

No. 99
STATE OF MICHIGAN
Journal of the Senate
98th Legislature
REGULAR SESSION OF 2015

Senate Chamber, Lansing, Thursday, October 29, 2015.

10:00 a.m.

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

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

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

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

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

Pastor Scott Sessler of Emmanuel Lutheran Church of Livonia offered the following invocation:

Good and gracious God, we thank You for this beautiful day. We give You thanks for the wonderful model You gave to us in being a shepherd in Jesus. As He was willing to move beyond Himself to bring help, healing, and peace, so use us in our communities and in this state. May all that we do and say bring glory to You and bring love and grace to Your people. In Jesus' name, we pray. Amen.

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

Motions and Communications

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

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

Senator Knollenberg entered the Senate Chamber.

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

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

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, October 28:
House Bill Nos. 4022 4321 4727 4767 4768 4769 4864

The Secretary announced that the following bills were printed and filed on Wednesday, October 28, and are available at the Michigan Legislature website:

Senate Bill Nos. 579 580 581 582 583 584 585 586 587 588 589
House Bill Nos. 5017 5018 5019 5020 5021 5022 5023 5024 5025 5026 5027

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 Schmidt 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:

Senate Bill No. 503, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 3, 7, 13, 15, and 25 of chapter XIIB (MCL 712B.3, 712B.7, 712B.13, 712B.15, and 712B.25), as added by 2012 PA 565.

Senate Bill No. 529, entitled

A bill to amend 2008 PA 260, entitled "Guardianship assistance act," by amending sections 2, 3, 4, 5a, 5b, 6, 7, 8, and 9 (MCL 722.872, 722.873, 722.874, 722.875a, 722.875b, 722.876, 722.877, 722.878, and 722.879), sections 2, 3, 4, and 9 as amended and sections 5a and 5b as added by 2009 PA 15 and section 6 as amended by 2011 PA 229, and by adding section 5c.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 530, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 13a of chapter XIII (MCL 712A.13a), as amended by 2012 PA 163.

Substitute (S-1).

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

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

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

Senate Bill No. 244, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 40119 (MCL 324.40119), as amended by 2013 PA 175.

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. 245, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 40118 (MCL 324.40118), as amended by 2012 PA 520.

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

The House of Representatives has passed the bill as substituted (H-3), 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. 468

Yeas—35

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

Nays—1

Casperson

Excused—2

Green

Robertson

Not Voting—0

In The Chair: Schuitmaker

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 246, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13e of chapter XVII (MCL 777.13e), as amended by 2014 PA 538.

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.

House Bill No. 4239, entitled

A bill to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 40111 (MCL 324.40111), as amended by 2015 PA 24.

The House of Representatives has amended the Senate substitute (S-2) as follows:

1. Amend page 3, following line 27, by inserting:

“Enacting section 1. This amendatory act takes effect January 1, 2016.”.

The House of Representatives has concurred in the Senate substitute (S-2) as amended and agreed to the title as amended.
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 House amendment made to the Senate substitute,
The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 469

Yeas—36

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

Nays—0

Excused—2

Green

Robertson

Not Voting—0

In The Chair: Schuitmaker

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

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

House Bill No. 4195**House Bill No. 4196****House Bill No. 4365****Senate Bill No. 539****Senate Bill No. 540**

The motion prevailed.

The following bill was read a third time:

House Bill No. 4195, entitled

A bill to amend 2003 PA 296, entitled "Michigan early stage venture investment act of 2003," by amending sections 7, 9, 11, 15, 17, 19, 21, 23, and 27 (MCL 125.2237, 125.2239, 125.2241, 125.2245, 125.2247, 125.2249, 125.2251, 125.2253, and 125.2257), section 15 as amended by 2005 PA 102 and sections 17, 19, and 23 as amended by 2007 PA 173.

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. 470**Yeas—36**

Ananich

Hertel

Knollenberg

Rocca

Bieda

Hildenbrand

Kowall

Schmidt

Booher

Hood

MacGregor

Schuitmaker

Brandenburg

Hopgood

Marleau

Shirkey

Casperson

Horn

Meekhof

Smith

Colbeck

Hune

Nofs

Stamas

Emmons

Johnson

O'Brien

Warren

Gregory

Jones

Pavlov

Young

Hansen

Knezek

Proos

Zorn

Nays—0**Excused—2**

Green

Robertson

Not Voting—0

In The Chair: Schuitmaker

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to promote investment in certain businesses; to promote economic development in this state; to provide for a Michigan early stage venture investment corporation; to prescribe the powers and duties of a Michigan early stage venture investment corporation; to prescribe the powers and duties of certain public officers and departments; to establish the Michigan early stage venture investment fund and other funds; to provide for tax credits and incentives; to authorize certain investments; to provide for the expiration of the fund; to provide or allow for appropriations; and to provide penalties and remedies;”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4196, entitled

A bill to amend 2003 PA 296, entitled “Michigan early stage venture investment act of 2003,” by amending section 31 (MCL 125.2261).

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. 471

Yeas—36

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

Nays—0

Excused—2

Green	Robertson
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Not Voting—0

In The Chair: Schuitmaker

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to promote investment in certain businesses; to promote economic development in this state; to provide for a Michigan early stage venture investment corporation; to prescribe the powers and duties of a Michigan early stage venture investment corporation; to prescribe the powers and duties of certain public officers and departments; to establish the Michigan early stage venture investment fund and other funds; to provide for tax credits and incentives; to authorize certain investments; to provide for the expiration of the fund; to provide or allow for appropriations; and to provide penalties and remedies;”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4365, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 419 (MCL 208.1419).

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. 472

Yeas—36

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

Nays—0

Excused—2

Green	Robertson
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Not Voting—0

In The Chair: Schuitmaker

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

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

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

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 539, entitled

A bill to amend 2008 PA 549, entitled “Michigan promise zone authority act,” by amending the title and sections 5, 7, 9, 11, 17, and 19 (MCL 390.1665, 390.1667, 390.1669, 390.1671, 390.1677, and 390.1679), sections 5, 7, 11, and 17 as amended by 2013 PA 210, and by adding sections 4 and 4a; and to repeal acts and parts of acts.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 473

Yeas—36

Ananich	Hertel	Knollenberg	Rocca
Bieda	Hildenbrand	Kowall	Schmidt

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. 75

The motion prevailed.

Senate Concurrent Resolution No. 6.

A concurrent resolution to memorialize the Congress of the United States to appropriate funds from the Nuclear Waste Fund for the establishment of a permanent repository for high-level nuclear waste or reimburse electric utility customers who paid into the fund.

The question being on the adoption of the concurrent resolution,
The concurrent resolution was adopted.

Senate Concurrent Resolution No. 8.

A concurrent resolution to urge the U.S. Department of Energy and the U.S. Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste.

The question being on the adoption of the concurrent resolution,
The concurrent resolution was adopted.

Introduction and Referral of Bills

Senator Casperson introduced
Senate Bill No. 591, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 63201 (MCL 324.63201), as added by 2004 PA 449, and by adding part 634.

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

House Bill No. 4022, entitled

A bill to provide for certain powers and duties for foster care caseworkers; to require monitoring of credit-related activity in foster children's names; and to provide for the powers and duties for certain courts, state departments, and agencies.

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 Families, Seniors and Human Services.

House Bill No. 4321, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 25c. 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. 4727, entitled

A bill to amend 1959 PA 259, entitled "Tall structure act," by amending sections 1, 2a, 2d, 6, and 7 (MCL 259.481, 259.482a, 259.482d, 259.486, and 259.487), sections 1, 6, and 7 as amended and sections 2a and 2d as added by 1986 PA 296, and by adding section 2f.

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 Transportation.

House Bill No. 4767, 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.

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. 4768, 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.

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. 4769, 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.

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. 4864, entitled

A bill to amend 2014 PA 276, entitled "Methamphetamine abuse reporting act," by amending section 4 (MCL 28.124).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

Committee Reports

The Committee on Elections and Government Reform reported

Senate Bill No. 571, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 3, 6, and 55 (MCL 169.203, 169.206, and 169.255), section 3 as amended by 2012 PA 273 and sections 6 and 55 as amended by 2013 PA 252.

With the recommendation that the bill pass.

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

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Colbeck, Emmons, Shirkey and Hood

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Elections and Government Reform submitted the following:

Meeting held on Wednesday, October 28, 2015, at 2:00 p.m., Room 110, Farnum Building

Present: Senators Robertson (C), Colbeck, Emmons, Shirkey and Hood

The Committee on Insurance reported

Senate Bill No. 177, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 1301, 1311, 1312, 1315, 1325, 1333, 1341, 1343, 1351, 1355, and 1371 (MCL 500.1301, 500.1311, 500.1312, 500.1315, 500.1325, 500.1333, 500.1341, 500.1343, 500.1351, 500.1355, and 500.1371), sections 1301, 1312, 1315, 1351, and 1371 as amended by 1992 PA 182, section 1311 as amended by 2010 PA 61, section 1325 as amended by 1994 PA 227, section 1341 as amended by 1994 PA 443, and section 1343 as amended by 1995 PA 219, and by adding sections 1325a and 1357.

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, O'Brien, Horn, Jones, Bieda, Johnson and Young

Nays: None

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

The Committee on Insurance reported

Senate Bill No. 178, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2108 and 2406 (MCL 500.2108 and 500.2406), section 2406 as amended by 1993 PA 200, and by adding chapter 17.

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, O'Brien, Horn, Jones, Bieda, Johnson and Young

Nays: None

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

The Committee on Insurance reported

House Bill No. 4836, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1204f (MCL 500.1204f), as added by 2006 PA 442, and by adding section 3908 and chapter 39A.

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, O'Brien, Horn, Jones, Bieda, Johnson and Young

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Insurance submitted the following:

Meeting held on Wednesday, October 28, 2015, at 2:00 p.m., Room 100, Farnum Building

Present: Senators Hune (C), Schmidt, O'Brien, Horn, Jones, Bieda, Johnson and Young

Excused: Senator Brandenburg

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Seniors and Human Services submitted the following:

Meeting held on Wednesday, October 28, 2015, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Emmons (C), Jones, Casperson and Johnson

Excused: Senator Pavlov

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

Corrections and House Corrections Appropriations Subcommittee - Thursdays, November 5 (CANCELED) and November 12, 8:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Commerce, Economic Development and International Investment, and Transportation - Monday, November 2, 10:15 a.m., Lake Superior State University, Cisler Center, Superior Room, 650 West Easterday Avenue, Sault Ste. Marie (373-5312)

Criminal Justice Policy Commission - Wednesday, November 4, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Economic Development and International Investment, Transportation, and Commerce - Monday, November 2, 10:15 a.m., Lake Superior State University, Cisler Center, Superior Room, 650 West Easterday Avenue, Sault Ste. Marie (373-5312)

Transportation, Commerce, and Economic Development and International Investment - Monday, November 2, 10:15 a.m., Lake Superior State University, Cisler Center, Superior Room, 650 West Easterday Avenue, Sault Ste. Marie (373-5312)

Senator Kowall moved that the Senate adjourn.
The motion prevailed, the time being 10:42 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Tuesday, November 3, 2015, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate