

No. 8
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2014

Senate Chamber, Lansing, Tuesday, January 28, 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—excused
Hansen—present
Hildenbrand—present

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

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

Pastor Matthew Means of Celtic Cross Presbyterian Church of Warren offered the following invocation:

Gracious and loving God, on behalf of all who are present here today, we thank You for Your many and abundant blessings. Thank You for the gift of life itself, for the measure of health we need to fulfill our callings, for sustenance, and for friendship.

Thank you for calling each one of us to useful work for the good of Your people and for the honor of blessing us with the responsibilities of leadership. Despite who we are or how we fail one another, thank You for always embracing us with love and grace.

We lift in prayer the work of this body called to lead Your people with love in their hearts. As they complete their work, I pray that You would graciously grant them wisdom to govern amid the conflicting interests and issues of our times; a sense of the welfare and needs of our people; a hunger and thirst for justice and righteousness; confidence in what is good and honoring to all people; the ability to work together in harmony even when there is disagreement; personal peace in their lives; and joy in the many tasks before them.

I pray for the agenda set before them today. Provide an assurance of what is good and pleasing to You as each one seeks the benefit of those who live and work in and around the great state of Michigan.

We pray in Your holy and blessed name. Amen.

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

Motions and Communications

The following communication was received and read:

Office of the Auditor General

January 22, 2014

Enclosed is a copy of the following audit report:

Performance audit of Selected General and Application Controls of the State's Electronic Birth and Death Records, Department of Community Health and Department of Technology, Management, and Budget.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

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

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, January 23:

House Bill Nos. 4003 5146 5147 5148 5149 5150

The Secretary announced the enrollment printing and presentation to the Governor on Friday, January 24, for his approval the following bill:

Enrolled Senate Bill No. 337 at 11:04 a.m.

The Secretary announced that the following bills were printed and filed on Thursday, January 23, and are available at the Michigan Legislature website:

**House Bill Nos. 5228 5229 5230 5231 5232 5233 5234 5235 5236 5237 5238 5239 5240 5241
5242 5243 5244**

The Secretary announced that the following bills were printed and filed on Friday, January 24, and are available at the Michigan Legislature website:

**Senate Bill No. 743
House Bill Nos. 5245 5246 5247 5248 5249 5250 5251 5252 5253 5254 5255**

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

Senator Meekhof moved that Senators Proos and Pavlov be excused from today's session. The motion prevailed.

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

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

Senators Booher, Casperson and Richardville entered the Senate Chamber.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:04 a.m.

10:46 a.m.

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

During the recess, Senators Ananich, Young and Warren entered the Senate Chamber.

Messages from the Governor

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

Senate Bill No. 64

The motion prevailed.

The following messages from the Governor were received and read:

January 14, 2014

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

Michigan Board of Social Work

Kenneth J. Mazur of 21565 Nowlin Street, Dearborn, Michigan 48124, county of Wayne, representing professionals, succeeding himself, is reappointed for a term expiring December 31, 2017.

Michael Fiorillo of 26596 Alger Boulevard, Madison Heights, Michigan 48071, county of Oakland, representing professionals, succeeding Jane Hayes, is appointed for a term expiring December 31, 2017.

Teresa A. Muscat of 29165 Summerwood Court, Farmington Hills, Michigan 48334, county of Oakland, representing the general public, succeeding Michelle Woods, is appointed for a term expiring December 31, 2017.

January 15, 2014

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

Asian Pacific American Affairs Commission

David Long of 7315 Oliver Woods Drive, S.E., Grand Rapids, Michigan 49546, county of Kent, succeeding Ehsan Taqbeem, is appointed for a term expiring November 30, 2017.

January 15, 2014

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

Michigan Board of Chiropractic

Nicola I. Hawatmeh of 32047 Vegas Drive, Warren, Michigan 48093, county of Macomb, representing the general public, succeeding Julann Vittone, is appointed for a term expiring December 31, 2017.

Elizabeth J. Griffin of 60887 Valley View Boulevard, Mattawan, Michigan 49071, county of Van Buren, representing the general public, succeeding Constance Erskine, is appointed for a term expiring December 31, 2017.

Lanette M. VanWagenen of 360 Hillcrest Avenue, East Lansing, Michigan 48823, county of Ingham, representing the general public, succeeding Mark Stuart, is appointed for a term expiring December 31, 2017.

January 15, 2014

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

Governor's Task Force on Child Abuse and Neglect

Susan L. Hull of 250 Franklin Lake Circle, Oxford, Michigan 48371, county of Oakland, representing the child protective services agencies, succeeding herself, is reappointed for a term expiring December 31, 2016.

Lori A. Budnik of 365 South Fourth Street, Rogers City, Michigan 49779, county of Presque Isle, representing the child protective services agencies, succeeding herself, is reappointed for a term expiring December 31, 2016.

Luann R. Forbes of 7419 Hammond Road, Freeport, Michigan 49325, county of Barry, representing the parents, including, but not limited to, parents experienced in working with children with disabilities, succeeding herself, is reappointed for a term expiring December 31, 2016.

Betsy B. Boggs of 8130 Conservation Street, N.E., Ada, Michigan 49301, county of Kent, representing the parents' groups, succeeding herself, is reappointed for a term expiring December 31, 2016.

Terrance P. Gilsenan of 32121 Lancaster Drive, Warren, Michigan 48088, county of Macomb, representing the child advocates, including both attorneys for children and court appointed special advocates, succeeding himself, is reappointed for a term expiring December 31, 2016.

Lawrence Watkins of 2519 Kellar Avenue, Flint, Michigan 48506, county of Genesee, representing the child advocates, succeeding Dan Adams, is appointed for a term expiring December 31, 2016.

January 15, 2014

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

Hispanic/Latino Commission of Michigan

Julio H. Morales of 7170 Nantucket Drive, S.W., Bryon Center, Michigan 49315, county of Kent, succeeding himself, is reappointed for a term expiring December 10, 2016.

Gilberto Guevara of 711 Millard Street, Saginaw, Michigan 48607, county of Saginaw, succeeding himself, is reappointed for a term expiring December 10, 2016.

Norma L. Huizar of 1364 Berkshire Road, Grosse Pointe Park, Michigan 48230, county of Wayne, succeeding herself, is reappointed for a term expiring December 10, 2016.

Sonya M. Hernandez of 1053 Becker Road, Muskegon, Michigan 49445, county of Muskegon, succeeding Olga Hernandez-Patino, is appointed for a term expiring December 10, 2015.

Armando Hernandez of 3058 Misty Creek Drive, Swartz Creek, Michigan 48473, county of Genesee, succeeding Raquel Castaneda-Lopez, is appointed for a term expiring December 10, 2016.

January 15, 2014

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

Board of Real Estate Appraisers

Robin J. Wybenga of 2779 Frank Street, Traverse City, Michigan 49686, county of Grand Traverse, representing the general public, succeeding Lisa Burroughs, is appointed for a term expiring June 30, 2016.

January 15, 2014

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

Michigan Board of Respiratory Care

Debra L. Dix of 220 S. Pansy Street, Ishpeming, Michigan 49849, county of Marquette, representing respiratory therapists, succeeding herself, is reappointed for a term expiring December 31, 2017.

Cheryl Sherburn of 4065 Nobhill Drive, Norton Shores, Michigan 49441, county of Muskegon, representing respiratory therapists, succeeding John Rinck, is appointed for a term expiring December 31, 2017

January 15, 2014

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

State 9-1-1 Committee

Yvette M. Collins of 312 Midvale Avenue, Lansing, Michigan 48912, county of Ingham, representing the commercial mobile radio service, succeeding herself, is reappointed for a term expiring December 31, 2015.

Donald J. Welch, Jr., of 2665 Override Drive, Ann Arbor, Michigan 48104, county of Washtenaw, representing the general public, succeeding himself, is reappointed for a term expiring December 31, 2015.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

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 President pro tempore, Senator Schuitmaker, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

Senate Bill No. 711, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4d (MCL 205.54d), as amended by 2008 PA 556.

The bill was placed on the order of Third Reading of Bills.

Resolutions

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

Senate Resolution No. 34

Senate Resolution No. 108

The motion prevailed.

Senators Green and Emmons offered the following resolution:

Senate Resolution No. 110.

A resolution to memorialize the President and the Congress of the United States to ensure that the new Farm Bill includes changes to the mandatory country-of-origin labeling rules so that they satisfy World Trade Organization obligations.

Whereas, Mandatory country-of-origin labeling (COOL) rules require meats sold at retail stores to be labeled with information on the source of the meat. COOL was implemented to give consumers more information about the origins of the food they select and eat; and

Whereas, In a case brought by Mexico and Canada, the World Trade Organization (WTO) found that the original mandatory COOL rules were discriminatory toward meat products from other countries. The WTO ruled that the labeling requirements did not comply with United States international trade obligations, and it gave the U.S. until May 23, 2013, to make the rules WTO-compliant. In response, the U.S. Department of Agriculture (USDA) finalized new mandatory COOL rules; and

Whereas, The U.S. pork and beef industries, Mexico, and Canada all agree that the new mandatory COOL rules are even more onerous than the previous rules. Mexico and Canada have already filed a challenge to the new rules with the WTO, and the WTO is likely to issue a decision on this case in 2014. Unfortunately, the USDA established a very short implementation period for the new rules, which will not give the WTO time to make a decision before the rules go into effect; and

Whereas, The pork and beef industries could suffer serious economic consequences if the WTO decides these new rules are not compliant. First, Mexico and Canada could place retaliatory tariffs on U.S. meat exports. Retaliatory tariffs would have major economic consequences for our pork and beef producers. Mexico and Canada were the second- and fourth-largest export markets by value for U.S. pork, with exports totaling \$1.13 billion and \$856 million, respectively, in 2012. Furthermore, U.S. meat packers and producers would have to shift their production and labeling processes twice, instead of once, causing major disruptions and increased production costs for the pork and beef industries; and

Whereas, Retaliatory tariffs may not be limited to meat products. Mexico and Canada could place retaliatory tariffs on other agricultural products, such as soybeans, corn, wheat, fruits, or dry beans. In 2012, 80 percent of Michigan's agricultural exports went to these countries, accounting for \$321.6 million in trade; and

Whereas, The potential economic disruption from the new mandatory COOL rules is not outweighed by its supposed benefits. Surveys indicate consumers are unaware this information is available on meat packages. Research also indicates this is not necessarily the type of information consumers are seeking. Thus, it makes little sense to move forward with these rules as they currently read; now, therefore, be it

Resolved by the Senate, That we memorialize the President and the Congress of the United States to ensure that the new Farm Bill includes changes to the mandatory country-of-origin labeling rules so that they satisfy World Trade Organization obligations; and be it further

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

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Meekhof 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 Meekhof moved that the resolution be referred to the Committee on Agriculture.

The motion prevailed.

Senators Brandenburg, Jones and Marleau were named co-sponsors of the resolution.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Proos, Booher, Hansen, Pappageorge and Nofs introduced

Senate Bill No. 744, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12522 (MCL 333.12522).

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

House Bill No. 4003, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 28 (MCL 205.28), as amended by 2010 PA 313, and by adding section 23a.

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 Finance.

House Bill No. 5146, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 4404, 4420, 4424, 4426, 4434, 4438, 4442, and 4446 (MCL 500.4404, 500.4420, 500.4424, 500.4426, 500.4434, 500.4438, 500.4442, and 500.4446), section 4404 as amended by 2006 PA 511 and section 4424 as amended by 2008 PA 497.

The House of Representatives has passed the bill.

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

House Bill No. 5147, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2236 (MCL 500.2236), as amended by 2002 PA 664; and to repeal acts and parts of acts.

The House of Representatives has passed the bill.

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

House Bill No. 5148, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 912 and 924 (MCL 500.912 and 500.924), as amended by 2002 PA 462.

The House of Representatives has passed the bill.

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

House Bill No. 5149, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 603 (MCL 500.603), as added by 2003 PA 208.

The House of Representatives has passed the bill.

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

House Bill No. 5150, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 4016 and 4073 (MCL 500.4016 and 500.4073), section 4073 as added by 1980 PA 58.

The House of Representatives has passed the bill.

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

Statements

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

The motion prevailed.

Senator Kahn's statement is as follows:

Tonight, President Obama will deliver his annual State of the Union address to Congress and the American people. Just as our State of the State address is important, this address is one of the most important speeches of the year. It is intended to offer an assessment of the current state of the country as well as the coming congressional agenda.

I believe, and so does the National Fix the Debt Committee believes, that the President could and should do the following:

No. 1. Remind the public that our debt problems are not solved. With annual deficits, yes, improving, we still have not, despite that improvement, stabilized our debt as a share of the gross domestic product. Our failure to do this going forward burdens our children, our grandchildren, and all future generations, and the burden is large. One could argue that it even destabilizes the entire nation. It will require presidential leadership to get this issue onto our national agenda. I urge it be considered by the President for this speech.

No. 2. The President needs to present ideas to make entitlement programs more sustainable. The State of the Union can and should be used to offer policy solutions to help ensure that Social Security, Medicare, and Medicaid remain solvent and strong for future generations. These are issues that we at the state level have sought to address, and they should be addressed at a national level too. Making changes to these important programs sooner rather than later is important to decrease the necessity for more drastic changes as time goes on. It is also important to strengthen them and protect those who depend upon them.

No. 3. I urge consideration of comprehensive tax reform to encourage growth and competitiveness and jobs for our country. President Obama should call for comprehensive individual tax reform in his State of the Union address. He should express support for tax reform efforts already underway in Congress and, in particular, sponsored by Congressman Camp. He should explain how tax reform can improve fairness, reduce mind-numbing complexity, decrease compliance costs, foster competitiveness, and grow our economy. These changes benefit us all.

No. 4. He needs to offer ideas on how to prepare to pay for new proposals that will be presented tonight. We need to identify ways to pay for those proposals of the past as well. The principle of pay-as-you-go embodied in every state government, county government, and every township government needs to wend its way to Washington.

No. 5. We need him to explain the important connection between jobs, economic mobility, competitiveness, and the debt. I urge the President to show how debt affects issues on which he is focused and we are focused, rather than turning away from this part of our economic challenge.

I hope tonight as we listen to the President of the United States that these things are addressed.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Tuesday, January 23, 2014, at 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Marleau (C), Robertson, Emmons, Jones, Schuitmaker, Warren and Johnson

Excused: Senators Hune and Ananich

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Friday, January 24, 2014, at 10:00 a.m., 15100 Northline Road, Suite 179, Southgate

Present: Senators Kowall (C), Nofs, Emmons, Smith and Ananich

Absent: Senators Hildenbrand and Hansen

Scheduled Meetings

Appropriations - Wednesday, January 29, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Appropriations and House Appropriations Committee - Wednesday, February 5, 11:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Subcommittees -

Agriculture and Rural Development - Tuesdays, February 11, February 18, February 25, March 11, March 18 and March 25, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Capital Outlay - Wednesday, January 29, 4:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Community Colleges - Wednesday, February 19, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Corrections Department - Thursday, January 30, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-2768)

Higher Education - Thursday, February 6, 10:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building; Thursday, February 13, 1:00 p.m., Michigan State University, Union Building, Lake Huron Room, 49 Abbott Road, East Lansing; Thursday, February 20, 9:00 a.m., Rooms 402 and 403, Capitol Building; and Thursday, February 27, 1:30 p.m., Grand Valley State University, DeVos Center, Loosemore Auditorium, 401 Fulton Street West, Grand Rapids (373-2768)

Higher Education and House Higher Education Appropriations Subcommittee - Thursday, January 30, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

K-12, School Aid, Education - Thursday, February 6, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

K-12, School Aid, Education, Education Committee, House Education Committee, House Education Appropriations Subcommittee and House School Aid Appropriations Subcommittee - Wednesday, February 5, 2:30 p.m. or later after committees are given leave by the House to meet, Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

State Police and Military Affairs - Thursdays, January 30, 1:30 p.m., Rooms 402 and 403; February 20, 3:00 p.m., Rooms 402 and 403; February 27, 3:00 p.m., Room 405; and March 6, March 13, March 27 and April 17, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Banking and Financial Institutions - Thursday, January 30, 1:30 p.m., Room 100, Farnum Building (373-5314)

Economic Development - Wednesday, January 29, 1:30 p.m., Room 110, Farnum Building (373-5312)

Education, K-12, School Aid, Education Appropriations Subcommittee, House Education Committee, House Education Appropriations Subcommittee and House School Aid Appropriations Subcommittee - Wednesday, February 5, 2:30 p.m. or later after committees are given leave by the House to meet, Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

Families, Seniors and Human Services - Wednesday, January 29, 3:00 p.m., Room 210, Farnum Building (373-5323)

Finance - Wednesday, January 29, 12:30 p.m., Room 210, Farnum Building (373-5307)

Health Policy - Wednesday, January 29, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5312)

Michigan Law Revision Commission - Thursday, February 13, 12:00 noon, Rooms 402 and 403, Capitol Building (373-0212)

Natural Resources, Environment and Great Lakes - Thursday, January 30, 9:00 a.m., Room 210, Farnum Building (373-5312)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 10:59 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Wednesday, January 29, 2014, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate