

No. 25
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2013

Senate Chamber, Lansing, Thursday, March 14, 2013.

10:00 a.m.

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

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

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

Reverend Tom Seppo of Operation Transformation of Port Huron offered the following invocation:

Our dear Heavenly Father, I want to say thank You. We stop this morning to pause and take time to call upon Your name in this great hall. It truly is a privilege this morning to be with some of the brightest and best men and women in this country. They represent some 10 million people in the greatest state in our Union. In saying that, we need not to think too highly of ourselves, so we humble ourselves today to ask You for Your intervention. As You said in Micah 6:8, You have told us what is good and what You require of us to do, and that is to do justice, to love kindness, and to walk humbly in Your sight.

I pray that You will give these Senators great strength as they face the many strong temptations of pride, arrogance, greed, deceitfulness, sexual immorality, alcohol abuse, and discouragement. I pray that You would cause them to grow in You, so that they will receive Your great power to resist these traps that can destroy their lives and families as well as their effectiveness as leaders.

We ask You to give them the spirit of courage to do the right thing, no matter what cost is personal to them; that they may be strong and of good courage; to observe to do according to all the laws; and that this book of the law should not depart from their mouths, but that they should meditate in it day and night and to do all that is written in it. Then You said You would make our way prosperous and that we would have good success.

Finally, I pray that You would grant our leaders a spirit of wisdom and discernment; that they would have clarity and good sense to make the difficult decisions that affect the good people of our great state of Michigan. You said that if anyone lacks wisdom, let them ask of You. You give to all liberally, and it will be given to us.

We pray these things in Your most powerful name, the name of our Lord and Savior Jesus Christ. Amen.

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

Motions and Communications

Senators Robertson, Schuitmaker and Smith entered the Senate Chamber.

Senator Hunter moved that the Committee on Reforms, Restructuring and Reinventing be discharged from further consideration of the following bills:

Senate Bill No. 95, entitled

A bill to amend 1939 PA 176, entitled “An act to create a commission relative to labor disputes, and to prescribe its powers and duties; to provide for the mediation and arbitration of labor disputes, and the holding of elections thereon; to regulate the conduct of parties to labor disputes and to require the parties to follow certain procedures; to regulate and limit the right to strike and picket; to protect the rights and privileges of employees, including the right to organize and engage in lawful concerted activities; to protect the rights and privileges of employers; to make certain acts unlawful; and to prescribe means of enforcement and penalties for violations of this act,” by amending sections 1, 2, 8, 14, 17, and 22 (MCL 423.1, 423.2, 423.8, 423.14, 423.17, and 423.22), as amended by 2012 PA 348.

Senate Bill No. 96, entitled

A bill to amend 1947 PA 336, entitled “An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; to prescribe means of enforcement and penalties for the violation of the provisions of this act; and to make appropriations,” by amending sections 9, 10, and 15 (MCL 423.209, 423.210, and 423.215), as amended by 2012 PA 349.

The question being on the motion to discharge,

Senator Meekhof moved that further consideration of the motion be postponed for today.

The motion prevailed.

Senator Hunter requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 46

Yeas—26

Booher
Brandenburg

Hansen
Hildenbrand

Marleau
Meekhof

Proos
Richardville

| | | | |
|-----------|--------|-------------|-------------|
| Casperson | Hune | Moolenaar | Robertson |
| Caswell | Jansen | Nofs | Rocca |
| Colbeck | Jones | Pappageorge | Schuitmaker |
| Emmons | Kahn | Pavlov | Walker |
| Green | Kowall | | |

Nays—11

| | | | |
|----------|---------|---------|---------|
| Anderson | Hood | Johnson | Whitmer |
| Bieda | Hopgood | Smith | Young |
| Gregory | Hunter | Warren | |

Excused—0**Not Voting—0**

In The Chair: President

Senator Whitmer moved that the Senate adjourn.

The motion did not prevail.

Senator Hunter requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion did not prevail, a majority of the members not voting therefor, as follows:

Roll Call No. 47**Yeas—11**

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

Nays—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 | | |

Excused—0**Not Voting—0**

In The Chair: President

The Secretary announced that the following bills and joint resolutions were printed and filed on Wednesday, March 13, and are available at the Michigan Legislature website:

| | | | | | | | | | | | | | | | |
|--------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Senate Bill Nos. | 253 | 254 | 255 | 256 | 257 | 258 | 259 | 260 | | | | | | | |
| House Bill Nos. | 4401 | 4402 | 4403 | 4404 | 4405 | 4406 | 4407 | 4408 | 4409 | 4410 | 4411 | 4412 | 4413 | 4414 | 4415 |
| | 4416 | 4417 | 4418 | 4419 | 4420 | 4421 | 4422 | 4423 | 4424 | 4425 | 4426 | 4427 | 4428 | | |
| | 4429 | 4430 | 4431 | 4432 | 4433 | 4434 | 4435 | 4436 | 4437 | 4438 | 4439 | 4440 | | | |
| House Joint Resolutions | O | P | | | | | | | | | | | | | |

Messages from the Governor

The following message from the Governor was received and read:

March 12, 2013

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

Michigan Board of Nursing

Cynthia L. Fenske of 4283 St. Andrew's Way, Ann Arbor, Michigan 48103, county of Washtenaw, representing registered professional nurses with a master's degree engaged in nursing education in a baccalaureate or higher program, succeeding Teresa Thompson, is appointed for a term expiring June 30, 2015.

Sincerely,
Rick Snyder
Governor

The appointment was referred to the Committee on Government Operations.

Third Reading of Bills

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

Senate Bill No. 171

Senate Bill No. 172

Senate Bill No. 234

Senate Bill No. 218

Senate Bill No. 252

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 171, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40119 (MCL 324.40119), as amended by 2004 PA 587.

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. 48

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 172, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 73109 and 73110 (MCL 324.73109 and 324.73110), as amended by 1998 PA 546.

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. 49

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 234, entitled

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

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. 50**Yeas—37**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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:

Senate Bill No. 234 allows for a fundraising license plate to be created for Ducks Unlimited. Ducks Unlimited is the world's largest private, nonprofit waterfowl and wetlands conservation organization. By any measure, Ducks Unlimited is one of the largest conservation/environmental groups in the world. There are over 26,000 Ducks Unlimited members in Michigan alone. Ducks Unlimited is known for its focus on science and research to address the habitat needs of waterfowl.

Although a great deal of work has been done and many important questions answered, there is still much to learn about how the birds respond to landscape, habitat, and environmental changes. This bill will help continue Ducks Unlimited's conservation mission by enabling the organization to raise funds to help with education and increase awareness regarding wetland habitat conservation in Michigan. Seventeen other states have passed Ducks Unlimited license plate legislation, including many Midwest states like Wisconsin, Illinois, Indiana, Ohio, and Pennsylvania.

I ask for my colleagues' support for Senate Bill No. 234.

The following bill was read a third time:

Senate Bill No. 218, entitled

A bill to amend 2008 PA 94, entitled "Water resource improvement tax increment finance authority act," by amending sections 3 and 10 (MCL 125.1773 and 125.1780); 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. 51**Yeas—32**

| | | | |
|--------|---------|--------|--------------|
| Bieda | Gregory | Kahn | Proos |
| Booher | Hansen | Kowall | Richardville |

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|-------------|-------------|-------------|-------------|
| Brandenburg | Hildenbrand | Marleau | Robertson |
| Casperson | Hopgood | Meekhof | Rocca |
| Caswell | Hune | Moolenaar | Schuitmaker |
| Colbeck | Hunter | Nofs | Smith |
| Emmons | Jansen | Pappageorge | Walker |
| Green | Jones | Pavlov | Young |

Nays—5

| | | | |
|----------|---------|--------|---------|
| Anderson | Johnson | Warren | Whitmer |
| Hood | | | |

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Whitmer, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 218 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Whitmer’s statement is as follows:

While I support the need for dredging and I acknowledge that need, I have some concerns about Senate Bill No. 218 and expanding the allowable use of water resource TIFAs for dredging.

First, I will acknowledge that TIFAs were designed to do improvements, like building a marina or a boat launch, not for maintenance, under the law.

Second, TIFAs operate by capturing the future increase in property tax values to repay the bond obligations of the local unit. I am concerned that we are setting our local units up for failure. With the pending changes to the personal property tax, we have already shrunk the tax base of many of our local units. Allowing them to expand their future debt obligations at the same time we are shrinking their revenues does not seem fiscally prudent.

Third, this bill expands the definition of water resource district. My legal concern here is that benefit derived from dredging is too remote to be enjoyed by many of the property owners included within the special assessment district. Therefore, I am reluctant to support a financing scheme that is likely to be challenged in court.

For these reasons, I will be a “no” vote on Senate Bill No. 218.

The following bill was read a third time:

Senate Bill No. 252, entitled

A bill to establish a marina dredging loan origination program; to authorize certain loan guarantees; to prescribe the powers and duties of certain state agencies and officials; and to provide for an appropriation.

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. 52**Yeas—37**

| | | | |
|----------|-------------|--------|--------------|
| Anderson | Hansen | Kahn | Richardville |
| Bieda | Hildenbrand | Kowall | Robertson |

| | | | |
|-------------|---------|-------------|-------------|
| Booher | Hood | Marleau | Rocca |
| Brandenburg | Hopgood | Meekhof | Schuitmaker |
| Casperson | Hune | Moolenaar | Smith |
| Caswell | Hunter | Nofs | Walker |
| Colbeck | Jansen | Pappageorge | Warren |
| Emmons | Johnson | Pavlov | Whitmer |
| Green | Jones | Proos | Young |
| Gregory | | | |

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Jones, Casperson and Marleau introduced

Senate Bill No. 265, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 801j (MCL 257.801j), as added by 2012 PA 498.

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

Statements

Senators Bieda and Young asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Bieda’s statement is as follows:

Today, I would like to bring your attention to dystonia awareness. Last year, I presented a resolution on dystonia awareness that was adopted by the Senate. I offered it in support of one of my constituents from Warren, Jason Dunn, who has been suffering from dystonia since his early childhood.

Due to a lack of widespread awareness, dystonia symptoms are often misunderstood by the public or even misdiagnosed by medical doctors as cerebral palsy, muscular dystrophy, or other psychiatric disorders. As a disease that affects nervous and muscular systems, the body tends to contract involuntarily into abnormal postures and produce muscle spasms.

Jason Dunn, along with approximately 300,000 people in the United States, suffers from these symptoms of dystonia that often interfere with his daily activities. Unfortunately, at this time, there is no cure. Treatments are geared toward limiting the extent of the symptoms, but further research for therapy and a cure are being pursued.

I am bringing this to your attention today in honor of Jason Dunn’s birthday, which is tomorrow March 15. I want to thank you for your time. I hope that you can spread awareness or look into a little bit of these afflictions that impact our citizenry. Help to spread awareness of dystonia and further research in order to help those battling this horrible and debilitating disease. I also hope that you join me in wishing Jason Dunn a very happy birthday.

Senator Young’s statement is as follows:

Mr. President, I would like to start off this statement of mine with a quote: “The lynchpin of emancipation is democracy.” Mr. President, as you’re well aware, today is supposed to be the day that Governor Snyder is supposed to appoint an EM over the city of Detroit. My question that my constituents have been asking me, that I have asked myself is: “Does

Governor Snyder think that the votes of Detroiters matter? Does he think that they count?" If he does, how can he support the largest takeover in this country, to potentially be able to wipe out the elected officials of my city, the city of Detroit? That's anti-democratic.

The city of Detroit is the home of Rosa Parks, who sat down so that a movement could stand up. The city of Detroit is a place where Martin Luther King, Jr., gave his first "I Have a Dream" speech. Mr. President, what was the purpose of the people of the Civil Rights Movement, whose broad shoulders I stand on today? What was the purpose of them being beaten? What was the purpose of them having dogs sicced on them? What was the purpose of them being jailed? What was the purpose of them dying? By the stroke of a pen, Governor Snyder can take away the most precious and sacred right we have fundamentally as Americans—the right to vote. This is something that deserves a direct response, Mr. President.

Anyone who believes that we should sacrifice democracy indefinitely for fiscal austerity temporarily does not deserve to make decisions in a democracy or determine who should have fiscal austerity. Mr. President, that is an outrage. The fact that I had to find that out via a reporter and not the Governor himself is disrespectful, and dare I say cowardice. If you are going to do this, at least step up and tell me. I understand that I am in the minority. I can count. I know that 26 is bigger than 12, but at least have the courage of your conviction, and tell me what is going on. My constituents deserve that.

Mr. President, I come from a place where firefighters are negotiating for toilet paper, where police officers have to deal with the three B's: bullets, badges, and Bridge Cards; where city workers work for the city part-time and then live in homeless shelters. I have not heard any sort of plan from this Governor or anybody he is sending in about the economic vitality or investment in the city of Detroit. You can't lock everybody up, lay everybody off, and think magically that the pixie dust from the Tea Party hobbits is going to transform the city of Detroit. There has to be a plan to put Detroiters back to work. Mr. President, simply put: Where are the jobs? That's what I thought we were up here to do; that's what I was sent up here by my constituents to do—to find jobs. I haven't seen them, and nothing is going to change until that happens.

Committee Reports

The Committee on Outdoor Recreation and Tourism reported

Senate Bill No. 243, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 78108 and 78110 (MCL 324.78108 and 324.78110), section 78108 as amended by 2003 PA 19 and section 78110 as amended by 2010 PA 302.

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.

Goeffrey M. Hansen
Chairperson

To Report Out:

Yeas: Senators Hansen, Hildenbrand, Meekhof, Casperson and Moolenaar

Nays: None

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

The Committee on Economic Development reported

Senate Bill No. 256, entitled

A bill to amend 2008 PA 398, entitled "Michigan supply chain management development commission act," by amending the title and sections 1, 2, 3, and 4 (MCL 125.1891, 125.1892, 125.1893, and 125.1894).

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Michael W. Kowall
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons, Hansen and Smith

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Wednesday, March 13, 2013, at 1:30 p.m., Room 110, Farnum Building

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

Excused: Senator Hunter

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Wednesday, March 13, 2013, at 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Pavlov (C), Emmons, Colbeck, Hopgood and Young

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

Agriculture and Rural Development - Tuesday, April 9, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Capital Outlay - Wednesday, March 20, 4:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

General Government - Tuesdays, March 19 and April 9, 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Human Services Department - Tuesday, March 19, 2:00 p.m., Room 405, Capitol Building (373-2768)

Judiciary - Thursday, March 21, 9:00 a.m., Room 100, Farnum Building (373-2768)

K-12, School Aid, Education - Wednesday, March 20, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police and Military Affairs - Thursday, April 11, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Judiciary - Tuesday, March 19, 2:30 p.m., Room 110, Farnum Building (373-5323)

Natural Resources, Environment and Great Lakes - Thursday, March 21, 8:30 a.m., Room 210, Farnum Building (373-5323)

State Drug Treatment Court Advisory Committee - Tuesday, March 26, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 10:39 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Tuesday, March 19, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate