

No. 86
STATE OF MICHIGAN
Journal of the Senate
98th Legislature
REGULAR SESSION OF 2015

Senate Chamber, Lansing, Wednesday, September 30, 2015.

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

Hopgood—excused
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

Pastor Greg Griffith of Immanuel Lutheran Church of Macomb offered the following invocation:

Dear Lord, we acknowledge You today as the ruler of all people and all things. We thank You today for those who lead us locally, regionally, and nationally. We humbly ask for Your glory to be revealed in our land and in our lives. Touch the hearts of our leaders, and protect those who dutifully serve in governmental offices. Empower us to stand, to serve, and to intercede in prayer for our communities and our political officials. Empower us to be advocates for justice and community.

Father in heaven, we praise Your name for those whom You have granted authority to lead and govern our great state and nation. We praise You for all, asking that their leadership would allow us to lead quiet and peaceful lives as citizens of this great nation and Your great kingdom.

Spirit, we come before You this day in humility and gratitude to plead for Your blessings upon those who govern to ensure our life, liberty, and pursuit of happiness. Grant them in abundance Your gifts of wisdom, that they may always be guided to place the spiritual good of communities and the nation as the highest good; understanding, that they may recognize the simplicity of truth; counsel, that they may recognize Your will under circumstances that discourage lesser men and women; fortitude, that they may be given the spiritual and physical strength to accept the inevitable burdens of leadership with courageous endurance; knowledge, that they may know the vastness of their mission and yet retain humility of spirit and charity for each and every soul; and piety, that in the manifold duties of their offices that they may always find time to communicate quietly with You and therein find peace for their souls.

Lord God, we thank You that You will hear our prayer, and You remind us that Your will is always done. In the name of our great God, Father, Savior and friend Jesus, and by the power of the Holy Spirit. Amen.

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

Motions and Communications

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

Senator Hood moved that Senators Ananich and Johnson be temporarily excused from today's session. The motion prevailed.

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

Senator Kowall moved that rule 3.902 be suspended to allow the guests of Senator Proos admittance to the Senate floor. The motion prevailed, a majority of the members serving voting therefor.

Senators Green, Nofs, Robertson and Ananich entered the Senate Chamber.

The following communications were received and read:

Office of the Senate Majority Leader

September 28, 2015

Pursuant to MCL 388.1830a, Sec. 230a, I hereby announce the appointment of Senator Booher and Senator Knezek to a task force that will review, evaluate, discuss, and make recommendations regarding performance indicators established under the authority of section 242 of 2005 PA 154.

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

September 29, 2015

Pursuant to MCL 390.1532, I hereby announce the appointment of Senator Schuitmaker to serve on the Midwestern Higher Education Conference Compact (MHEC) for a term from January 1, 2015 to December 31, 2016.

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 communications were referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, September 29:
House Bill No. 4636

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, September 29, for his approval the following bills:

Enrolled Senate Bill No. 62 at 3:04 p.m.

Enrolled Senate Bill No. 281 at 3:06 p.m.

Enrolled Senate Bill No. 468 at 3:08 p.m.

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. 226

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

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, Lieutenant Governor Calley, designated Senator Hertel as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Calley, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

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.

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. 458, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 51 of chapter X (MCL 710.51), as amended by 1996 PA 409.

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. 500, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 44 (MCL 421.44), as amended by 2011 PA 269.

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. 226, 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.

Substitute (S-3).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

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

Senator Johnson entered the Senate Chamber.

Senate Bill No. 64, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 20155, 21703, and 21734 (MCL 333.20155, 333.21703, and 333.21734), section 20155 as amended by 2012 PA 322 and section 21734 as added by 2000 PA 437.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3) and amended the title to read as follows:

A bill to amend 1978 PA 368, entitled “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,” by amending sections 1104, 20104, 20155, 20155a, 21703, 21734, and 21799a (MCL 333.1104, 333.20104, 333.20155, 333.20155a, 333.21703, 333.21734, and 333.21799a), section 1104 as amended by 2013 PA 268, sections 20104 and 20155 as amended by 2015 PA 104, section 20155a as added by 2012 PA 322, section 21734 as added by 2000 PA 437, and section 21799a as amended by 2004 PA 189.

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. 382

Yeas—37

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

Nays—0

Excused—1

Hopgood

Not Voting—0

In The Chair: President

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

Senate Bill No. 134, entitled

A bill to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 6, 11, 21f, 31a, 32d, and 107 (MCL 388.1606, 388.1611, 388.1621f, 388.1631a, 388.1632d, and 388.1707), section 6 as amended by 2014 PA 196 and sections 11, 21f, 31a, 32d, and 107 as amended by 2015 PA 85.

The House of Representatives has concurred in the Senate amendment to the House substitute (H-1).
Senator Kowall moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 144, entitled

A bill to amend 2000 PA 92, entitled “Food law,” by amending sections 1109, 2129, and 3115 (MCL 289.1109, 289.2129, and 289.3115), section 1109 as amended by 2012 PA 178 and section 2129 as amended by 2014 PA 516.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 358, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1531 (MCL 380.1531), as amended by 2007 PA 32.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect 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. 383**Yeas—33**

Ananich	Hood	Marleau	Schmidt
Bieda	Horn	Meekhof	Schuitmaker
Booher	Johnson	Nofs	Shirkey
Casperson	Jones	O'Brien	Smith
Green	Knezek	Pavlov	Stamas

Gregory
Hansen
Hertel
Hildenbrand

Knollenberg
Kowall
MacGregor

Proos
Robertson
Rocca

Warren
Young
Zorn

Nays—4

Brandenburg

Colbeck

Emmons

Hune

Excused—1

Hopgood

Not Voting—0

In The Chair: President

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 full title.

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

Third Reading of Bills

Senator Kowall moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills,
be placed on its immediate passage:

Senate Bill No. 226

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

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

House Bill No. 4193

House Bill No. 4354

Senate Bill No. 225

Senate Bill No. 226

The motion prevailed.

The following bill was read a third time:

House Bill No. 4193, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 328 (MCL 257.328), as amended
by 2004 PA 52.

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. 384

Yeas—37

Ananich
Bieda

Hertel
Hildenbrand

Kowall
MacGregor

Rocca
Schmidt

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

Nays—0

Excused—1

Hopgood

Not Voting—0

In The Chair: President

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

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

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4354, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 2021, 2108, 2112, 2406, 2458, 2606, and 2652 (MCL 500.2021, 500.2108, 500.2112, 500.2406, 500.2458, 500.2606, and 500.2652), section 2021 as added by 1982 PA 7, section 2112 as amended by 2012 PA 454, section 2406 as amended by 1993 PA 200, and section 2458 as amended by 1988 PA 262.

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. 385

Yeas—37

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt

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

Nays—0

Excused—1

Hopgood

Not Voting—0

In The Chair: President

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:34 a.m.

10:39 a.m.

The Senate was called to order by the President pro tempore, Senator 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, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the

conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 225, 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 2 (MCL 28.422), as amended by 2015 PA 37.

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. 386

Yeas—36

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

Nays—1

Warren

Excused—1

Hopgood

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 226, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2015 PA 4.

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. 387

Yeas—37

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

Nays—0

Excused—1

Hopgood

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

House Concurrent Resolution No. 3

Senate Resolution No. 76

Senate Resolution No. 84

The motion prevailed.

Senator MacGregor offered the following resolution:

Senate Resolution No. 97.

A resolution to designate October 21, 2015, as Hunger Solutions Day.

Whereas, The Food Bank Council of Michigan’s mission is to create a food-secure state through advocacy, resource management, and collaboration among stakeholders and Michigan’s unified food bank network; and

Whereas, 16.4 percent of Michigan residents regularly face hunger in their household; and

Whereas, 20.9 percent of Michigan children do not have a consistent source of healthy, nutritious food; and

Whereas, The Food Bank Council of Michigan represents regional food banks that serve all 83 counties in the state; and

Whereas, Michigan food banks distribute food and resources to direct service agencies, including pantries, after-school programs, and senior centers; and

Whereas, Food banks in Michigan coordinate outreach and educational programs throughout the year to promote healthy and responsible choices that affect hunger; and

Whereas, The Food Bank Council of Michigan organizes surplus donations from Michigan farmers in order to make available fresh, nutritious produce in the emergency food system; and

Whereas, The Food Bank Council of Michigan coordinates the statewide food and fund drive, Michigan Harvest Gathering, which has secured over 54 million meals since 1991; and

Whereas, Together, the Food Bank Council of Michigan and Michigan food banks are committed to increasing access to nutritious food through programs and food distribution services; and

Whereas, The Food Bank Council of Michigan advocates for policy in support of food security for all Michigan residents; and

Whereas, The state of Michigan can be proud to encourage the collaborative and innovative strategies which bring food security to families, individuals, and communities that are desperately in need of support; now, therefore, be it

Resolved by the Senate, That we hereby designate October 21, 2015, as Hunger Solutions Day in the state of Michigan.

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

Senator Kowall moved that the rule be suspended.

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

The resolution was adopted.

Senators Bieda, Booher, Brandenburg, Emmons, Gregory, Hertel, Horn, Kowall, Marleau, O'Brien, Proos, Schuitmaker and Warren were named co-sponsors of the resolution.

Senators Proos and Hildenbrand offered the following concurrent resolution:

Senate Concurrent Resolution No. 16.

A concurrent resolution of tribute offered as a memorial for Harry T. Gast, former member of the House of Representatives and the Senate.

Whereas, It is with great sadness that the members of this legislature learned of the passing of Harry Gast. Devoted to his family, dedicated to farming, and a true leader for his constituents in Southwest Michigan, Harry Gast was a mentor, colleague, and highly devoted public servant. Our prayers go out to his family; and

Whereas, A lifelong resident of Southwest Michigan, Harry Gast grew up on his family farm where he spent a lifetime farming, fishing, hunting, and trapping. Honest, proud, and direct, he began his public service in his home of Lincoln Township, serving over the years as township supervisor, treasurer, and an elected member of the school board. In 1970, he was elected to the House of Representatives bringing his farmer's common sense and spirit to Lansing, where he had a profound and lasting impact on many Michigan lives. In 1978, Mr. Gast was elected to the Michigan Senate where he served until 2002; and

Whereas, During both his House and Senate tenures, Harry Gast focused on issues that were important to him and his constituents. He supported natural resources and agriculture, and took a great interest in education, especially at the community college level. He earned numerous awards and honors of distinction for his work as a legislator throughout his 32-year career in Lansing, including three honorary degrees. He was honored by organizations as varied as the Michigan Association of Chiefs of Police, the Michigan Farm Bureau, Michigan United Conservation Clubs, and Southwest Michigan College; and

Whereas, Harry Gast will be most remembered for his work as a member of the Senate Appropriations Committee, on which he served throughout his entire Senate tenure and as committee chair for 18 years. A true problem solver, Senator Gast understood the details and nuances of the budget process, focusing on the welfare of Michigan residents rather than politics. He provided a steadying influence on the appropriations process during periods of serious economic challenge and was respected for conveying budget news honestly to legislators; and

Whereas, Beginning in 1992, Senator Gast presided over the Appropriations Committee in the room originally designed for the Michigan Supreme Court. Dedicated in 1879, the Supreme Court used the chamber for almost 100 years, longer than any other location in the state. The chamber escaped pressure through the years to be subdivided and reallocated as office space, and was used as a Senate hearing room after 1970. The Senate Appropriations Committee moved into the newly restored chambers in 1992 with Senator Gast as the committee chair; and

Whereas, The chamber appropriately reflects the important and serious work carried out within its walls and the values of our state, in which Harry Gast believed and worked every day as a Senator to uphold. Using humble materials applied to appear as expensive stone and wood and hand-painted walls rather than expensive wall coverings, the chamber still exudes a sense of opulence and formality. It represents the traditions, first of the Supreme Court, and now of the Legislature and Appropriations Committee, that are so important to the people of Michigan. Yet, it belies the very basic nature of the work and effort that takes place here every day by committed, concerned men and women such as Harry Gast. To this day, the chamber continues to impress and serve as one of the busiest public meeting and hearing rooms; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we offer this expression of our highest tribute to honor the memory of Harry T. Gast, a member of the House of Representatives from 1971 to 1978 and the Senate from 1979 to 2002; and be it further

Resolved, That the Senate Appropriations Room, located on the third floor of the Michigan Capitol Building, be named the Harry T. Gast Appropriations Room and that markers designating this memorial be placed at the room; and be it further

Resolved, That copies of this resolution be transmitted to the Gast family as evidence of our lasting esteem for his memory, and to the members of the Michigan State Capitol Commission.

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

Senator Kowall moved that the rule be suspended.

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

The concurrent resolution was adopted by a unanimous standing vote of the Senate.

Senator Kowall moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the concurrent resolution.

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

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

The motion prevailed.

Senator Proos' statement is as follows:

It is a great honor for me to stand with my colleagues who carry that long tradition of responsibility in Southwest Michigan of service to the people who matter—the voters, citizens, farmers, sportsmen, and our neighbors. I am joined by Representative Pagel, and in that long tradition of appropriations chairmen, Representative Pscholka of the House Appropriations Committee. Of course, also on behalf of the Gast family, I am joined by Harry's daughter Barb Curtis as we honor Senator Harry T. Gast on his passing earlier this year.

There is a brief statement I will make at the end that Barb asked me to make on behalf of Harry's wife Jean. A few comments first that I think are important so that you all can know about Harry's legacy in this chamber and in generations to come. This is why we will all gather with Chairman Hildenbrand and members of the Appropriations Committee, and on his behalf, the invitation is extended to all of the Senate, staff, guests, and members for that dedication in a few moments.

Harry's 32 years in the Michigan Legislature was an extraordinary record of service. His particular service was unique, if not brash. His brash nature was often found with the sense of responsibility to the people that he so loved in Southwest Michigan. That is a big task for those of us who fill these seats of these great men and women who have served before us, especially in an era of term limits. I know that both Representatives Pagel and Pscholka agree that for us to be able to walk in that shadow will never give us the opportunity to serve in that manner, because, in fact, Harry was a unique and once-in-a-lifetime breed of legislators. He told you what he meant by his words. By that, I mean you often had your hair combed back very directly.

Harry always kept the local focus. In fact, most of the time, if you wanted to meet with him, you had better be willing to meet him on his tractor at home, after he finished his work here in Lansing. That public servant and proud farmer is who we honor and dedicate with a special tribute that, of course, each of us has the opportunity to give to the family members. This family is a unique family. They gave their dad up for all of us, for the chance for us to have his great service in this chamber.

I hope that each of us will take the opportunity to remember those men and women who have given us that task of service today and continue to try to do so with the same honesty, integrity, hard work, and dedication that Harry showed in his entire time serving Southwest Michigan and here at Michigan's Capitol.

We see signs of Harry all over the place, whether it is at Grand Mere State Park or the Harry Gast Parkway in northern Berrien County. In fact, the history of Harry goes even further; he changed districts all throughout West Michigan. When Harry wanted to change districts, all he had to do was wait for the next census, and then the districts were changed to his liking. He was unique, one-of-a-kind, and our Southwest Michigan legislator whom we all try to emulate; albeit, perhaps without the salty language Harry was so accustomed to utilize.

The tribute we have today, Madam President, is to thank Harry Gast and his family for his years of service. I know that his wife Jean was unable to be here today, but on behalf of the Senate, we will approve this resolution. Please help me to welcome and thank on behalf of the entire Gast family, in honor and memory of Senator Harry Gast, Barbara Curtis here today.

Introduction and Referral of Bills

Senators Jones, Marleau and Stamas introduced

Senate Bill No. 531, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 176 and chapter 19A.

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

Senators Proos, Jones, Schuitmaker, Marleau and Stamas introduced

Senate Bill No. 532, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 176. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Schuitmaker, Jones, Marleau and Stamas introduced

Senate Bill No. 533, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 1988.

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

Senators Jones and Schuitmaker introduced

Senate Bill No. 534, entitled

An act to prohibit public employers from providing certain benefits to public employees.

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

Senators Hertel, Bieda and Knezek introduced

Senate Bill No. 535, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding sections 484a and 956a. The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator Casperson introduced

Senate Bill No. 536, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 6q (MCL 460.6q), as added by 2008 PA 286, and by adding section 6t.

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

House Bill No. 4636, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1202 (MCL 500.1202), as amended by 2014 PA 150.

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.

Committee Reports

The Committee on Health Policy reported

Senate Bill No. 374, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5101 (MCL 333.5101), as amended by 2010 PA 119.

With the recommendation that the bill pass.

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

Mike Shirkey
Chairperson

To Report Out:

Yeas: Senators Shirkey, Hune, O'Brien, Marleau, Jones, Stamas, Robertson and Hertel

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 375, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5111 (MCL 333.5111), as amended by 2010 PA 119.

With the recommendation that the bill pass.

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

Mike Shirkey
Chairperson

To Report Out:

Yeas: Senators Shirkey, Hune, O'Brien, Marleau, Jones, Stamas, Robertson, Hertel and Knezek

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 376, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5117 (MCL 333.5117), as amended by 2010 PA 119.

With the recommendation that the bill pass.

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

Mike Shirkey
Chairperson

To Report Out:

Yeas: Senators Shirkey, Hune, O'Brien, Marleau, Jones, Stamas, Robertson, Hertel and Knezek

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 377, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5119 (MCL 333.5119), as amended by 2000 PA 209.

With the recommendation that the bill pass.

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

Mike Shirkey
Chairperson

To Report Out:

Yeas: Senators Shirkey, Hune, O'Brien, Marleau, Jones, Stamas, Robertson, Hertel and Knezek

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 378, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5121 (MCL 333.5121), as added by 1988 PA 491.

With the recommendation that the bill pass.

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

Mike Shirkey
Chairperson

To Report Out:

Yeas: Senators Shirkey, Hune, O'Brien, Marleau, Jones, Stamas, Robertson, Hertel and Knezek

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 379, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5123 (MCL 333.5123), as amended by 1994 PA 200.

With the recommendation that the bill pass.

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

Mike Shirkey
Chairperson

To Report Out:

Yeas: Senators Shirkey, Hune, O'Brien, Marleau, Jones, Stamas, Robertson, Hertel and Knezek

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 380, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5127 (MCL 333.5127), as added by 1988 PA 491.

With the recommendation that the bill pass.

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

Mike Shirkey
Chairperson

To Report Out:

Yeas: Senators Shirkey, Hune, O'Brien, Marleau, Jones, Stamas, Robertson, Hertel and Knezek

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 381, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5129 (MCL 333.5129), as amended by 2014 PA 321.

With the recommendation that the bill pass.

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

Mike Shirkey
Chairperson

To Report Out:

Yeas: Senators Shirkey, Hune, O'Brien, Marleau, Jones, Stamas, Robertson, Hertel and Knezek

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Tuesday, September 29, 2015, at 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Shirkey (C), Hune, O'Brien, Marleau, Jones, Stamas, Robertson, Hertel and Knezek

Excused: Senator Hopgood

The Committee on Judiciary reported

Senate Bill No. 226, 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.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca, Colbeck and Bieda

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 409, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7340c (MCL 333.7340c), as added by 2014 PA 217.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Colbeck

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 410, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13m of chapter XVII (MCL 777.13m), as amended by 2014 PA 218.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Colbeck

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 424, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7410 (MCL 333.7410), as amended by 2006 PA 552.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Colbeck

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, September 29, 2015, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Jones (C), Schuitmaker, Rocca, Colbeck and Bieda

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Tuesday, September 29, 2015, at 12:00 noon, Room 110, Farnum Building

Present: Senators Pavlov (C), Knollenberg, Booher, Colbeck and Knezek

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Tuesday, September 29, 2015, at 2:30 p.m., Room 210, Farnum Building

Present: Senators Robertson, Knollenberg, Casperson, Proos, Bieda and Warren

Excused: Senator Brandenburg (C)

COMMITTEE ATTENDANCE REPORT

The Legislative Council submitted the following:

Meeting held on Wednesday, September 30, 2015, at 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Meekhof (C), Schmidt, Stamas, Schuitmaker (Alternate), Hood and Bieda (Alternate)

Excused: Senators Rocca and Ananich

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

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

State Police and Military Affairs - Tuesday, October 6, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2768)

Criminal Justice Policy Commission - Wednesday, October 7, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Education - Wednesday, October 7, 8:30 a.m., Room 110, Farnum Building (373-5314)

Energy and Technology - Thursday, October 1, 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-1721)

Judiciary - Tuesday, October 6, 3:00 p.m., Room 110, Farnum Building (373-1721)

Transportation - Thursday, October 1, 8:30 a.m., Room 210, Farnum Building (373-5323)

Senator Kowall moved that the Senate adjourn.

The motion prevailed, the time being 10:59 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, October 1, 2015, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate

