

No. 67
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2013

Senate Chamber, Lansing, Tuesday, September 10, 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.

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

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

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

Senator Mark C. Jansen of the 28th District offered the following invocation:

Dear Heavenly Father, we want to come to You today to thank You for another beautiful day. We thank You for the creation that You have surrounded us with here in the state of Michigan: A landscape filled with fresh water, trees, rivers, wildlife, and sunrises and sunsets on our east and west coasts. Lord, we thank You for food that is in abundance that we can share with others in this world.

Lord, we thank You for the people here in the state of Michigan. Today I pray for this Senate and leaders, each of us, as we represent You in our jobs that we do here. I pray that we will be honoring and praise Your name in whatever we say, whatever we do, and whatever we think.

Now I pray blessings on the state of Michigan, its people, and its leaders. Lord, I pray that we will be wise beyond our years and that we may be an example to the rest of the nation and even to the world. We pray this in the powerful name of our Lord 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 Richardville, Green and Pappageorge entered the Senate Chamber.

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

Senator Meekhof moved that Senator Casperson be temporarily excused from today's session. The motion prevailed.

Senator Meekhof moved that Senators Brandenburg, Proos, Hansen and Jones be excused from today's session. The motion prevailed.

Senators Casperson and Johnson entered the Senate Chamber.

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

September 4, 2013

Enclosed is a copy of the following audit report:
Performance audit of the Macomb Correctional Facility, Department of Corrections.

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

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

The following communication was received:
Office of Children's Ombudsman

July 2013

In accordance with my statutory responsibility as the Children's Ombudsman, I respectfully submit the Fiscal Year 2012 Annual Report.

This report provides an overview of the activities of the Office of Children's Ombudsman from October 1, 2011 to September 30, 2012, and an analysis of the complaints received and investigated. In addition to the analysis are recommendations for positive change in the child welfare system to improve outcomes for children.

The Office of Children's Ombudsman appreciates the leadership and support of Governor Snyder, the Michigan Legislature, and the Department of Human Services. Thank you for the opportunity to serve the children of Michigan.

Respectfully,
Verlie M. Ruffin
Director

The communication was referred to the Secretary for record.

The Secretary announced that the following bills and joint resolution were printed and filed on Wednesday, September 4, and are available at the Michigan Legislature website:

Senate Bill No. 463
Senate Joint Resolution AA
House Bill Nos. 4938 4939 4940

The Secretary announced that the following bills and joint resolution were printed and filed on Thursday, September 5, and are available at the Michigan Legislature website:

House Bill Nos. 4941 4942 4943 4944 4945 4946 4947 4948 4949 4950 4951 4952 4953 4954
4955 4956 4957 4958 4959 4960 4961
House Joint Resolution X

Messages from the Governor

The following message from the Governor was received and read:

August 30, 2013

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

Michigan Board of Nursing

Glenn P. O'Connor of 622 Renaud Drive, Grosse Pointe Woods, Michigan 48236, county of Wayne, representing nurse anesthetists, succeeding Earl Auty, is appointed for a term expiring June 30, 2017.

Denise R. Howard of 3636 Schauman Drive, Saginaw, Michigan 48601, county of Saginaw, representing licensed practical nurses, succeeding Brigit McMillan, is appointed for a term expiring June 30, 2017.

Sincerely,
 Rick Snyder
 Governor

The appointments were referred to the Committee on Government Operations.

The President of the Senate made a statement and requested that it be printed in the Journal.

The President's statement is as follows:

"The Michigan State Police (MSP) is confirming that Trooper Paul Butterfield of the Hart Post died last night after being shot while conducting a traffic stop.

At 6:20 p.m., Butterfield stopped a vehicle on Custer Road near Townline Road in Mason County. At 6:23 p.m., a passing motorist called 9-1-1 to report finding Butterfield on the ground with a gunshot wound to the head. Butterfield was airlifted to Munson Hospital, where he passed away during emergency surgery.

Last night, Col. Kriste Kibbey Etue, director of the MSP issued the following statement: 'Tonight we lost a hero. The entire MSP family, as well as our greater law enforcement family, mourns alongside the Butterfields. Trooper Butterfield's sacrifice will never be forgotten; may he rest in peace.'

Trooper Butterfield joined the MSP in 1999, graduating as a member of the 118th Trooper Recruit School. He has served at the Manistee and Hart posts. He is a veteran of the U.S. Army.

The MSP wishes to acknowledge our many law enforcement partners who assisted in the search for the suspects last evening and who continue to provide support to our department during this difficult time."

A moment of silence was observed in memory of fallen State Trooper Paul Butterfield.

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, Lieutenant Governor Calley, designated Senator Hopgood as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Calley, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

Senate Bill No. 325, entitled

A bill to adopt the uniform child abduction prevention act; to allow courts in this state to impose measures to prevent the abduction of children; to establish standards for determining whether a child is subject to a significant risk of abduction; and to provide remedies.

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:
House Bill No. 4732, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending sections 2a and 10 (MCL 125.1502a and 125.1510), section 2a as amended by 2012 PA 103 and section 10 as amended by 1999 PA 245.

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. 409, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 316 (MCL 750.316), as amended by 2006 PA 415.

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.

Resolutions

Senator Young entered the Senate Chamber.

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

Senate Resolution No. 34

The motion prevailed.

Senator Colbeck offered the following resolution:

Senate Resolution No. 82.

A resolution designating September 11-17, 2013, as Michigan Patriot Week.

Whereas, The Legislature recognizes that understanding American history and America's First Principles are indispensable to the survival of our republic as a free people. In great reverence to the victims of the September 11, 2001, attacks, the Legislature acknowledges that American citizens must take time to honor the First Principles, founders, documents, and symbols of their history; and

Whereas, The events that led to the signing of *The Constitution of the United States of America* by the delegates of the Constitutional Convention on September 17, 1787, have significance for every American and are honored in public schools across the nation on September 17 of each year as Constitution Day; and

Whereas, Revolution, the rule of law, social compact, equality, unalienable rights, and limited government are the First Principles upon which America was founded and flourishes; and

Whereas, Exceptional, visionary, and indispensable Americans such as Thomas Paine, Patrick Henry, John Adams, John Marshall, George Washington, Abraham Lincoln, Frederick Douglass, Martin Luther King, Jr., Elizabeth Cady Stanton, Susan B. Anthony, Thomas Jefferson, and James Madison founded and advanced the United States; and

Whereas, The Declaration of Independence, the Constitution and the congressional resolution forwarding the Constitution to the states, Marbury v Madison, Seneca Falls Declaration of Sentiments and Resolutions, the Gettysburg Address, the Emancipation Proclamation, and the "I Have a Dream" speech are key documents that embody America's First Principles and have advanced American liberty; and

Whereas, The Bennington Flag, original Betsy Ross American flag, current American Flag, Suffragist Flag, Fort Sumter Flag, Gadsden Flag, and flag of the state of Michigan are fundamental physical symbols of American history and freedom that should be studied and remembered by each American citizen; now, therefore, be it

Resolved by the Senate, That we hereby designate September 11-17, 2013, as Michigan Patriot Week, which symbolically begins on September 11 and concludes on September 17, Constitution Day. We recognize that each generation needs to renew the spirit of America based on America's First Principles, historical figures, founding documents, and symbols of America. The citizens, schools and other educational institutions, government agencies, municipalities, and nonprofit, religious, labor, community, and business organizations are urged to recognize and participate in Patriot Week by honoring and celebrating so that all may offer the reverence that is due to our free republic; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Council for Social Studies, Michigan Center for Civic Education, State Board of Education, State Bar of Michigan, Oakland County Bar Association, Oakland County Circuit Court, Senate Majority Leader Randy Richardville, Speaker of the House Jase Bolger, and Governor Rick Snyder.

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 resolution was adopted.

Senators Bieda, Booher, Casperson, Caswell, Emmons, Green, Gregory, Hildenbrand, Hunter, Jansen, Kahn, Kowall, Marleau, Meekhof, Moolenaar, Nofs, Pappageorge, Pavlov, Richardville, Robertson, Rocca, Schuitmaker and Walker were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators Warren, Hunter, Hansen, Hopgood, Ananich, Anderson, Gregory and Hood introduced

Senate Bill No. 464, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending the title and section 302 (MCL 37.2302), the title as amended by 1992 PA 258.

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

Senator Schuitmaker introduced

Senate Bill No. 465, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1301, 5307, and 5402 (MCL 700.1301, 700.5307, and 700.5402).

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

Senator Schuitmaker introduced

Senate Bill No. 466, entitled

A bill to enact the uniform adult guardianship and protective proceedings jurisdiction act; and to provide procedures to resolve interstate controversies relating to multiple jurisdiction and the transfer and out-of-state recognition of adult guardianships, conservatorships, and other protective proceedings.

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

Senators Ananich, Hopgood, Young and Johnson introduced

Senate Bill No. 467, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 523 (MCL 168.523), as amended by 2012 PA 523.

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

Senators Smith and Kowall introduced

Senate Bill No. 468, entitled

A bill to amend 1917 PA 350, entitled "An act to regulate and license second hand dealers and junk dealers; and to prescribe penalties for the violation of the provisions of this act," by amending the title and section 8 (MCL 445.408), section 8 as amended by 2008 PA 428, and by adding section 2a.

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

Senators Smith and Kowall introduced

Senate Bill No. 469, entitled

A bill to amend 2008 PA 429, entitled "Nonferrous metal regulatory act," by amending sections 5 and 7 (MCL 445.425 and 445.427).

