

No. 35
STATE OF MICHIGAN
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Senate Chamber, Lansing, Wednesday, April 23, 2014.

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.

Ananich—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—present
Young—present

Chaplain Raymond Ahonen of the Sterling Heights Fire Department offered the following invocation:

Most gracious and loving Heavenly Father, we thank You for being the author of life and that You have chosen to give us another day. Every breath is, indeed, a gift. We thank You for those who serve the public. May they recognize and adhere to a higher standard of personal and professional conduct.

We ask for Your mighty and protective hand to cover and shield our military. Please keep them safe. Father, we thank You for our state, Michigan; what a splendid creation we call home. It is a special place.

Father, it is most challenging to come to a consensus. Lead us collectively to make an informed decision—the right decision. May our speech and treatment of others be pleasing to You. May our words build and edify each other. Thank You that Your word is, indeed, a lamp unto our feet.

Guide us, lead us, and give us servants' hearts. When we are done and our time of service has drawn to a conclusion, may our legacy speak of doing the right things and that we served humbly and gratefully. We gave more than we received.

Bless our police officers and firefighters and the families of our public servants.

We ask these things in the name of the Christ. Amen.

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

Motions and Communications

Senators Marleau and Johnson entered the Senate Chamber.

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

Senator Meekhof moved that Senators Richardville, Brandenburg and Casperson be temporarily excused from today's session.

The motion prevailed.

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senator Richardville 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.

Senators Richardville, Hood, Casperson and Hunter entered the Senate Chamber.

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

The motion prevailed.

Senator Richardville's statement is as follows:

I am very honored to have the State Honoree for The Prudential Spirit of Community Award. Her name is Lillian Diuble. She's joined this morning by her mother Angela, her father Scott, and her 9-year-old sister Abigail.

Lillian is one of my constituents. She's a sixth-grader at Manchester Middle School. Lillian was born with a rare disease that might eventually rob her of her sight and her hearing. Faced with that reality, Lillian rose to the occasion, and over the past years, she has lead a team that has raised over \$78,000 for the Foundation Fighting Blindness. She has created a web page, sent out a countless number of letters, recruited her classmates and family members, and led a walkathon team consisting of hundreds of volunteers over the years. She makes frequent speeches to raise the awareness of eye diseases.

Lillian, with your unique skills, I am sure there are several Senators here who would love to have you working on their campaigns—just an idea. Let us all welcome and congratulate Lillian for her courage and her spirit of volunteerism.

I have a Special Tribute here, and Lillian's been so busy that I can't read all of it. It's too long. The tribute is signed by myself, the Senate Majority Leader; Representative Gretchen Driskell, the State Representative from the 52nd District; and the Governor of the great state of Michigan, Rick Snyder.

Lillian, this is for you. Our thoughts and prayers are with you, and we look at you as an example for the rest of us to follow. Thank you very much.

Senator Meekhof moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 834

Senate Bill No. 881

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

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

The motion prevailed.

Senator Kowall's statement is as follows:

As everybody knows, as springtime approaches, commencements are happening at the various universities. It's both a happy occasion—in our office, it's a little bit of both—happy and sad. Casey Thal is leaving as she moves on to better things; hopefully into law school, and I'm sure we'll be seeing her do some fabulous things in the future. Let me read this Special Tribute real quickly:

“LET IT BE KNOWN, That it is a great pleasure to extend this expression of our thanks and best wishes to Casey Thal upon the occasion of the commencement of her internship in the Office of State Senator Mike Kowall and graduation from Michigan State University. With the commitment she has given to our state, Casey has exhibited the highest standards of citizenship and unselfishness.

During her time in the Office of Senator Mike Kowall, Casey managed all of the tributes and completed tasks in a professional and efficient manner. Additionally, she handled constituent cases and attended meetings for Senator Kowall. Casey's smiling personality and positive attitude made her an excellent member of 'Team Kowall,' and her contribution to the office will be missed.

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to honor Ms. Casey Dalton Thal as she enters the next phase in what will surely be a bright, prosperous career.”

With best wishes for her future, it's signed by Senator Jim Marleau, Representative Tom McMillin, myself, and Governor Rick Snyder. Casey, congratulations.

Recess

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

The motion prevailed, the time being 10:17 a.m.

11:10 a.m.

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

During the recess, Senators Brandenburg and Young entered the Senate Chamber.

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

The motion prevailed.

Senator Johnson's statement is as follows:

I'd like the members and staff to help me recognize the departure of a very dear friend of our office, someone who has interned, Miss Lauren Olmeda. I have a tribute, and if I could read some of it, I'd appreciate it.

“Destiny is not a matter of chance. It is a matter of choice. It is not a thing to be waited for; it is a thing to be achieved.” That's a quote from William Jennings Bryan.

“LET IT BE KNOWN, That it is an honor to recognize Miss Lauren Olmeda for the completion of her internship and her dedication to our office and to the world of politics, policy, and government. She began her internship with us in October of last year by way of James Madison College at MSU.

She came ready to observe and learn the life of a lawmaker, always eager to be active and involved. Her excellent work at the front desk included answering phones, taking messages, working with constituents, and researching legislative issues. She was willing to help the staff wherever and whenever she could.

She became very quickly an important and reliable resource to our office. Good people with self-determination and skills tend to go on and do great things. We expect nothing less from Lauren. Her way with people and her friendly demeanor are second only to her organizational skills and her complete desire to create responsible, helpful, and meaningful legislation.

She quickly found answers to questions and was able to be self-motivated in everything she did, while simultaneously becoming an integral part in a system she helped to create. We will surely miss her, and we will always consider her a friend of our office.

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to congratulate her on a job well done and to thank her for being a valuable addition to Team Johnson.”

While today is her last day working in our Senate office, we fully expect and look forward to crossing paths and working with Lauren again. We know she will impress and inspire everyone she comes into contact with, just as she has us.

Members, won't you please help me welcome and thank Lauren Olmeda for her service to our office and the great state of Michigan.

By unanimous consent the Senate proceeded to the order of
General Orders

Senator Meekhof 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 Hildenbrand as Chairperson.

After some time spent therein, the Committee arose; and the Assistant President pro tempore, Senator Hansen, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4962, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding part 58A.

The bill 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. 834, 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 2b (MCL 28.422b), as amended by 2001 PA 199.

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. 881, 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 5o (MCL 28.425o), as amended by 2012 PA 123.

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. 49, 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 2 and 2a (MCL 28.422 and 28.422a), as amended by 2012 PA 377.

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:

House Bill No. 5277, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 3204, 3240, and 3278 (MCL 600.3204, 600.3240, and 600.3278), section 3204 as amended by 2013 PA 103, section 3240 as amended by 2013 PA 104, and section 3278 as added by 2011 PA 301, and by adding sections 3237 and 3238; and to repeal acts and parts of acts.

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. 680, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 30111b (MCL 324.30111b), as added by 2012 PA 56.

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. 878, entitled

A bill to amend 1972 PA 382, entitled “Traxler-McCauley-Law-Bowman bingo act,” by amending sections 2, 3, 3a, 4, 4a, 8, 9, 10, 11b, 11c, 12, 13, 14, 15, 16, 18, and 19 (MCL 432.102, 432.103, 432.103a, 432.104, 432.104a, 432.108, 432.109, 432.110, 432.111b, 432.111c, 432.112, 432.113, 432.114, 432.115, 432.116, 432.118, and 432.119), sections 2 and 9 as amended by 2008 PA 401, sections 3, 4a, and 12 as amended by 2012 PA 189, sections 3a, 8, 10, and 11b as amended by 2006 PA 427, sections 4, 13, 14, 15, 16, and 18 as amended and section 11c as added by 1999 PA 108, and section 19 as amended by 1995 PA 263, and by adding article 2; to designate sections 1 to 20 as article 1; and to repeal acts and parts of acts.

Substitute (S-4).

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

1. Amend page 53, following line 5, by inserting:

“(7) THIS SECTION TAKES EFFECT 90 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.”

2. Amend page 53, line 6, after “(1)” by striking out “**AFTER 90 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A**” and inserting “**A**”.

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.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

The motion prevailed.

Senator Green's statement is as follows:

It is with deep appreciation for his hard work, dedication, and integrity that we join together to commend Travis Kowall for his service in my office. Over the last three years, Travis has provided critical support to my office through constituent relations, communications, and legislative operations as both an intern and later a staff member.

Travis is a 2012 Daniel T. Rosenthal Legislative Intern Award recipient. His comprehensive research skills and reports were invaluable to the development and passage of fundamental reforms of Michigan's firearm laws.

Travis will be graduating from Michigan State University next week and will begin working for the Michigan Republican Party soon after. I'm proud to express the gratitude held for him by the constituents of the 31st Senate District, and I wish him success in all of his future endeavors. I challenge him to continue his spirit of public service. Congratulations, Travis.

I also have the rest of the members of my staff with me today to give their thanks to Travis for the hard work and dedication he's given to my office over the last three years.

The following bill was read a third time:

Senate Bill No. 444, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3301, 3306, 3307, 3309, 3311, 30103, 30113, and 32512 (MCL 324.3301, 324.3306, 324.3307, 324.3309, 324.3311, 324.30103, 324.30113, and 324.32512), sections 3301, 3307, 3309, and 3311 as added by 2004 PA 246, section 3306 as amended by 2011 PA 90, section 30103 as amended by 2013 PA 98, section 30113 as amended by 2006 PA 496, and section 32512 as amended by 2012 PA 247, and by adding sections 3315 and 3317.

The question being on the passage of the bill,

Senator Casperson offered the following substitute:

Substitute (S-5).

The substitute 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. 187

Yeas—26

Booher	Hansen	Marleau	Proos
Brandenburg	Hildenbrand	Meekhof	Richardville
Casperson	Hune	Moolenaar	Robertson
Caswell	Jansen	Nofs	Rocca
Colbeck	Jones	Pappageorge	Schuitmaker
Emmons	Kahn	Pavlov	Walker
Green	Kowall		

Nays—12

Ananich	Gregory	Hunter	Warren
Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young

Excused—0

Not Voting—0

In The Chair: Hansen

Senator Casperson offered to amend the title to read as follows:

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3301, 3305, 3306, 3307, 3309, 3311, 30103, and 30113 (MCL 324.3301, 324.3305, 324.3306, 324.3307, 324.3309, 324.3311,

324.30103, and 324.30113), sections 3301, 3305, 3307, 3309, and 3311 as added by 2004 PA 246, section 3306 as amended by 2011 PA 90, section 30103 as amended by 2013 PA 98, and section 30113 as amended by 2006 PA 496, and by adding section 3315.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

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

Senate Bill No. 664

Senate Bill No. 873

Senate Bill No. 874

Senate Bill No. 875

Senate Bill No. 876

Senate Bill No. 877

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 664, entitled

A bill to amend 1975 PA 148, entitled "Debt management act," by amending the title and sections 2, 4, 5, 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 26 (MCL 451.412, 451.414, 451.415, 451.416, 451.421, 451.422, 451.423, 451.424, 451.425, 451.426, 451.427, 451.428, 451.429, 451.430, and 451.436), sections 2, 4, 5, 6, 11, 12, 13, 14, 15, 16, 17, 18, and 19 as amended by 2000 PA 255.

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. 188

Yeas—25

Ananich	Hansen	Kowall	Pavlov
Booher	Hildenbrand	Marleau	Proos
Casperson	Hune	Meekhof	Richardville
Caswell	Jansen	Moolenaar	Robertson
Colbeck	Jones	Nofs	Rocca
Emmons	Kahn	Pappageorge	Walker
Green			

Nays—13

Anderson	Hood	Johnson	Warren
Bieda	Hopgood	Schuitmaker	Whitmer
Brandenburg	Hunter	Smith	Young
Gregory			

Excused—0

Not Voting—0

In The Chair: Hansen

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 873, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 72103, 72104, 72112, and 72114 (MCL 324.72103, 324.72104, 324.72112, and 324.72114), sections 72103, 72104, and 72112 as added by 1995 PA 58 and section 72114 as added by 2010 PA 45; 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. 189

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Hansen

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Moolenaar's statement is as follows:

Thank you, Mr. President, for the opportunity today to speak on Senate Bill Nos. 873-877, a five-bill package that recognizes the growing network of multiuse trails in Michigan. For many Michigan families, enjoyment of the great outdoors on one of our state's trails is part of what makes Michigan a great place to live and work. At its heart, this legislative package is about celebrating trails that meet a higher standard of design, construction, and accessibility with the designation as a Pure Michigan Trail.

This five-bill package would allow for the designation by the DNR of Pure Michigan Trails, both land- and water-based, that have met a specific set of criteria, including public safety and appropriate public support facilities, such as parking, handicap access, and sanitary measures. The bills also create a new designation process of Trail Towns for communities that have taken active steps to plan for support of trail use in their area.

Each year, the state and local communities are adding more trails for residents to enjoy in a variety of ways, from walking or bicycling to snowmobiling or horseback riding. This initiative is about promoting Michigan's outstanding trails, towns that support those trails, and giving residents the ability to access local trail maps throughout the state online or on a smartphone.

I believe this package will highlight one of our state's greatest features and will be something of which Michiganders can be proud.

The following bill was read a third time:

Senate Bill No. 874, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1301, 72107, 72108, and 72109 (MCL 324.1301, 324.72107, 324.72108, and 324.72109), section 1301 as amended by 2013 PA 87, sections 72107 and 72109 as added by 1995 PA 58, and section 72108 as amended by 2004 PA 325.

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—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Hansen

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 875, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 72101 and 72102 (MCL 324.72101 and 324.72102), as amended by 2010 PA 46.

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—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Hansen

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 876, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 72105, 72105a, and 72106 (MCL 324.72105, 324.72105a, and 324.72106), sections 72105 and 72106 as added by 1995 PA 58 and section 72105a as amended by 2010 PA 46.

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—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Hansen

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 877, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 72110, 72110a, and 72115 (MCL 324.72110, 324.72110a, and 324.72115), section 72110 as amended by 2013 PA 248, section 72110a as added by 2010 PA 46, and section 72115 as added by 2010 PA 45.

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. 193**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: Hansen

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Meekhof moved that consideration of the following resolutions be postponed for today:

Senate Resolution No. 34**Senate Resolution No. 123**

The motion prevailed.

Senator Smith offered the following resolution:

Senate Resolution No. 134.

A resolution to urge the Congress of the United States to create the presumption of a service connection for diseases associated with Agent Orange exposure for Vietnam veterans who served in the waters defined by the combat zone and in the airspace over the combat zone.

Whereas, During the Vietnam War, the United States military sprayed 22 million gallons of Agent Orange and other herbicides over Vietnam to reduce forest cover and crops used by the enemy. These herbicides contained dioxin, which has since been identified as carcinogenic and has been linked with a number of serious and disabling illnesses affecting thousands of veterans; and

Whereas, The United States Congress passed the Agent Orange Act of 1991 to address the plight of veterans exposed to herbicides while serving in the Republic of Vietnam. The act presumptively recognizes certain diseases as service-connected among military personnel who served in Vietnam between 1962 and 1975. This presumption has provided access to appropriate disability compensation and medical care for Vietnam veterans diagnosed with illnesses such as type II diabetes, Hodgkin's disease, non-Hodgkin's lymphoma, prostate cancer, Parkinson's disease, multiple myeloma, peripheral neuropathy, AL amyloidosis respiratory cancers, and soft tissue sarcomas; and

Whereas, The policy of the United States Department of Veterans Affairs (VA) is to deny the presumption of a service connection for herbicide-related illnesses to Vietnam veterans who cannot furnish written documentation that they had "boots on the ground" in Vietnam. This makes it virtually impossible for countless United States Navy, Marine, and Air Force veterans to pursue their claims for benefits. Personnel who served on ships in the "Blue Water Navy" in Vietnamese territorial waters were also exposed to dangerous airborne toxins, which not only drifted offshore, but washed into streams and rivers draining into the South China Sea; and

Whereas, The Centers for Disease Control and Prevention found a higher risk of cancer among United States Navy veterans than other Vietnam veterans. Similarly, a study conducted by the Australian Department of Veterans Affairs found that Vietnam veterans of the Royal Australian Navy had a higher rate of mortality from Agent Orange-associated diseases than did Vietnam veterans from other branches of the military; and

Whereas, The United States Congress should reaffirm the nation's commitment to the well-being of all its veterans and direct the VA to administer the Agent Orange Act under the presumption that herbicide exposure in the Republic of Vietnam occurred in the country's inland waterways, offshore waters, and airspace, encompassing the entire combat zone; now, therefore, be it

Resolved by the Senate, That we respectfully urge the Congress of the United States to create the presumption of a service connection for diseases associated with Agent Orange exposure for veterans who served in the waters defined by the combat zone and in the airspace over the combat zone; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senators Bieda, Colbeck, Hopgood, Johnson, Marleau and Rocca were named co-sponsors of the resolution.

Senate Resolution No. 126.

A resolution to recognize the multifaceted importance of trails in Michigan and to celebrate the individuals and organizations who develop, maintain, advocate for, and promote this important resource within our state.

The question being on the adoption of the following committee amendment:

1. Amend the resolution, following the seventh Whereas clause, by inserting:

“Whereas, Equestrian groups have worked tirelessly to improve and maintain trails throughout the state in order to provide reasonable access, protect natural resources, and provide high-quality recreation opportunities for citizens throughout the state; and”.

The amendment was adopted.

The resolution as amended was adopted.

Introduction and Referral of Bills

Senator Hune introduced

Senate Bill No. 904, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13n of chapter XVII (MCL 777.13n), as amended by 2012 PA 513.

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

Senators Jones, Nofs and Marleau introduced

Senate Bill No. 905, entitled

A bill to amend 1968 PA 2, entitled “Uniform budgeting and accounting act,” (MCL 141.421 to 141.440a) by adding section 19a.

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

Senators Caswell, Colbeck, Jones, Nofs, Proos, Marleau, Emmons and Bieda introduced

Senate Bill No. 906, entitled

A bill to amend 1967 PA 150, entitled “Michigan military act,” by amending section 411 (MCL 32.811), as amended by 2000 PA 472.

The bill was read a first and second time by title and referred to the Committee on Veterans, Military Affairs and Homeland Security.

Senators Caswell, Jones and Nofs introduced

Senate Bill No. 907, entitled

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending section 61 (MCL 38.1361), as amended by 2012 PA 464.

The bill was read a first and second time by title and referred to the Committee on Reforms, Restructuring and Reinventing.

Statements

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

The motion prevailed.

Senator Casperson's statement is as follows:

Today, I just wanted to briefly mention a few things that have come to my attention. I received a letter from an individual who owns property in my district, and I guess I just want to throw this out there as food for thought. This property has been owned generationally. It goes three generations deep into his family. They're at a point right now where he can't sell his land. He can't build on his land. There's nothing he can do with his land except look at it because we in the government—oddly, a combination of legislators passing laws and departments passing rules—have deemed this land to all be wetlands.

As I think through this, when that land was purchased or when that family had this land—it goes quite a way beyond or is certainly deeper than when all this stuff happened—did anybody think through the fact that when we did these things—and the way we talk about using wetlands as an example—the impact it would have on private ownership of land, and do we even care?

He goes on to describe the taxes they pay on this land. It took them years to fight with the local units of government to get a reduction in his taxes because his land now was absolutely worthless to them. Yet he still pays taxes. He can't sell the land. He can't use the land, and he's paying taxes on the land to have the right to look at the land. That's the scenario we've created through the years of discussing this whole concept of wetlands and the importance of wetlands.

I'm not going to argue whether it is or isn't important, but I think as the government moves forward with this mentality about wetlands, I really wonder if they've ever really sat down and thought about the impact they have on the private citizen, which is, by the way, who we all represent. I've always had the understanding that the people are our bosses, and yet we're governing these people and regulating our bosses to the point that they can't even use their land anymore.

I bring that up because there's an issue happening right now in Washington with the EPA, and it's called "Waters of the United States." The EPA, it appears to me, is suggesting that they need to oversee all of the waterways within the United States. I would just submit to you, Mr. President, that if we allow this to happen, our freedoms as we know them are gone. What I see happening here is the issue of the importance of wetlands or the water has become a tool or a mechanism to control everything we do when it comes to the use of our land.

Man has done some pretty innovative things. They've done some things that needed to be corrected, and I would concede to that, but it seems like we've come to the point now where the government seems to be the arbitrator. They're the ones that get to determine what's acceptable for man to do and what's not. I think we're losing sight of who really is the boss here, at least in this country, and I hope we don't lose sight of that. I would ask that we think about that as we move forward with policies that are going to come from this chamber and the impact that those policies have on our rights and our freedoms.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 834, 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 2b (MCL 28.422b), as amended by 2001 PA 199.

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.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Rocca and Bieda

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. 881, 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 5o (MCL 28.425o), as amended by 2012 PA 123.

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.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Rocca and Bieda

Nays: None

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

The Committee on Judiciary reported
House Bill No. 4155, 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 5e (MCL 28.425e), as added by 2000 PA 381.

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, Rocca and Bieda

Nays: None

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

The Committee on Judiciary reported
House Bill No. 5091, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 234e (MCL 750.234e), as added by 1990 PA 321.

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, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported
House Bill No. 5092, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 222 (MCL 750.222), as amended by 2012 PA 242.

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, Rocca and Bieda
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported
House Bill No. 5325, 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 1 (MCL 28.421), as amended by 2012 PA 243.

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.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Rocca and Bieda
Nays: None
The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported
House Bill No. 5327, 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," (MCL 28.421 to 28.435) by adding section 1b.

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.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Rocca and Bieda
Nays: None
The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported
House Bill No. 5328, 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 5b (MCL 28.425b), as amended by 2008 PA 406.

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.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Rocca and Bieda

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, April 22, 2014, at 2:30 p.m., Room 210, Farnum Building

Present: Senators Jones (C), Rocca and Bieda

Excused: Senator Schuitmaker

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, April 22, 2014, at 12:09 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Caspersen (C), Kowall, Pavlov, Hansen, Hood and Ananich

Excused: Senator Brandenburg

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Tuesday, April 22, 2014, at 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Pappageorge (C), Jansen and Colbeck

Excused: Senator Johnson

Scheduled Meetings

Appropriations - Thursday, April 24, 10:30 a.m. or later immediately following session; and Friday, April 25, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Subcommittee -

State Police and Military Affairs - Thursday, April 24, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Finance - Wednesday, April 30, 12:30 p.m., Room 210, Farnum Building (373-5307)

Health Policy - Thursday, April 24, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5323)

Michigan Law Revision Commission - Tuesday, May 13, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0212)

Natural Resources, Environment and Great Lakes - Thursday, April 24, 8:30 a.m., Room 210, Farnum Building (373-5314)

Senate Fiscal Agency Board of Governors - Thursday, April 24, 8:30 a.m., Room S-324, Capitol Building (373-2768)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 11:51 a.m.

The Assistant President pro tempore, Senator Hansen, declared the Senate adjourned until Thursday, April 24, 2014, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate