

No. 45
STATE OF MICHIGAN
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REGULAR SESSION OF 2017

Senate Chamber, Lansing, Wednesday, May 10, 2017.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Margaret E. O'Brien.

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

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

Hood—present
Hopgood—present
Horn—present
Hune—present
Johnson—present
Jones—present
Knezek—present
Knollenberg—present
Kowall—present
MacGregor—present
Marleau—present
Meekhof—excused
Nofs—present

O'Brien—present
Pavlov—present
Proos—present
Robertson—present
Rocca—present
Schmidt—present
Schuitmaker—excused
Shirkey—present
Stamas—present
Warren—present
Young—excused
Zorn—present

Reverend Robert Braman of the First Congregational Church of St. Joseph offered the following invocation:

God, what a day we live in. It is a fascinating day, an exasperating day, but it's a hopeful day, just like every day since our state's founding 180 years ago. God, I'll bet more than a few of these people sitting here now, standing here, trembled when they first set foot in this place, either as a visitor or as a legislator. A good trembling, grounded in awe, respect, and humility. When we tremble, knowing we are in Your presence, Your powerful and overwhelming goodness and love. We could all use a good dose of that kind of trembling, to remind us of our calling to govern a people for good.

On behalf of our state's citizens, I thank You for each of these Senators. For the various ways You have gifted each one. For their willingness, even their eagerness, to use these gifts for the welfare of the people of Michigan. On this day and every day, give them courage where it is lacking; banish their fears when those fears hinder rather than motivate; and let them know that although from time-to-time they might feel this is a thankless job, many of us are grateful that they have chosen to invest their lives in our lives, for the common good, as good is defined and revealed by You, our living God.

We are thankful people. Amen.

The Assistant President pro tempore, Senator O'Brien, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senator Kowall moved that Senators Booher, Hildenbrand, Knollenberg, Robertson, Shirkey and MacGregor be temporarily excused from today's session.

The motion prevailed.

Senator Kowall moved that Senators Schuitmaker and Meekhof be excused from today's session.

The motion prevailed.

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

The motion prevailed.

Senators Booher and Robertson entered the Senate Chamber.

Senator Kowall moved that the following bill, now on the order of General Orders, be referred to the Committee on Appropriations:

House Bill No. 4323, entitled

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal year ending September 30, 2018; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

The motion prevailed.

Senator Kowall moved that the enrollment be vacated on the following bills:

Senate Bill No. 113, entitled

An act to amend 1933 PA 167, entitled "An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act," by amending section 4d (MCL 205.54d), as amended by 2014 PA 53.

Senate Bill No. 114, entitled

An act to amend 1937 PA 94, entitled "An act to provide for the levy, assessment, and collection of a specific excise tax on the storage, use, or consumption in this state of tangible personal property and certain services; to appropriate the proceeds of that tax; to prescribe penalties; and to make appropriations," (MCL 205.91 to 205.111) by adding section 4dd.

Senate Bill No. 115, entitled

An act to amend 1996 PA 376, entitled "An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential

improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials,” by amending section 9 (MCL 125.2689), as amended by 2011 PA 315.

The motion prevailed.

The Secretary announced that the following bills were printed and filed on Tuesday, May 9, and are available at the Michigan Legislature website:

Senate Bill Nos. 367 368 369

Messages from the House

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

Senate Bill No. 35

The motion prevailed.

Senate Bill No. 113, entitled

An act to amend 1933 PA 167, entitled “An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” by amending section 4d (MCL 205.54d), as amended by 2014 PA 53.

The House of Representatives has amended the bill as follows:

1. Amend page 4, following line 5, by inserting:

“Enacting section 1. This amendatory act takes effect 45 days after the date it is enacted into law.”.

The House of Representatives has passed the bill as amended.

Pursuant to rule 3.202, the bill was laid over one day.

Senator Knollenberg entered the Senate Chamber.

Senate Bill No. 114, entitled

An act to amend 1937 PA 94, entitled “An act to provide for the levy, assessment, and collection of a specific excise tax on the storage, use, or consumption in this state of tangible personal property and certain services; to appropriate the proceeds of that tax; to prescribe penalties; and to make appropriations,” (MCL 205.91 to 205.111) by adding section 4dd.

The House of Representatives has amended the bill as follows:

1. Amend page 2, following line 4, by inserting:

“Enacting section 1. This amendatory act takes effect 45 days after the date it is enacted into law.”.

The House of Representatives has passed the bill as amended.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 115, entitled

An act to amend 1996 PA 376, entitled “An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials,” by amending section 9 (MCL 125.2689), as amended by 2011 PA 315.

The House of Representatives has amended the bill as follows:

1. Amend page 3, following line 16, by inserting:

“Enacting section 1. This amendatory act takes effect 45 days after the date it is enacted into law.”.

The House of Representatives has passed the bill as amended.

Pursuant to rule 3.202, the bill was laid over one day.

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 Assistant President pro tempore, Senator O'Brien, designated Senator Horn as Chairperson.

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

Senate Bill No. 238, entitled

A bill to amend 1939 PA 21, entitled "Regulatory loan act," by amending section 12 (MCL 493.12), as amended by 2002 PA 393.

House Bill No. 4167, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 719 (MCL 257.719), as amended by 2015 PA 208.

Senate Bill No. 98, entitled

A bill to amend 2008 PA 549, entitled "Michigan promise zone authority act," by amending section 4 (MCL 390.1664), as added by 2016 PA 9.

House Bill No. 4219, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 451c (MCL 750.451c), as added by 2014 PA 334.

House Bill No. 4288, entitled

A bill to amend 2015 PA 255, entitled "Uniform interstate family support act," by amending section 204 (MCL 552.2204).

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. 333, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8031 and 8035 (MCL 600.8031 and 600.8035), as added by 2012 PA 333.

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.

Introduction and Referral of Bills

Senator Robertson introduced

Senate Bill No. 370, entitled

A bill to amend 2004 PA 403, entitled "Michigan unarmed combat regulatory act," by amending sections 20, 30, 33, 33a, 47, 48, and 54a (MCL 338.3620, 338.3630, 338.3633, 338.3633a, 338.3647, 338.3648, and 338.3654a), sections 20, 30, 47, and 48 as amended and sections 33a and 54a as added by 2015 PA 183 and section 33 as amended by 2016 PA 300.

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

Senators Pavlov and Hansen introduced

Senate Bill No. 371, entitled

A bill to amend 1974 PA 263, entitled "An act to permit counties to impose and collect an excise tax on persons engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests; to provide for the disposition of the revenues thereof; and to prescribe penalties," by amending section 2 (MCL 141.862), as amended by 2004 PA 118.

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

Senators Hansen, Booher, Hune, Shirkey, Schmidt and Pavlov introduced

Senate Bill No. 372, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by repealing section 1030 (MCL 436.2030).

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

Senator Jones introduced

Senate Bill No. 373, entitled

A bill to amend 1937 PA 306, entitled "An act to promote the safety, welfare, and educational interests of the people of the state of Michigan by regulating the construction, reconstruction, and remodeling of certain public or private school buildings or additions to such buildings, by regulating the construction, reconstruction, and remodeling of buildings leased or acquired for school purposes, and to define the class of buildings affected by this act; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties for the violation of this act; and to repeal acts and parts of acts," by amending sections 1, 1a, and 2 (MCL 388.851, 388.851a, and 388.852), section 1 as amended by 2004 PA 510 and section 2 as amended by 2002 PA 627.

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

Senator Schmidt introduced

Senate Bill No. 374, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 224 (MCL 257.224), as amended by 2013 PA 179.

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

Senator Booher introduced

Senate Bill No. 375, entitled

A bill to amend 2010 PA 270, entitled "Property assessed clean energy act," by amending sections 3 and 9 (MCL 460.933 and 460.939).

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

Senators Jones, Horn, Pavlov and Marleau introduced

Senate Bill No. 376, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2835 and 2837 (MCL 333.2835 and 333.2837), section 2835 as amended by 2012 PA 499 and section 2837 as added by 1999 PA 208, and by adding section 2839.

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

Senators Jones, Horn, Pavlov and Marleau introduced

Senate Bill No. 377, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13k of chapter XVII (MCL 777.13k), as amended by 2016 PA 387.

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

Statements

Senator Shirkey entered the Senate Chamber.

Senators Knezek and Casperson asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Knezek's statement is as follows:

It's with a really heavy heart today, I rise with Senator Casperson just simply to pay tribute to a fantastic friend, an outstanding colleague, and such an outstanding legislator from the Upper Peninsula: State Representative John Kivela. You know, when you get up and you want to eulogize a friend or someone that you've lost, you try to find stories to share with people that they may not know so you can give them a better idea of who that person was. What I think provides

me with some comfort standing in front of this chamber here today is that I don't need to eulogize John Kivela because everybody in this room has their own personal story that they shared with him. Everybody whose life he came into knew the type of man that John was. He was a great family man—loved his wife, loved his two kids, and loved the Upper Peninsula with everything that he had. He came down here to Lansing every week to try and make a difference in the lives of his constituents.

John had this outstanding smile about him. I was so jealous of all the hair he had on his head. When he talked to you, he made you feel like you were the only person in the room. Whatever issue you were focused on, he wanted to be focused on it with you and he wanted to go all-in because he wanted to make a difference. Some of my favorite memories of John were when he would bring Democrats and Republicans together over to our house—members of the House and members of the Senate. He believed so strongly in being that bridge over that gap and divide that we experience here in Lansing sometimes. He wanted everybody around the table. He wanted everybody on the same team because he wanted the best for his constituents.

I don't think any of us can ever pretend to know the dark place that John was in when he made the decision that he did yesterday, but I think it's important that we talk about it. I think it's important that we talk about diseases like alcoholism and depression and what those things can result in and the loss of life that can be resulted in. I tell folks how mad I was at John yesterday because, you know, John felt like things weren't going to get better for him and he needed to get rid of his pain. But what John forgot in that moment was that as his pain was going away, everybody else's was starting. And I just wish John knew how much we all loved him. I wish he knew how many people in Lansing and how many people across Michigan, especially in the Upper Peninsula and Marquette, had carved out a little space in their heart for him. I wish he knew the difference that he made.

So, again, it's terribly unfortunate that we have to rise so many times these last few years to remember such outstanding colleagues, but John Kivela was one of the best. He really was one of the best. He had a heart of gold. I said he was like the bear of the Legislature—salt-and-pepper hair, that big smile, and that Upper Peninsula charm. I'm going to miss him so much, and I know everybody in this room is going to miss him too. I wanted to make sure that we had the opportunity to hear from a man who worked with John far more than almost any of us, State Senator Tom Casperson, and I hope he could share a few words with us about John's life and his memory as well.

Senator Casperson's statement is as follows:

The Senator summed it up extremely well. In John's case, I knew of John from his time in Marquette as the mayor but I had not officially served with John until he came down here. John's first act, and I would say his first public act, was inviting the U.P. delegation together for a spaghetti feast at his home. What we thought would be an hour worth of talking and getting to know each other a little better turned into over three hours. There was a bond formed.

I get a lot of the credit for putting the team together in the U.P. I hear that a lot. It really was John. I was grateful for that because I don't care much for the bickering and I don't care much for the, "how we can't get along," and "because we disagree we tend to almost hate each other at times." John was so opposite of that. He clearly was passionate and he clearly would fight for what he believed in, but at the end of the day, he knew how to put swords down and how to come back together. He helped us to form a team that was unique. Governor Snyder actually talked about it. Our constituents actually talked about it. If you take a look at the four of us who formed that team in the U.P., the citizens really spoke about it and they did it through the ballot box. There were two Republicans and two Democrats and our numbers all came in almost identical, except for John's. His were the highest and I was proud of that for him.

I hope as we move forward, I always believe that all things come together for the glory of God. I believe that. I think in this case, as tragic as it is and hard to explain, I believe there are good things coming and I think John's legacy is going to help us find those good things. Maybe this is the beginning of something in our world—the political world—and how we interact with each other. There could potentially be a change and it could start right here. He could have been the seed that was planted.

With that, thank you for just being you and thank you for all the texts I received last night and all the prayers. John's family needs prayer. His family definitely needs prayer. They're going to have a tough time getting through this because they lost a wonderful person. We all did.

A moment of silence was observed in memory of John Kivela, former member of the House of Representatives.

Recess

Senator Kowall moved that the Senate recess until 12:00 noon.

The motion prevailed, the time being 10:30 a.m.

The Senate reconvened at the expiration of the recess and pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

During the recess, Senator Hildenbrand entered the Senate Chamber.

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 12:01 p.m.

12:29 p.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

During the recess, Senator MacGregor entered the Senate Chamber.

Senator Kowall moved that when the Senate adjourns today, it stand adjourned until Tuesday, May 16, at 10:00 a.m.
The motion prevailed.

Committee Reports

The Committee on Education reported
Senate Bill No. 249, entitled

A bill to create the educational instruction access act; to limit the powers of local governmental bodies regarding the selling, transferring, leasing, or renting of property; and to provide remedies and penalties.

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.

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Knollenberg, Booher and Colbeck

Nays: Senator Hopgood

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

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Tuesday, May 9, 2017, at 12:00 noon, Room 1300, Binsfeld Office Building

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

The Committee on Health Policy reported

Senate Concurrent Resolution No. 10.

A concurrent resolution to request that the United States Congress enact the Primary Care Enhancement Act (H.R. 365), to promote the use of Direct Primary Care Services and that the U.S. Department of Health and Human Services and Department of the Treasury promulgate rules and/or issue guidance that would promote the opportunity for consumers to choose Direct Primary Care Services as an integral part of their health care plan.

(For text of resolution, see Senate Journal No. 20, p. 219.)

With the recommendation that the concurrent resolution be adopted.

Mike Shirkey
Chairperson

To Report Out:

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

Nays: Senators Hertel, Knezek and Hopgood

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Tuesday, May 9, 2017, at 12:30 p.m., Room 1100, Binsfeld Office Building

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

The Committee on Judiciary reported

Senate Bill No. 301, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 49, 50, and 50b (MCL 750.49, 750.50, and 750.50b), section 49 as amended by 2006 PA 129, section 50 as amended by 2007 PA 152, and section 50b as amended by 2008 PA 339.

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. 341, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 535 (MCL 750.535), as amended by 2014 PA 221.

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. 368, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 136.

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

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Colbeck

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. 369, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2012 PA 195.

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, May 9, 2017, at 3:00 p.m., Room 1300, Binsfeld Office Building

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

Excused: Senator Bieda

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce submitted the following:

Meeting held on Wednesday, May 10, 2017, at 8:30 a.m., Room 1200, Binsfeld Office Building

Present: Senators Schmidt (C), Kowall and Hertel

Excused: Senators MacGregor and O'Brien

Scheduled Meetings

Economic Development and International Investment - Thursday, May 11, 1:30 p.m., Room 1200, Binsfeld Office Building (373-5323) (CANCELED)

Education -**Subcommittee -**

Michigan Merit Curriculum - Thursday, May 11, 3:00 p.m., Room 1100, Binsfeld Office Building (373-5314) (CANCELED)

Energy and Technology - Thursday, May 11, 12:30 p.m., Room 1100, Binsfeld Office Building (373-1721) (CANCELED)

Judiciary - Tuesday, May 16, 3:00 p.m., Room 1300, Binsfeld Office Building (373-5323)

Michigan Law Revision Commission - Thursday, May 18, 11:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Kowall moved that the Senate adjourn.

The motion prevailed, the time being 12:30 p.m.

In pursuance of the order previously made, the Secretary of the Senate declared the Senate adjourned until Tuesday, May 16, 2017, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate

