended by 2014 PA 524, and by adding section 8b.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Judith K. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Pavlov, Jones, Casperson and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Seniors and Human Services reported

**House Bill No. 4977, entitled**

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," (MCL 722.951 to 722.960) by adding section 8c.

With the recommendation that the bill pass.  
The committee further recommends that the bill be given immediate effect.

Judith K. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Pavlov, Jones, Casperson and Johnson  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Families, Seniors and Human Services reported  
**House Bill No. 4978, entitled**

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," (MCL 722.951 to 722.960) by adding section 8d.

With the recommendation that the bill pass.  
The committee further recommends that the bill be given immediate effect.

Judith K. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Pavlov, Jones, Casperson and Johnson  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Families, Seniors and Human Services reported  
**House Bill No. 5119, entitled**

A bill to amend 1978 PA 389, entitled "An act to provide for the prevention and treatment of domestic violence; to develop and establish policies, procedures, and standards for providing domestic violence assistance programs and services; to create a domestic violence prevention and treatment board and prescribe its powers and duties; to establish a domestic violence prevention and treatment fund and provide for its use; to prescribe powers and duties of the family independence agency; to prescribe immunities and liabilities of certain persons and officials; and to prescribe penalties for violations of this act," by amending the title and section 1 (MCL 400.1501), the title as amended by 2001 PA 192 and section 1 as amended by 2000 PA 84.

With the recommendation that the bill pass.  
The committee further recommends that the bill be given immediate effect.

Judith K. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Pavlov, Jones, Casperson and Johnson  
Nays: None  
The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Families, Seniors and Human Services submitted the following:  
Meeting held on Wednesday, November 30, 2016, at 12:00 noon, Room 210, Farnum Building  
Present: Senators Emmons (C), Pavlov, Jones, Casperson and Johnson

The Committee on Energy and Technology reported  
**Senate Resolution No. 164.**

A 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. 36, p. 521.)

With the recommendation that the resolution be adopted.

Michael L. Nofs  
Chairperson

## To Report Out:

Yeas: Senators Nofs, Proos, Schuitmaker, Hune, Shirkey, Zorn, Hopgood, Knezek and Conyers

Nays: None

The resolution was placed on the order of Resolutions.

## COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Thursday, December 1, 2016, at 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Nofs (C), Proos, Schuitmaker, Hune, Shirkey, Zorn, Hopgood, Knezek and Conyers

Excused: Senator Horn

The Committee on Agriculture reported

**House Bill No. 4850, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 2012 PA 555.

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.

Joe Hune

Chairperson

## To Report Out:

Yeas: Senators Hune, Schmidt, Booher and Ananich

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Agriculture reported

**House Bill No. 4898, entitled**

A bill to amend 1969 PA 287, entitled "An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies," by amending sections 1, 2, 5a, 6, 7, and 9 (MCL 287.331, 287.332, 287.335a, 287.336, 287.337, and 287.339), sections 1, 6, 7, and 9 as amended by 1997 PA 7 and section 5a as added by 1980 PA 214, and by adding sections 9c and 9d.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Joe Hune

Chairperson

## To Report Out:

Yeas: Senators Hune, Schmidt, Booher and Ananich

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Agriculture reported

**House Bill No. 5889, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 2012 PA 126.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Joe Hune

Chairperson

## To Report Out:

Yeas: Senators Hune, Schmidt, Booher and Ananich

Nays: None

The bill was referred to the Committee of the Whole.



The Committee on Agriculture reported

**House Bill No. 5890, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4 (MCL 205.94), as amended by 2012 PA 474. With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Joe Hune  
Chairperson

To Report Out:

Yeas: Senators Hune, Schmidt, Booher and Ananich

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local Government reported

**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.

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.

Dale W. Zorn  
Chairperson

To Report Out:

Yeas: Senators Zorn, Proos, Brandenburg, Rocca and Young

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Local Government submitted the following:

Meeting held on Tuesday, December 6, 2016, at 12:30 p.m., Room 100, Farnum Building

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

#### Scheduled Meetings

**Administrative Rules** - Monday, December 12, 10:30 a.m., Room 100, Farnum Building (373-5773)

**Appropriations** - Wednesday, December 7, 1:30 p.m., Harry T. Gast Appropriations Room, Capitol Building (373-5307)

**Criminal Justice Policy Commission** - Wednesday, December 7, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-0212)

**Economic Development and International Investment** - Wednesday, December 14, 1:30 p.m., Room 210, Farnum Building (373-5323)

**Education** - Wednesday, December 7, 9:15 a.m., Room 110, Farnum Building (373-5314)

**Families, Seniors and Human Services** - Thursday, December 8, 9:15 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5323)

**Insurance** - Wednesday, December 7, 12:00 noon, Room 100, Farnum Building (373-5312)

**Judiciary** - Thursday, December 8, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-1721)

**Natural Resources** - Wednesday, December 7, 12:30 p.m., Room 210, Farnum Building (373-1721)

**Regulatory Reform** - Wednesday, December 7, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5323)

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

Senator Kowall moved that the Senate adjourn.  
The motion prevailed, the time being 3:28 p.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Wednesday, December 7, 2016, at 10:00 a.m.

JEFFREY F. COBB  
Secretary of the Senate