# No. 2 STATE OF MICHIGAN

# Journal of the Senate

# 98th Legislature REGULAR SESSION OF 2016

Senate Chamber, Lansing, Thursday, January 14, 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
Emmons—present
Green—present
Gregory—present
Hansen—present
Hertel—present
Hildenbrand—present
Hood—present

Hopgood—present
Horn—present
Hune—present
Johnson—excused
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

Imam Mohammad Elahi of Islamic House of Wisdom of Dearborn Heights offered the following invocation:

Thank You, Lord, our Creator, Sustainer, and gracious guide. You are the one God with so many magnificent names. Please bless each member of this Legislature with confidence, courage, commitment, and compassion so they make sure all people of this state enjoy protection, prosperity, liberty, and equal opportunity.

Please assist all representatives in their fight against poverty, prejudice, and racial and religious discrimination. Direct our Senators with Your divine light so they can easily identify the state's priorities and principles beyond the parties and personalities path. Please let the light of Your divine wisdom enlighten their debates and direct their decisions so they are aware of Your presence in their intentions, expressions, and actions. Let them present Your law of love, mercy, truth, and justice. Save them from any harm, confusion, contradiction, and selfishness.

Help our state to help our nation, and let this beautiful country be a shining example of defending democracy, human dignity, and standing against the forces of injustice, tyranny, terrorism, corruption, and crime.

Lord, forgive us for our shortcomings, and please don't punish us for our mistakes. Help us to stay one nation under Your glory. Amen.

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

#### **Motions and Communications**

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

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

The motion prevailed.

Senator Kowall moved that rule 3.902 be suspended to allow the guest of Senator MacGregor 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, January 13: **House Bill Nos.** 4552 4813

The Secretary announced that the following bills were printed and filed on Wednesday, January 13, and are available at the Michigan Legislature website:

Senate Bill Nos. 686 687 688 689 690 691 696 697 698 699 700 701 702 5206 5207 5208 5209 5210 5211 5212 5213 5214 5215 5216 5217 5218 House Bill Nos.

# Third Reading of Bills

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

Senate Bill No. 90 House Bill No. 4459 House Bill No. 4460

The motion prevailed.

The following bill was read a third time:

#### Senate Bill No. 90, entitled

A bill to create an African-American affairs commission, an office of African-American affairs, and an interagency council on African-American affairs; to prescribe their powers and duties; and to prescribe the powers and duties of certain agencies, departments, and officials.

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. 1

#### Yeas—34

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

Hansen Knollenberg

Nays-2

Colbeck Robertson

Excused—2

Johnson Young

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

#### **Protest**

Senator Colbeck, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 90 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting "no." The motion prevailed.

Senator Colbeck's statement is as follows:

I rise in opposition to Senate Bill No. 90. It's not an easy "no" vote, and many of you guys in this audience know why. But I want to make sure that everybody here understands. Let me be clear that I would oppose this legislation if it were to create any racially-segregated commission. Whether it was a Polish or Ukrainian or English-American commission, I would oppose it. I have previously opposed legislation that appropriated state funds to the Asian Pacific commission. Formation of this new commission will likely lead to a similar racial-based commission appropriation in the future. Dividing Americans into racial groups is by definition racist, regardless of which race is being singled out. Racism in any form has no place in our state.

Mr. President, behind you on the wall behind the rostrum is our state crest. On it are the words "e pluribus unum." This is Latin for "out of many, one." Senate Bill No. 90 seeks the exact opposite. It seeks to divide us into many from one. It seeks to divide us into groups of citizens organized by racial profile instead of recognizing that we are all citizens of Michigan. Our nation is called the United States of America for a reason. United we stand; divided we fall.

As you may recall in my remarks yesterday, I believe we've lost sight of what it means to be an American. Perhaps one of the reasons is because we are too busy worrying about which racial group we fit into, rather than appreciating the fact that we are all American citizens.

We need to stop promoting policies that divide us, and start promoting policies that unite us as Americans. It is for this reason that I urge a "no" vote on Senate Bill No. 90.

Senator Young entered the Senate Chamber.

The following bill was read a third time:

# House Bill No. 4459, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310 (MCL 257.310), as amended by 2013 PA 27.

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. 2 Yeas—37

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

Nays—0

Excused—1

Johnson

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. 4460, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers

and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 2 (MCL 28.292), as amended by 2013 PA 28.

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. 3 Yeas—37

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

Navs-0

Excused—1

Johnson

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 of the bill.

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

The motion prevailed.

Senator Hildenbrand's statement is as follows:

We from time to time have to send off some of our hardworking employees, and today I have to rise with a heavy heart to send along a hardworking staffer in my office. Laitin Schwerin will be leaving my office to pursue a career in the private sector and to pursue warmer weather, as she will become a resident of the state of Florida. I think she has had enough of the Michigan winters.

Laitin has been a valuable part of my office, an important part of our team, and has been involved in a little bit of everything in our office. She has really been important as we got our work done in my office. She also worked for Senator Brandenburg for some time.

I wanted to rise and acknowledge her for her hard work and her dedication to the Senate, to my office, and to the state of Michigan. If my colleagues and the staff could please rise and send her off in fine Senate fashion, I would greatly appreciate it.

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

#### Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:20 a.m.

11:23 a.m.

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

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 Young 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. 207, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 43a and 625a (MCL 257.43a and 257.625a), section 43a as added and 625a as amended by 2014 PA 315.

Substitute (S-4).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill: Senate Bill No. 434, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625a (MCL 257.625a), as amended by 2015 PA 11, and by adding sections 43b and 625p.

Substitute (S-4).

The following are the amendments to the substitute recommended by the Committee of the Whole:

- 1. Amend page 1, line 8, after "IN" by striking out "3" and inserting "5".
- 2. Amend page 2, line 7, after "SELECT" by striking out "3" and inserting "5".
- 3. Amend page 3, line 17, after "THE" by striking out "3" and inserting "5".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill: **House Bill No. 4535, 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 2a (MCL 28.422a), as amended by 2015 PA 3.

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.

#### 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.

Senators Colbeck and Pavlov offered the following resolution:

#### Senate Resolution No. 129.

A resolution recognizing January 24 - January 30, 2016, as Michigan School Choice Week.

Whereas, All children in Michigan should have the right to the highest-quality schools possible; and

Whereas, Citizens across Michigan agree that improving the quality of education and expanding access to highly-effective schools should be issues of importance to our state's leaders; and

Whereas, Michigan recognizes the critical role that an effective and accountable system of education plays in preparing all children to be successful in a global economy; and

Whereas, There are a multitude of high-quality public schools, public charter schools, and nonpublic schools in the state of Michigan; and

Whereas, Michigan has many outstanding teaching professionals in public, private, and charter schools across the state who are committed to educating children; and

Whereas, The vital cause of education reform is one that transcends ideology and political party affiliation; and

Whereas, Research in Michigan and across the nation demonstrates conclusively that providing parents with multiple schooling options improves academic performance; now, therefore, be it

Resolved by the Senate, That we hereby recognize January 24 - January 30, 2016, as Michigan School Choice Week, and we call this observance to the attention of all our citizens; and be it further

Resolved, That a copy of this resolution be transmitted to the National School Choice Week organization with our highest esteem.

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 question being on the adoption of the resolution,

Senator Kowall moved that the resolution be referred to the Committee on Education.

The motion prevailed.

Senators Booher, Green, Hildenbrand, Knollenberg and Proos were named co-sponsors of the resolution.

Senators Meekhof, MacGregor, Hildenbrand, Schuitmaker, Schmidt, Hertel and Hansen offered the following resolution: Senate Resolution No. 130.

A resolution to recognize and congratulate Grand Valley State University.

Whereas, Grand Valley State University, authorized by the Michigan Legislature in 1960, has grown to become the state's fourth-largest public university; and

Whereas, In April 2015, Grand Valley graduated its 100,000th student; and

Whereas, Grand Valley is the state's largest provider of allied health professionals; and

Whereas, The university's engineering, business, and teacher education programs are highly regarded; and

Whereas, The pioneering work of Grand Valley in Great Lakes water research and wind energy serve the public interest; and

Whereas, Grand Valley was the first university to sign reverse transfer agreements with all 28 Michigan community colleges; and

Whereas, These accomplishments benefit degree holders and the state of Michigan, where the vast majority of Grand Valley graduates reside; now, therefore, be it

Resolved by the Senate, That we hereby recognize and congratulate Grand Valley State University for its achievements and all it continues to do to educate the next generation of Michigan citizens.

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, Green, Proos and Warren were named co-sponsors of the resolution.

# House Concurrent Resolution No. 20.

A concurrent resolution providing for a joint convention of the House of Representatives and the Senate.

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives, Tuesday, January 19, 2016, at 6:30 p.m., to receive the message of Governor Rick Snyder.

The House of Representatives has adopted the concurrent resolution.

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.

Senators Bieda, Booher, Green and Proos were named co-sponsors of the concurrent resolution.

#### **Introduction and Referral of Bills**

#### Senator Zorn introduced

#### Senate Bill No. 703, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 57 (MCL 169.257), as amended by 2015 PA 269.

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. 704, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 90h (MCL 750.90h), as added by 2011 PA 168.

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

# Senator Casperson introduced

# Senate Bill No. 705, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2012 PA 365.

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

#### Senator Casperson introduced

# Senate Bill No. 706, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 725 (MCL 257.725), as amended by 1998 PA 247.

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

# Senator Casperson introduced

# Senate Bill No. 707, entitled

A bill to amend 1969 PA 200, entitled "An act to regulate driveways, banners, events, and parades upon and over highways; to provide for the promulgation of rules; to prescribe requirements for the issuance of permits; and to provide for the issuance of those permits," by amending section 7 (MCL 247.327).

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

# Senator Casperson introduced

# Senate Bill No. 708, entitled

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 19b of chapter IV (MCL 224.19b), as added by 1980 PA 212.

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

# Senator Jones introduced

# Senate Bill No. 709, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 401, 507, 517, 803, 808, 841, 8115, 8121a, 8123, 8159, 8162, and 8304 (MCL 600.401, 600.507, 600.517, 600.803, 600.808, 600.841, 600.8115, 600.8121a, 600.8123, 600.8159, 600.8162, and 600.8304), section 401 as amended by 2012 PA 338, section 507 as amended by 2014 PA 57, section 517 as amended by 2014 PA 56, section 803 as amended by 2012 PA 36, section 808 as amended by 2004 PA 492, sections 841 and 8304 as amended by 2013 PA 164, and sections 8121a and 8123 as amended by 2014 PA 58.

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

#### Senator Hansen introduced

# Senate Bill No. 710, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending the title and sections 3, 5, 6, 11, 11a, 501, 502, 507, 522, 528, 551, 552, 561, 654, 705, 921, 1147, 1225, 1229, 1231, 1351a, and 1356 (MCL 380.3, 380.5, 380.6, 380.11, 380.11a, 380.501, 380.502, 380.507, 380.522, 380.528, 380.551, 380.552, 380.561, 380.654, 380.705, 380.921, 380.1147, 380.1225, 380.1229, 380.1231, 380.1351a, and 380.1356), the title as amended by 2003 PA 179, section 3 as amended by 2007 PA 45, section 5 as amended by 2011 PA 232, section 6 as amended by 2009 PA 205, section 11 as amended by 2011 PA 277, section 552 as amended by 2012 PA 129, section 705 as amended by 2003 PA 299, section 1147 as amended by 2014 PA 479, section 1225 as amended by 2012 PA 1, section 1229 as amended by 2011 PA 105, section 1231 as amended by 2002 PA 735, section 1351a as amended by 2002 PA 65, and section 1356 as amended by 2002 PA 181, and by adding sections 12b and 1284c and part 5b; and to repeal acts and parts of acts.

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

#### Senator Hansen introduced

# Senate Bill No. 711, entitled

A bill to amend 2014 PA 181, entitled "Michigan financial review commission act," by amending sections 2, 3, 4, 5, 6, 7, 8, and 12 (MCL 141.1632, 141.1633, 141.1634, 141.1635, 141.1636, 141.1637, 141.1638, and 141.1642).

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

#### House Bill No. 4552, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1233 (MCL 380.1233), as amended by 2000 PA 288.

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. 4813, entitled

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 3e (MCL 338.883e), as added by 1990 PA 246.

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 Michigan Competitiveness.

By unanimous consent the Senate returned to the order of

# **Motions and Communications**

The Secretary announced that the Majority Leader has made the appointment of the following standing committee: **Regulatory Reform -** Senator MacGregor replacing Senator Marleau.

The standing committee appointment was approved, a majority of the members serving voting therefor.

## **Scheduled Meetings**

Health Policy - Tuesday, January 19, 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-1721)

Judiciary - Tuesday, January 19, 3:00 p.m., Room 110, Farnum Building (373-1721)

Local Government - Tuesday, January 19, 12:30 p.m., Room 100, Farnum Building (373-5312)

Outdoor Recreation and Tourism - Wednesday, January 20, 12:30 p.m., Room 110, Farnum Building (373-1721)

**Senate Fiscal Agency Board of Governors -** Thursday, January 28, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Drug Treatment Court Advisory Committee - Tuesday, January 19, 10:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (372-0212)

Senator Kowall moved that the Senate adjourn. The motion prevailed, the time being 11:38 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Tuesday, January 19, 2016, at 10:00 a.m.

JEFFREY F. COBB Secretary of the Senate