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

Senators Smith and Kowall introduced

Senate Bill No. 470, entitled

A bill to amend 2008 PA 429, entitled "Nonferrous metal regulatory act," by amending the title and sections 1, 3, 5, 7, 9, 11, 13, 15, and 17 (MCL 445.421, 445.423, 445.425, 445.427, 445.429, 445.431, 445.433, 445.435, and 445.437).

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

Senator Kahn introduced

Senate Bill No. 471, entitled

A bill to amend 1925 PA 289, entitled "An act to create and maintain a fingerprint identification and criminal history records division within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties and remedies for a violation of this act," by amending section 2a (MCL 28.242a), as amended by 2012 PA 374.

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

Senators Walker, Kahn, Kowall, Booher, Jones, Proos, Green, Hansen, Casperson, Pappageorge and Emmons introduced
Senate Bill No. 472, entitled

A bill to amend 1990 PA 345, entitled "State survey and remonumentation act," by amending the title and sections 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 15, and 17 (MCL 54.262, 54.263, 54.264, 54.266, 54.267, 54.268, 54.269, 54.270, 54.271, 54.272, 54.275, and 54.277), sections 2 and 12 as amended by 2010 PA 260, section 6 as amended by 1998 PA 5, section 8 as amended by 2002 PA 489, and section 11 as amended by 2006 PA 76, and by adding sections 9a and 9b.

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

Senators Brandenburg and Pappageorge introduced

Senate Bill No. 473, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 703 (MCL 206.703), as amended by 2013 PA 15.

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

Senator Young introduced

Senate Bill No. 474, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 5525a.

The bill was read a first and second time by title and referred to the Committee on Natural Resources, Environment and Great Lakes.

Senator Hildenbrand introduced

Senate Bill No. 475, entitled

A bill to enact the trampoline court safety act; to prescribe the duties and liabilities of trampoline court operators and persons who use trampoline courts; and to provide for the acceptance of certain risks by persons who use trampoline courts.

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

Statements

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

The motion prevailed.

Senator Hood's statement is as follows:

As we heard earlier today about one of our fallen law enforcement personnel, Trooper Butterfield, I think it deserves a second look. I want to stand here again to recognize him and the efforts that he put forth on a daily basis to protect us.

We need to begin, not just here in the Legislature, but in the state of Michigan and across the world, to recognize the folks who take an oath that they will give their lives for our safety, be it here in the Capitol or driving on the road to and from Lansing. When you see a law enforcement officer, give them a smile, a wave, or shake their hand. If they are out in the heat like today, give them some water. They will give the ultimate sacrifice for you at any given moment. Just as we swore to uphold the Constitution of the state of Michigan, they swore to stand up for us and give the ultimate sacrifice.

So please, as we go about our daily chores and daily efforts, please recognize them. As we saw a Wayne County deputy get injured yesterday transporting a prisoner, and they said he was going to be OK, but he could have given that ultimate sacrifice by transporting a prisoner who had done some bad things. So I stand here before you and am kind of repeating myself, but I stand to say, in our daily walks of life, make sure that we recognize them for what they do every day.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 311, entitled

A bill to amend 1915 PA 31, entitled "Youth tobacco act," by amending sections 1 and 2 (MCL 722.641 and 722.642), as amended by 2006 PA 236.

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, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4344, entitled

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending section 2 (MCL 28.602), as amended by 2004 PA 379.

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. 4525, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 13m, 16c, 17d, and 17g of chapter XVII (MCL 777.13m, 777.16c, 777.17d, and 777.17g), section 13m as amended by 2010 PA 355, section 16c as amended by 2012 PA 534, section 17d as amended by 2012 PA 456, and section 17g as amended by 2006 PA 541.

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, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, September 3, 2013, at 10:00 a.m., Room 110, Farnum Building

Present: Senators Jones (C), Schuitmaker, Rocca and Bieda

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Friday, September 6, 2013, at 10:00 a.m., Muskegon Community College, Blue and Gold Room, 221 Quarterline Road, Muskegon Township

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

Excused: Senator Smith

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

K-12, School Aid, Education and Education Committee - Thursday, September 12, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police and Military Affairs and House State Police Appropriations Subcommittee and House Military and Veterans Affairs Appropriations Subcommittee - Thursday, September 12, 2:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Economic Development - Friday, September 13, 10:00 a.m., St. Luke's New Life Center, 3115 Lawndale Avenue, Flint (373-5312)

Education and House Education - Wednesday, September 11, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

Education and K-12, School Aid, Education Appropriations Subcommittee - Thursday, September 12, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Michigan Law Revision Commission - Tuesday, September 24, 12:00 noon, Room 405, Capitol Building (373-0212)

Natural Resources, Environment and Great Lakes - Thursday, September 12, 8:30 a.m., Room 210, Farnum Building (373-5312)

Reforms, Restructuring and Reinventing - Wednesday, September 11, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-5307)

Senate Fiscal Agency Board of Governors - Thursday, September 19, 9:00 a.m., Room S-324, Capitol Building (373-2768)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 10:22 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, September 11, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate