

**No. 8**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**98th Legislature**  
**REGULAR SESSION OF 2015**

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Senate Chamber, Lansing, Tuesday, February 3, 2015.

10:00 a.m.

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

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

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

Hopgood—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  
Smith—present  
Stamas—present  
Warren—present  
Young—present  
Zorn—present

Senator Goeffrey M. Hansen of the 34th District offered the following invocation:

Almighty God, through whom we live and move and have our being, hear us pray. You have made the earth and all of its people with grateful hearts, and we thank You for this beautiful state.

We stand before You as representatives of the people of Michigan, asking for You to put Your mighty hand upon us as we try to bring our state back to the glory it once knew. We ask You to give us wisdom and courage to make decisions that are right for each of our districts. Lord, let us put all of the partisanship in our past, and put the people of Michigan first as we move Michigan forward.

We pray that we might always serve You by serving our fellow citizens, and we give You thanks for putting us in this place of humble servitude.

In the name of the Father and of the Son and of the Holy Spirit, Amen.

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

### Motions and Communications

Senator Smith entered the Senate Chamber.

The following communication was received and read:  
Office of the Auditor General

January 29, 2015

Enclosed is a copy of the following audit report:

Performance audit of the Forensic Science Division, Michigan Department of State Police.

Sincerely,  
Doug Ringler  
Auditor General

The audit report was referred to the Committee on Government Operations.

The following communication was received:  
Department of State Police

January 30, 2015

On behalf of the Board of Directors and staff of the Michigan Automobile Theft Prevention Authority (ATPA), it is a pleasure to present our 2014 Annual Report, which shows auto thefts declined by 2.4 percent in 2013. Furthermore, since the inception of the ATPA in 1986, Michigan's auto thefts have fallen from 72,021 to 24,369 per year, a decline of 66.2 percent.

ATPA's success in the battle against auto theft is the direct result of the dedication and efforts of the 106 men and women who are part of our law enforcement teams, prosecutors' teams, and community programs funded through the ATPA. These highly-motivated individuals often go above and beyond the call of duty to recover a stolen vehicle or arrest those responsible. As you read the case stories contained in this report, you will find many instances where our grantees worked collaboratively to solve these crimes.

The highlights of the report are as follows:

- Michigan motorists are saving \$57 per insured vehicle as a result of lower thefts.
- In FY 2014, ATPA teams made 1,976 arrests, and were involved in the recovery of 4,198 vehicles or parts with an estimated value of \$36 million.
- Since its inception in 1986, the program has resulted in a total of 64,473 arrests and recovered 91,712 vehicles or parts worth an estimated \$784 million.
- In FY 2014, the return on investment of ATPA funds was \$6.46 for every \$1 spent.

I also want to thank the 40 agencies receiving ATPA grant funding. These agencies continue to make auto theft prevention a high priority. Without the steadfast commitment of local, county, and state participants in this program, we would not be successful in reducing auto thefts in Michigan.

Sincerely,  
Kriste Etue  
Director

The communication was referred to the Secretary for record.

The Secretary announced that the following bills were printed and filed on Thursday, January 29, and are available at the Michigan Legislature website:

<b>Senate Bill Nos.</b>	<b>44</b>	<b>45</b>	<b>46</b>	<b>47</b>	<b>48</b>	<b>49</b>	<b>50</b>	<b>51</b>	<b>52</b>	<b>53</b>	<b>54</b>	<b>55</b>	<b>56</b>	
<b>House Bill Nos.</b>	<b>4080</b>	<b>4081</b>	<b>4082</b>	<b>4083</b>	<b>4084</b>	<b>4085</b>	<b>4086</b>	<b>4087</b>	<b>4088</b>	<b>4089</b>	<b>4090</b>	<b>4091</b>	<b>4092</b>	<b>4093</b>
	<b>4094</b>	<b>4095</b>	<b>4096</b>	<b>4097</b>	<b>4098</b>	<b>4099</b>	<b>4100</b>	<b>4101</b>	<b>4102</b>	<b>4103</b>	<b>4104</b>	<b>4105</b>	<b>4106</b>	<b>4107</b>
	<b>4108</b>	<b>4109</b>	<b>4110</b>	<b>4111</b>	<b>4112</b>	<b>4113</b>	<b>4114</b>	<b>4115</b>						

The Secretary announced that the following bills and joint resolutions were printed and filed on Friday, January 30, and are available at the Michigan Legislature website:

<b>Senate Bill Nos.</b>	<b>57</b>	<b>58</b>	<b>59</b>	<b>60</b>	<b>61</b>	<b>62</b>	<b>63</b>	<b>64</b>	<b>65</b>	<b>66</b>	<b>67</b>	<b>68</b>	<b>69</b>	<b>70</b>
	<b>71</b>	<b>72</b>												
<b>Senate Joint Resolutions</b>		<b>E</b>	<b>F</b>											
<b>House Bill Nos.</b>	<b>4116</b>	<b>4117</b>	<b>4118</b>	<b>4119</b>	<b>4120</b>	<b>4121</b>	<b>4122</b>	<b>4123</b>	<b>4124</b>					

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

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

Senator Emmons 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 10:04 a.m.

10:37 a.m.

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

During the recess, Senators Bieda, Johnson and Casperson entered the Senate Chamber.

### 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. 34**

**Senate Bill No. 35**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 34, 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 sections 1, 2a, 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5j, 5k, 5l, 5o, and 8 (MCL 28.421, 28.422a, 28.424, 28.425, 28.425a, 28.425b, 28.425c, 28.425d, 28.425e, 28.425f, 28.425j, 28.425k, 28.425l, 28.425o, and 28.428), section 1 as amended by 2014 PA 203, section 2a as amended by 2013 PA 3, section 4 as amended by 2014 PA 6, sections 5 and 5a as added by 2000 PA 381, section 5b as amended by 2014 PA 207,

sections 5c and 5d as amended by 2002 PA 719, section 5e as amended by 2014 PA 204, sections 5f and 5k as amended by 2012 PA 123, section 5j as amended by 2004 PA 254, section 5l as amended by 2012 PA 32, section 5o as amended by 2014 PA 206, and section 8 as amended by 2008 PA 406, and by adding section 5x; 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. 5**

**Yeas—28**

Booher	Hildenbrand	MacGregor	Robertson
Brandenburg	Horn	Marleau	Rocca
Casperson	Hune	Meekhof	Schmidt
Colbeck	Jones	Nofs	Schuitmaker
Emmons	Knezek	O'Brien	Shirkey
Green	Knollenberg	Pavlov	Stamas
Hansen	Kowall	Proos	Zorn

**Nays—9**

Ananich	Hertel	Johnson	Warren
Bieda	Hood	Smith	Young
Gregory			

**Excused—1**

Hopgood

**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. 35, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2012 PA 124.

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. 6**

**Yeas—28**

Booher	Hildenbrand	MacGregor	Robertson
Brandenburg	Horn	Marleau	Rocca
Casperson	Hune	Meekhof	Schmidt
Colbeck	Jones	Nofs	Schuitmaker
Emmons	Knezek	O'Brien	Shirkey
Green	Knollenberg	Pavlov	Stamas
Hansen	Kowall	Proos	Zorn

**Nays—9**

Ananich  
Bieda  
Gregory

Hertel  
Hood

Johnson  
Smith

Warren  
Young

**Excused—1**

Hopgood

**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. 12, entitled**

A bill to amend 1943 PA 240, entitled “State employees’ retirement act,” by amending section 68c (MCL 38.68c), as amended by 2013 PA 112.

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. 7****Yeas—37**

Ananich  
Bieda  
Booher  
Brandenburg  
Casperson  
Colbeck  
Emmons  
Green  
Gregory  
Hansen

Hertel  
Hildenbrand  
Hood  
Horn  
Hune  
Johnson  
Jones  
Knezek  
Knollenberg

Kowall  
MacGregor  
Marleau  
Meekhof  
Nofs  
O’Brien  
Pavlov  
Proos  
Robertson

Rocca  
Schmidt  
Schuitmaker  
Shirkey  
Smith  
Stamas  
Warren  
Young  
Zorn

**Nays—0****Excused—1**

Hopgood

**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  
**Resolutions**

Senator Hopgood entered the Senate Chamber.

Senator Casperson offered the following resolution:

**Senate Resolution No. 9.**

A resolution to support the Marquette County Road Commission's appeal of the U.S. Environmental Protection Agency's objection to the planned construction of County Road 595.

Whereas, The Marquette County Road Commission has the authority to lay out new roads within the county and has been planning to construct County Road 595 since 2011. Both the Michigan Senate and the Michigan House of Representatives formally expressed their support for these efforts. The Michigan Department of Environmental Quality was unable to issue a wetlands permit for the project due to the objection of the U.S. Environmental Protection Agency (EPA). A good faith argument exists that the EPA's action was arbitrary, capricious, and not based on the law or the facts presented to the agency. The Board of County Road Commissioners plans to appeal the decision in the United States District Court for the Western District of Michigan. The Board has affirmed by resolution that it will only proceed with the appeal if no public funds are expended on the appeal; and

Whereas, The Marquette County Board of Road Commissioners has the mission and duty to provide safe and efficient roads and bridges for motorists in Marquette County and ensure that new projects meet the needs of the community. County Road 595 would be constructed in an environmentally-responsible manner to create a primary all-season road that improves emergency, commercial, industrial, and recreational access to an isolated but key area in northwest Marquette County, connecting it to US 41; and

Whereas, The proposed routing of County Road 595 would reduce truck traffic through Marquette County population centers. Mixing heavy commercial truck traffic with personal vehicle traffic in high congestion areas and on local, state, and county roadways is detrimental to the safety of county residents; and

Whereas, Moving forward with the construction of County Road 595 will improve public safety, protect our environment, boost regional economic development, and create jobs, enhancing the natural resources-based industry as well as tourism and recreation. The project has broad and overwhelming bipartisan support from legislators representing Marquette County, the general public, business and labor organizations, conservationists, and traffic safety advocates; now, therefore, be it

Resolved by the Senate, That we support the Marquette County Road Commission's appeal of the U.S. Environmental Protection Agency's objection to the planned construction of County Road 595; and be it further

Resolved, That copies of this resolution be transmitted to the United States District Court of the Western District of Michigan, the Governor of the state of Michigan, the Administrator of the U.S. Environmental Protection Agency, the members of the Michigan congressional delegation, the Marquette County Board of Commissioners, and the Marquette County Board of Road Commissioners.

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 Transportation.

The motion prevailed.

Senator Colbeck was named co-sponsor of the resolution.

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

Senators Schmidt, Knezek, MacGregor, Knollenberg, Zorn and Jones introduced

**Senate Bill No. 73, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 296. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Schmidt, Knezek, MacGregor, Knollenberg, Zorn, Jones and Schuitmaker introduced

**Senate Bill No. 74, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 160 of chapter XVII (MCL 777.160), as amended by 2012 PA 169.

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

Senators Schmidt, MacGregor, Knollenberg, Zorn and Schuitmaker introduced

**Senate Bill No. 75, entitled**

A bill to amend 1972 PA 239, entitled “McCauley-Traxler-Law-Bowman-McNeely lottery act,” by amending section 18 (MCL 432.18), as amended by 2012 PA 293.

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

Senators Gregory, Hood, Hertel, Zorn, Bieda, Ananich, Marleau, Johnson, Knezek, Jones, Emmons, Schuitmaker and Proos introduced

**Senate Bill No. 76, entitled**

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

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

### **Committee Reports**

#### **COMMITTEE ATTENDANCE REPORT**

The Subcommittee on Human Services submitted the following:

Meeting held on Thursday, January 29, 2015, at 2:00 p.m., Room 100, Farnum Building

Present: Senators MacGregor (C) and Proos

Excused: Senator Gregory

#### **COMMITTEE ATTENDANCE REPORT**

The Committee on Veterans, Military Affairs and Homeland Security submitted the following:

Meeting held on Thursday, January 29, 2015, at 2:00 p.m., Room 110, Farnum Building

Present: Senators O’Brien (C), Emmons, Zorn, Colbeck and Knezek

#### **COMMITTEE ATTENDANCE REPORT**

The Subcommittee on State Police and Military Affairs submitted the following:

Meeting held on Tuesday, February 3, 2015, at 8:35 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Nofs (C), Colbeck and Knezek

### **Scheduled Meetings**

#### **Appropriations -**

##### **Subcommittees -**

**Agriculture and Rural Development** - Tuesdays, February 17, March 10, March 17, and March 24, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**Corrections** - Thursdays, February 19, March 5, and March 26, 9:00 a.m., Room 405, Capitol Building; February 26, March 12, and March 19, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**Judiciary** - Wednesdays, February 18, February 25, March 4, March 11, March 18, and March 25, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**State Police and Military Affairs** - Thursdays, February 19 (CANCELED), February 26 (CANCELED), March 5 (CANCELED), March 12 (CANCELED), and March 26 (CANCELED), 1:00 p.m.; Tuesdays, February 17, February 24, March 3, March 10, and March 24, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2768)

**Economic Development** - Thursday, February 5, 1:30 p.m., Room 210, Farnum Building (373-5312)

**Outdoor Recreation and Tourism** - Wednesday, February 4, 12:30 p.m., Room 100, Farnum Building (373-1721)

**Transportation** - Thursday, February 5, 8:30 a.m., Room 210, Farnum Building (373-5323)

Senator Kowall moved that the Senate adjourn.  
The motion prevailed, the time being 10:44 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, February 4, 2015, at 10:00 a.m.

JEFFREY F. COBB  
Secretary of the Senate