

No. 47
STATE OF MICHIGAN
Journal of the Senate
99th Legislature
REGULAR SESSION OF 2017

Senate Chamber, Lansing, Wednesday, May 17, 2017.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Brian N. Calley.

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

Ananich—present
Bieda—present
Booher—present
Brandenburg—present
Casperson—present
Colbeck—present
Conyers—excused
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—present
Nofs—present

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

Senator Wayne A. Schmidt of the 37th District offered the following invocation:

Dear God, thank You on behalf of all who are gathered here today. Thank You for Your many and abundant blessings. Thank You for life itself, for the measure of health that we need to fulfill our callings, for sustenance, and for friendship. Thank You for the ability to be involved in useful work and for the honor of bearing appropriate responsibilities. Thank You for loving us from Your boundless and gracious nature.

Gracious God, help us to work humbly in Your service so that all may know You are God.

In Your name, we pray. Amen.

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

Motions and Communications

Senator Bieda entered the Senate Chamber.

The following communications were received and read:

Office of the Auditor General

May 9, 2017

Enclosed is a copy of the following reports:

- Performance audit report on the Measurement of State Highway Pavement Conditions, Michigan Department of Transportation.
- Performance audit report on Statewide Change Management Controls, Department of Technology, Management, and Budget.

May 11, 2017

Enclosed is a copy of the following report:

- Performance audit on the Great Start Readiness Program, Michigan Department of Education.

Sincerely,
Doug Ringler
Auditor General

The audit reports were referred to the Committee on Government Operations.

The following communication was received:

Department of State

Administrative Rules
Notice of Filing

May 5, 2017

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Technology, Management and Budget and the State Office of Regulatory Reinvention filed Administrative Rule #2017-024-LR (Secretary of State Filing #17-05-01) on this date at 3:59 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Licensing Qualifications - Retail License; Participating Agreement."

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Ruth Johnson
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communication was referred to the Secretary for record.

The following communication was received:
Office of Senator Peter MacGregor

May 9, 2017

I respectfully ask that my name be added to SB 337 and SB 338 as a co-sponsor.

Sincerely,
Senator Peter MacGregor
Michigan Senate
28th District

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, May 16:

House Bill No. 4424

The Secretary announced that the following bills were printed and filed on Tuesday, May 16, and are available at the Michigan Legislature website:

Senate Bill Nos. 378 379 380

House Bill Nos. 4612 4613

Senator Kowall moved that Senator Schuitmaker be temporarily excused from today's session.
The motion prevailed.

Senator Hopgood moved that Senators Hood, Warren and Young be temporarily excused from today's session.
The motion prevailed.

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

Senator Kowall moved that rule 3.902 be suspended to allow the guests of Senators Horn, Ananich, Casperson, O'Brien, Zorn and Warren admittance to the Senate floor.

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

Senators Schuitmaker, Warren and Hansen entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Concurrent Resolution No. 10

The motion prevailed.

Senator Young entered the Senate Chamber.

Senators Warren, Hune, Hopgood, Ananich, Colbeck, Robertson, Rocca and Knezek offered the following resolution:

Senate Resolution No. 62.

A resolution to commemorate the University of Michigan on the celebration of its bicentennial.

Whereas, The year of 2017, marks the 200th year since its founding as a public corporation devoted to the pursuit of knowledge and the education of students.

Whereas, It is with great respect that the members of this legislative body are proud to join with the citizens of Michigan in remembering August 26, 1817, as the historic occasion in Detroit, the governor of the Michigan Territory, Lewis Cass, and the Territory's several judges enacted a bill to establish a University of Michigania, also called a Catholepistemiad; and

Whereas, The University of Michigania was conceived out of the friendship between President Thomas Jefferson and the man he appointed as the first judge of the Michigan Territory, Augustus Woodward. Three Native American tribes: the Ojibwe, Odawa and Bodewadimi ceded land to the new "college in Detroit," or the University of Michigania, for the purpose of serving the public good through education; and

Whereas, The University of Michigan was the first university to be governed by a popularly elected Board of Regents. It has been constitutionally autonomous since 1850, serving as a model for public universities throughout the country; and

Whereas, The University of Michigan's first president, Henry Philip Tappan grounded the University's teaching and research in rigorous science with a cutting-edge observatory. Tappan's vision led to Michigan transforming the field of research with numerous pioneering moments in American higher education, including becoming the first university with a chemical laboratory (1856); the first to own and operate its own hospital (1869); the first public university with dental (1875) and pharmacy (1876) schools; the first to teach aeronautical engineering (1914); and the first with a program in human genetics (1940); and

Whereas, In 1870, the University of Michigan was the first major state university to admit women, and has since had many notable female alumnae. These include Ida Gray, the first African-American woman in the country to earn a degree in dentistry; Alice Freeman Palmer, who was named President of Wellesley College in 1882 and quickly became the nation's leading advocate of higher education for women; and Dr. Alice Hamilton, the first woman appointed to the faculty of Harvard Medical School. Forty years after women were first admitted, they outnumbered the male students being inducted into the Phi Beta Kappa honor society; and

Whereas, Contributions made by University of Michigan Alumni to medicine and public health have saved lives and enriched communities. Alice Hamilton pioneered the study of occupational health and is credited with improving workplace safety. Surgeon William Bartlett developed the extracorporeal membrane oxygenation technology known as ECMO that continues to save thousands of lives. Dr. Aldred Warthin was one of the first medical scientists to make a persuasive case that cancer was heritable in humans. Dr. James Neel unlocked the genetic cause of sickle-cell anemia, geneticist Francis Collins discovered the genes for cystic fibrosis and neurofibromatosis, also known as "Elephant Man's disease"; and

Whereas, The University of Michigan provides a world-class education to a diverse student body of more than 63,000 on its Ann Arbor, Dearborn, and Flint campuses and has more than 572,000 living alumni, including artists, astronauts, business and government leaders, entrepreneurs and humanitarians. As well as Nobel Laureates in economics, medicine, and science; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate the University of Michigan in celebrating its bicentennial in 2017; and be it further

Resolved, That we commemorate the strong 200-year relationship between the University of Michigan and the citizens of the state of Michigan and by doing so, pledge to continue to support the University of Michigan in its many contributions to Michigan and the world.

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, Conyers, Gregory, Hansen, Hildenbrand, Horn, Jones, Knollenberg, Kowall, MacGregor, Marleau, Nofs, O'Brien, Proos, Schmidt, Schuitmaker and Zorn were named co-sponsors of the resolution.

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

Senator Emmons offered the following resolution:

Senate Resolution No. 63.

A resolution to recognize May 2017 as Foster Care Awareness Month.

Whereas, In Michigan there are at least 13,000 children who have been placed and live in foster care environments; and

Whereas, We must recognize the fundamental causes that contribute to the placement of children in foster care and work towards finding solutions to keep children in safe environments; and

Whereas, Children and youth in foster care should be kept with their siblings and reunited with family if possible; and

Whereas, We acknowledge and thank the foster parents, volunteers, child welfare professionals, and other members of the community who help children and youth in foster care find permanent homes; and

Whereas, As time passes, the prospect for some youth in the foster system is that they will "age out" of the system without a family, primary residence, or the skills to adequately provide for themselves; and

Whereas, To learn about becoming a foster parent, opening your home and heart to a child or youth in need, visit: www.michigan.gov/hopeforahome; and

Whereas, The state of Michigan has an obligation to improve the lives of children in foster care; now, therefore, be it

Resolved by the Senate, That the members of this legislative body join together in recognizing May 2017 as Foster Care Month.

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, Casperson, Colbeck, Conyers, Gregory, Hansen, Hildenbrand, Hopgood, Horn, Jones, Knollenberg, Kowall, MacGregor, Marleau, Nofs, O'Brien, Proos, Rocca, Schmidt, Schuitmaker and Zorn were named co-sponsors of the resolution.

Senator Hood entered the Senate Chamber.

Senator Kowall moved that rule 3.902 be suspended to allow the guests of Senator Warren admittance to the Senate floor, including the center aisle.

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

Senator Kowall moved that rule 3.901 be suspended to allow photographs to be taken from 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 10:18 a.m.

10:29 a.m.

The Senate was called to order by the President, Lieutenant Governor Calley.

During the recess, Senator Warren introduced Dr. Mark Schlissel, President of the University of Michigan; and presented him with Senate Resolution No. 62, recognizing the bicentennial of the University of Michigan.

President Schlissel responded briefly.

By unanimous consent the Senate returned to the order of

General Orders

Senator Kowall moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Calley, designated Senator Nofs 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 without amendment, the following bills:

Senate Bill No. 106, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 2 of chapter XIIA (MCL 712A.2), as amended by 2014 PA 519.

Senate Bill No. 77, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811jj.

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. 103, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1311 and 1561 (MCL 380.1311 and 380.1561), section 1311 as amended by 2016 PA 364 and section 1561 as amended by 2009 PA 204.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 104, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1586 (MCL 380.1586).
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. 105, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1310a (MCL 380.1310a), as amended by 2000 PA 230.

Substitute (S-1).

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

1. Amend page 2, line 2, after "CONTAIN" by striking out "A BRIEF WRITTEN STATEMENT OF THE" and inserting "SUFFICIENT".

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. 4131, entitled

A bill to amend 1994 PA 350, entitled "Public employee retirement benefits forfeiture act," by amending sections 2, 3, 4, and 5 (MCL 38.2702, 38.2703, 38.2704, and 38.2705), sections 2, 4, and 5 as amended by 1996 PA 467, and by adding section 4a.

Substitute (S-1).

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

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

The following bill was read a third time:

Senate Bill No. 337, entitled

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

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. 189

Yeas—37

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

Nays—0

Excused—1

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 338, 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.

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. 190

Yeas—37

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

Nays—0

Excused—1

Conyers

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

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 136a.

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. 191

Yeas—37

Ananich	Hertel	Knollenberg	Robertson
Bieda	Hildenbrand	Kowall	Rocca

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

Nays—0

Excused—1

Conyers

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

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.

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. 192

Yeas—37

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

Nays—0

Excused—1

Conyers

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

Senator Jones introduced

Senate Bill No. 381, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 28 of chapter V (MCL 765.28), as amended by 2004 PA 332.

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

Senator Robertson introduced

Senate Bill No. 382, entitled

A bill to amend 1995 PA 279, entitled “Horse racing law of 1995,” by amending sections 2, 8, and 17 (MCL 431.302, 431.308, and 431.317), as amended by 2016 PA 271.

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

Senator Jones introduced

Senate Bill No. 383, entitled

A bill to amend 1985 PA 176, entitled “Child identification and protection act,” by amending section 4 (MCL 722.774), as amended by 2017 PA 24.

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

Senators Zorn, Booher, Hansen and Knezek introduced

Senate Bill No. 384, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1212 (MCL 380.1212), as amended by 2016 PA 319.

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

Senators Stamas and Jones introduced

Senate Bill No. 385, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending section 915a (MCL 339.915a), as amended by 1996 PA 151.

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

House Bill No. 4424, 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 2015 PA 188.

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 Natural Resources.

Committee Reports**COMMITTEE ATTENDANCE REPORT**

The Committee on Education submitted the following:

Meeting held on Tuesday, May 16, 2017, at 12:00 noon, Room 1300, Binsfeld Office Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Local Government submitted the following:

Meeting held on Tuesday, May 16, 2017, at 12:30 p.m., Room 1200, Binsfeld Office Building

Present: Senators Zorn (C), Proos and Rocca

Excused: Senators Brandenburg and Young

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Tuesday, May 16, 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

Scheduled Meetings

Agriculture - Thursday, May 18, 8:30 a.m., Room 1300, Binsfeld Office Building (373-1721)

Economic Development and International Investment - Thursday, May 18, 1:30 p.m., Room 1200, Binsfeld Office Building (373-5323)

Education -

Subcommittee -

Michigan Merit Curriculum - Thursday, May 18, 3:00 p.m., Room 1100, Binsfeld Office Building (373-5314)

Energy and Technology - Thursday, May 18, 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-1721)

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

Transportation - Thursday, May 18, 9:00 a.m., Room 1100, Binsfeld Office Building (373-5312)

Veterans, Military Affairs and Homeland Security - Thursday, May 18, 2:00 p.m., Room 1300, Binsfeld Office Building (373-5314)

Senator Kowall moved that the Senate adjourn.

The motion prevailed, the time being 10:48 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, May 18, 2017, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate