

**No. 9**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**97th Legislature**  
**REGULAR SESSION OF 2013**

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Senate Chamber, Lansing, Wednesday, February 6, 2013.

10:00 a.m.

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

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

Anderson—present  
Bieda—present  
Booher—present  
Brandenburg—present  
Casperson—present  
Caswell—present  
Colbeck—present  
Emmons—present  
Green—present  
Gregory—present  
Hansen—present  
Hildenbrand—present  
Hood—present

Hopgood—present  
Hune—present  
Hunter—present  
Jansen—present  
Johnson—present  
Jones—present  
Kahn—present  
Kowall—present  
Marleau—present  
Meekhof—present  
Moolenaar—present  
Nofs—present

Pappageorge—present  
Pavlov—present  
Proos—present  
Richardville—present  
Robertson—present  
Rocca—present  
Schuitmaker—present  
Smith—present  
Walker—present  
Warren—present  
Whitmer—excused  
Young—present

Senator Vincent Gregory of the 14th District offered the following invocation:

Heavenly Father, I come to You thanking You for another day and praising Your name, for You give new mercies every morning. I thank You for the privilege of serving the people of this great state of Michigan. I thank You for the plan You gave to our forefathers by which to govern our state; for the plan of division of powers so that our destiny does not rest in the hands of one person.

In praying for those in authority, I, therefore, lift up our House of Representatives and this Senate to You. I pray that through Your holy power, You will instill in us the wisdom to legislate laws that are just and fair. Father, I ask You to give us wisdom to make decisions that would strengthen and prosper our state. I pray that we will make right decisions concerning the forward progression, the social welfare, and the economics of our state. I also pray that we will be motivated by Your sovereign will and not our own personal concerns.

Lord, teach us to be a body that works for the people, a government that is run by the people, and a government that realizes we can only achieve our best with and through You.

I ask this in Your mighty, matchless name. Amen.

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

### Motions and Communications

Senator Walker entered the Senate Chamber.

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

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

Senator Meekhof moved that Senators Kahn and Richardville be temporarily excused from today's session. The motion prevailed.

The following communication was received:  
Department of Treasury

February 5, 2013

Please find attached the divestment report to the Legislature for the 2012 calendar year. This report is required by the Divestment from Terror Act, MCL 129.291 *et seq.* and the divestment mandates of the Public Employee Retirement System Investment Act (MCL 38.1133c and MCL 38.1133d). The Acts require the State Treasurer file a publicly available report to the Legislature each year on progress made under the Acts. This e-mail and the attached report represent the State Treasurer's compliance with this reporting mandate.

If you have any questions, please contact Amanda York Ellis at (517) 335-9286 or [ellisa4@michigan.gov](mailto:ellisa4@michigan.gov).

Cathy Murray, Paralegal  
Bureau of Investments

The communication was referred to the Secretary for record.

The Secretary announced that pursuant to Rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from July 1, 2012 through September 30, 2012, and are available in the Secretary's office during business hours for public inspection:

#### Committee

Agriculture  
Appropriations  
Banking and Financial Institutions  
Economic Development  
Education  
Energy and Technology  
Families, Seniors and Human Services  
Finance  
Government Operations  
Health Policy

#### Chairperson

Senator Joe Hune  
Senator Roger Kahn  
Senator Darwin Booher  
Senator Mike Kowall  
Senator Phil Pavlov  
Senator Mike Nofs  
Senator Judy Emmons  
Senator Jack Brandenburg  
Senator Randy Richardville  
Senator Jim Marleau

Insurance	Senator Joe Hune
Judiciary	Senator Rick Jones
Local Government and Elections	Senator David Robertson
Natural Resources, Environment and Great Lakes	Senator Tom Casperson
Outdoor Recreation and Tourism	Senator Goeff Hansen
Redistricting	Senator Joe Hune
Reforms, Restructuring and Reinventing	Senator Mark Jansen
Regulatory Reform	Senator Tory Rocca
Transportation	Senator Tom Casperson
Veterans, Military Affairs and Homeland Security	Senator John Moolenaar

The Secretary announced that the following bills were printed and filed on Tuesday, February 5, and are available at the Michigan Legislature website:

<b>Senate Bill Nos.</b>	<b>137</b>	<b>138</b>	<b>139</b>	<b>140</b>	<b>141</b>	<b>142</b>	<b>143</b>	<b>144</b>	<b>145</b>	<b>146</b>	<b>147</b>	<b>148</b>	<b>149</b>	<b>150</b>
	<b>151</b>	<b>152</b>												

### Messages from the Governor

The following messages from the Governor were received and read:

January 18, 2013

I respectfully submit to the Senate the following appointment to office:

**Michigan Board of Osteopathic Medicine and Surgery**

David P. Walters of 6451 Brighton Road, Brighton, Michigan 48116, county of Livingston, representing professionals, succeeding Douglas Vanator, is appointed for a term expiring December 31, 2016.

January 24, 2013

I respectfully submit to the Senate the following appointments to office:

**Michigan Capitol Committee**

Brian Calley of 10198 Butler Road, Portland, Michigan 48875, county of Ionia, succeeding himself, is reappointed for a term expiring January 24, 2015.

Elizabeth Clement of 3840 Kiskadee Road, East Lansing, Michigan 48823, county of Ingham, succeeding herself, is reappointed for a term expiring January 24, 2015.

Dennis Muchmore of 8822 W. Lakespointe Drive, Laingsburg, Michigan 48848, county of Shiawassee, succeeding Dick Posthumus, is appointed for a term expiring January 24, 2015.

Marsha Quebbeman of 3910 Bayberry Lane, Lansing, Michigan 48911, county of Ingham, succeeding herself, is reappointed for a term expiring January 24, 2015.

January 29, 2013

I respectfully submit to the Senate the following appointment to office:

**Board of Real Estate Brokers and Salespersons**

Ibilola Audu of 151 Arabian Way, S.W., Grand Rapids, Michigan 49534, county of Kent, representing professionals, succeeding Donald Hiltunen, is appointed for a term expiring June 30, 2013.

January 31, 2013

I respectfully submit to the Senate the following appointments to office:

**Michigan Board of Massage Therapy**

Tiffany Gennety of 25621 Send Street, Roseville, Michigan 48066, county of Macomb, representing professionals, succeeding Karen Armstrong, is appointed for a term expiring December 31, 2016.

Jill M. Murphy of 7332 Golf Gate Drive, Lansing, Michigan 48917, county of Ingham, representing the general public, succeeding Thomas Mackowiak, is appointed for a term expiring December 31, 2016.

Terese S. Hunter of 25630 E. River Road, Grosse Ile, Michigan 48138, county of Wayne, representing the general public, succeeding Timothy Bograkos, is appointed for a term expiring December 31, 2016.

Rosalie Behen of 7514 Warwick Drive, Ypsilanti, Michigan 48197, county of Washtenaw, representing professionals, succeeding Jodi Kubizna, is appointed for a term expiring December 31, 2016.

Sincerely,  
Rick Snyder  
Governor

The appointments were referred to the Committee on Government Operations.

Senators Kahn, Richardville and Young entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators Hood, Nofs, Anderson, Smith, Gregory, Hopgood, Pappageorge and Young introduced

**Senate Bill No. 153, entitled**

A bill to amend 1846 RS 83, entitled "Of marriage and the solemnization thereof," by amending section 7 (MCL 551.7), as amended by 2012 PA 265.

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

Senator Hansen introduced

**Senate Bill No. 154, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74126 (MCL 324.74126), as added by 2006 PA 248.

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

Senators Brandenburg, Jansen and Hildenbrand introduced

**Senate Bill No. 155, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 111, 113, 403, and 511 (MCL 208.1111, 208.1113, 208.1403, and 208.1511), section 111 as amended by 2012 PA 605, section 113 as amended by 2011 PA 77, section 403 as amended by 2008 PA 434, and section 511 as amended by 2011 PA 292.

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

Senators Brandenburg, Jansen and Hildenbrand introduced

**Senate Bill No. 156, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 111, 305, 403, and 433 (MCL 208.1111, 208.1305, 208.1403, and 208.1433), sections 111 and 305 as amended by 2012 PA 605, section 403 as amended by 2008 PA 434, and section 433 as amended by 2007 PA 215.

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

Senators Meekhof, Jansen, Schuitmaker, Hildenbrand, Moolenaar, Pavlov, Booher, Emmons, Colbeck, Brandenburg, Proos, Marleau, Jones, Walker, Robertson and Hune introduced

**Senate Bill No. 157, entitled**

A bill to repeal 1965 PA 166, entitled "An act to require prevailing wages and fringe benefits on state projects; to establish the requirements and responsibilities of contracting agents and bidders; and to prescribe penalties," (MCL 408.551 to 408.558).

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

Senators Meekhof, Jansen, Schuitmaker, Hildenbrand, Moolenaar, Pavlov, Booher, Emmons, Colbeck, Brandenburg, Proos, Marleau, Jones, Walker, Robertson and Hune introduced

**Senate Bill No. 158, entitled**

A bill to amend 1974 PA 338, entitled "Economic development corporations act," by amending section 8 (MCL 125.1608), as amended by 2002 PA 357.

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

Senators Meekhof, Jansen, Schuitmaker, Hildenbrand, Moolenaar, Pavlov, Booher, Emmons, Colbeck, Brandenburg, Proos, Marleau, Jones, Walker, Robertson and Hune introduced

**Senate Bill No. 159, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 503, 523, 553, and 1311e (MCL 380.503, 380.523, 380.553, and 380.1311e), sections 503, 523, and 553 as amended by 2011 PA 277 and section 1311e as amended by 2009 PA 205.

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

Senators Nofs, Jansen and Marleau introduced

**Senate Bill No. 160, entitled**

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” by amending sections 502 and 502a (MCL 550.1502 and 550.1502a), as amended by 2009 PA 225.

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

Senators Nofs and Jansen introduced

**Senate Bill No. 161, entitled**

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” by amending section 315 (MCL 418.315), as amended by 2011 PA 266.

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

Senator Nofs introduced

**Senate Bill No. 162, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 8 of chapter II (MCL 762.8).

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

Senators Green, Pappageorge, Kahn, Brandenburg and Colbeck introduced

**Senate Bill No. 163, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 1307, 1311, 30103, 30104, 30305, 30306, 30311a, 30311d, 32513, and 32514 (MCL 324.1307, 324.1311, 324.30103, 324.30104, 324.30305, 324.30306, 324.30311a, 324.30311d, 324.32513, and 324.32514), section 1307 as amended by 2012 PA 164, section 1311 as amended by 2011 PA 246, section 30103 as amended by 2009 PA 139, section 30104 as amended by 2011 PA 218, sections 30305, 30306, and 32513 as amended by 2012 PA 247, sections 30311a and 30311d as added by 2009 PA 120, and section 32514 as added by 1995 PA 59; 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 Natural Resources, Environment and Great Lakes.

Senators Casperson, Walker, Jones, Brandenburg, Colbeck, Emmons, Booher, Green, Proos, Hansen, Hildenbrand, Schuitmaker and Moolenaar introduced

**Senate Bill No. 164, entitled**

A bill to amend 1984 PA 431, entitled “The management and budget act,” (MCL 18.1101 to 18.1594) by adding section 353g.

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

By unanimous consent the Senate returned to the order of

**Motions and Communications**

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

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

Senator Meekhof 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 Meekhof moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:12 a.m.

10:28 a.m.

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

During the recess, Senator Young introduced the Henry Ford Academy: School for Creative Studies undefeated Lady Mustangs Volleyball Team, coaches Temeko Manica and Shameka Owens-Manica, and social worker Wanda Olugbala; and students who participated in a mock government simulation; and presented them with Special Tributes.

Ms. Olugbala responded briefly.

During the recess, Senator Hunter entered the Senate Chamber.

**Third Reading of Bills**

The following bill was read a third time:

**Senate Bill No. 65, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 703 (MCL 206.703), as amended by 2012 PA 217.

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. 10**

**Yeas—36**

Anderson	Gregory	Jones	Proos
Bieda	Hansen	Kahn	Richardville
Booher	Hildenbrand	Kowall	Robertson
Brandenburg	Hood	Marleau	Rocca
Casperson	Hopgood	Meekhof	Schuitmaker
Caswell	Hune	Moolenaar	Smith
Colbeck	Hunter	Nofs	Walker
Emmons	Jansen	Pappageorge	Warren
Green	Johnson	Pavlov	Young

**Nays—0**

**Excused—1**

Whitmer

**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 89, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 2008 PA 438.

The question being on the passage of the bill,  
Senator Richardville offered the following amendments:

1. Amend page 4, line 22, after “**BEGINNING**” by striking out “**JUNE 1, 2013**” and inserting “**OCTOBER 1, 2013**”.
  2. Amend page 5, line 3, after “**BEGINNING**” by striking out “**JUNE 1, 2013**” and inserting “**OCTOBER 1, 2013**”.
- The amendments were adopted, a majority of the members serving voting therefor.

Senator Brandenburg offered the following amendment:

1. Amend page 4, line 17, after “**BEGINNING**” by striking out “**JUNE 1, 2013**” and inserting “**ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBPARAGRAPH**”.

The amendment was adopted, a majority of the members serving voting therefor.

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. 11**

**Yeas—34**

Anderson	Gregory	Jones	Proos
Bieda	Hansen	Kowall	Richardville
Booher	Hildenbrand	Marleau	Robertson
Brandenburg	Hood	Meekhof	Rocca
Casperson	Hopgood	Moolenaar	Schuitmaker
Caswell	Hune	Nofs	Smith
Colbeck	Hunter	Pappageorge	Walker
Emmons	Jansen	Pavlov	Warren
Green	Johnson		

**Nays—2**

Kahn	Young
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**Excused—1**

Whitmer

**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

Senators Anderson, Hopgood and Richardville were named co-sponsors of the bill.

**Protest**

Senator Kahn, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 89.  
Senator Kahn’s statement is as follows:

First, through you, I would like to praise the perversicacious Senator from the 1st District who found the courage to vote “no” on this item as well.

The problem with sales tax on the difference or any of the other well-meaning bills of this nature is that they are of a company, in every instance, by a recitation of where the cuts in the budget will be to allow them to give out the goodies. It is disgusting.

The following bill was read a third time:

**Senate Bill No. 90, entitled**

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 2 (MCL 205.92), as amended by 2008 PA 439.

The question being on the passage of the bill,

Senator Richardville offered the following amendments:

1. Amend page 5, line 23, after “**BEGINNING**” by striking out “**JUNE 1, 2013**” and inserting “**OCTOBER 1, 2013**”.
2. Amend page 6, line 4, after “**BEGINNING**” by striking out “**JUNE 1, 2013**” and inserting “**OCTOBER 1, 2013**”.

The amendments were adopted, a majority of the members serving voting therefor.

Senator Brandenburg offered the following amendment:

1. Amend page 5, line 18, after “**BEGINNING**” by striking out “**JUNE 1, 2013**” and inserting “**ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBPARAGRAPH**”.

The amendment was adopted, a majority of the members serving voting therefor.

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. 12**

**Yeas—36**

Anderson	Gregory	Jones	Proos
Bieda	Hansen	Kahn	Richardville
Booher	Hildenbrand	Kowall	Robertson
Brandenburg	Hood	Marleau	Rocca
Casperson	Hopgood	Meekhof	Schuitmaker
Caswell	Hune	Moolenaar	Smith
Colbeck	Hunter	Nofs	Walker
Emmons	Jansen	Pappageorge	Warren
Green	Johnson	Pavlov	Young

**Nays—0**

**Excused—1**

Whitmer

**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

Senators Anderson, Hopgood and Richardville were named co-sponsors of the bill.

**Committee Reports**

**COMMITTEE ATTENDANCE REPORT**

The Committee on Transportation submitted the following:

Meeting held on Tuesday, February 5, 2013, at 12:30 p.m., Room 100, Farnum Building

Present: Senators Casperson (C), Kowall, Brandenburg, Pavlov, Hansen, Hood and Warren



## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:  
 Meeting held on Tuesday, February 5, 2013, at 2:00 p.m., Room 405, Capitol Building  
 Present: Senators Caswell (C), Jansen, Proos and Gregory

## COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:  
 Meeting held on Tuesday, February 5, 2013, at 2:30 p.m., Room 110, Farnum Building  
 Present: Senators Jones (C), Schuitmaker, Rocca and Bieda

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Corrections submitted the following:  
 Meeting held on Tuesday, February 5, 2013, at 3:00 p.m., Room 210, Farnum Building  
 Present: Senators Proos (C), Walker and Anderson

## COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:  
 Meeting held on Wednesday, February 6, 2013, at 9:05 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building  
 Present: Senators Kahn (C), Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood and Johnson  
 Absent: Senator Hopgood

**Scheduled Meetings****Appropriations -****Subcommittees -**

**Agriculture and Rural Development** - Tuesday, February 12, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**Community Health Department** - Thursday, February 14, 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Higher Education and House Higher Education Appropriations Subcommittee** - Wednesday, February 13, 3:15 p.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Human Services Department** - Thursday, February 14, 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower; and Tuesday, February 19, 2:00 p.m., Room 405, Capitol Building (373-2768)

**K-12, School Aid, Education** - Wednesday, February 13, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Licensing and Regulatory Affairs Department** - Thursday, February 7, 1:30 p.m., Rooms 402 and 403, Capitol Building; Thursday, February 14, 1:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**State Police and Military Affairs** - Thursdays, February 14, February 21, February 28, and March 7, 3:00 p.m., Room 405, Capitol Building (373-2768)

**Appropriations and House Appropriations** - Thursday, February 7, 11:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-1760)

**Natural Resources, Environment and Great Lakes** - Thursday, February 7, 9:00 a.m., Room 210, Farnum Building (373-5323) (CANCELED)

**Outdoor Recreation and Tourism** - Thursday, February 7, 12:30 p.m., Room 210, Farnum Building (373-5323)

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

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, February 7, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate