

No. 73
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2013

Senate Chamber, Lansing, Tuesday, September 24, 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—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

Pastor Derrick Aldridge of Second Chance Ministries of Flint offered the following invocation:

Heavenly Father, we thank You for Your goodness, mercy, and grace. We acknowledge that You alone are our refuge and strength. Thank You for allowing us to serve to help make Michigan and this country a better place.

Lord, we ask that You give our legislators and our leaders of this great country the humility to walk together for positive change. Protect our President, our Governor, and our soldiers who protect us. I pray that You would bless all of us to have mutual respect for each other. In Jesus' name, amen.

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

Motions and Communications

Senators Emmons, Richardville and Johnson entered the Senate Chamber.

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

The following communication was received and read:

Office of the Auditor General

September 19, 2013

Enclosed is a copy of the following audit report:

Performance audit of the Data Exchange Gateway, 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 following communications were received:

Department of State

Administrative Rules Notices of Filing

September 17, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-083-LR (Secretary of State Filing #13-09-03) on this date at 4:42 p.m. for the Department of Licensing and Regulatory Affairs, entitled "GI Part 20. Underhung Cranes and Monorail Systems."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

September 17, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-134-LR (Secretary of State Filing #13-09-04) on this date at 4:44 p.m. for the Department of Licensing and Regulatory Affairs, entitled "GI Part 58. Aerial Work Platforms."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Ruth Johnson
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, September 19:
House Bill Nos. 4229 4636 4694 4695 4696 4697 4833

The Secretary announced the enrollment printing and presentation to the Governor on Monday, September 23, for his approval the following bills:

Enrolled Senate Bill No. 238 at 10:42 a.m.
Enrolled Senate Bill No. 237 at 10:44 a.m.
Enrolled Senate Bill No. 239 at 10:46 a.m.
Enrolled Senate Bill No. 347 at 10:48 a.m.
Enrolled Senate Bill No. 357 at 10:50 a.m.

The Secretary announced that the following bills were printed and filed on Thursday, September 19, and are available at the Michigan Legislature website:

House Bill Nos. 4992 4993 4994 4995 4996

The Secretary announced that the following bills were printed and filed on Friday, September 20, and are available at the Michigan Legislature website:

Senate Bill Nos. 511 515 516 517 518 519 520 521 522 523 524 525 526 527
528 529 530 531 532
House Bill No. 4997

Messages from the House

Senate Bill No. 162, entitled

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

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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 Gregory 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:

House Bill No. 4613, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2918 (MCL 600.2918).

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. 227, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 2 (MCL 207.772), as amended by 2010 PA 9.

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. 156, entitled

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

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:
Senate Bill No. 76, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 34 and 35 (MCL 28.734 and 28.735), as amended by 2005 PA 322.

Substitute (S-3).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 3, following line 19, by inserting:

"Enacting section 1. This amendatory act takes effect February 1, 2014."

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 77, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2012 PA 124.

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.

During the Committee of the Whole, Senators Young and Hunter entered the Senate Chamber.

Resolutions

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

Senate Resolution No. 34

The motion prevailed.

House Concurrent Resolution No. 9.

A concurrent resolution relative to secondary road patrol funds for counties providing road patrol services to cities and villages.

Whereas, Section 77 of 1846 RS 14, MCL 51.77, provides funding for county secondary road patrol services pursuant to an agreement with the Office of Criminal Justice, which, pursuant to Executive Order No. 1989 – 4, is now the Office of Highway Safety Planning within the Department of State Police. An agreement also provides a maintenance of law enforcement effort standard for counties providing these secondary road patrol services, unless it is recognized that the reduction was due to cuts in general services due to economic conditions; and

Whereas, Section 76 of 1846 RS 14, MCL 51.76, permits road patrol services to be provided by county sheriff departments to cities and villages. This section also provides that a road patrol agreement is void if the city or village reduces the number of sworn law enforcement officers below the highest number employed at any time within the immediately preceding 36 months, unless the Michigan Legislature, by concurrent resolution, recognizes that the reduction was due to cuts in general services due to economic conditions; and

Whereas, Section 77 of 1846 RS 14, MCL 51.77, provides a formula for funding county secondary road patrol services. This formula permits road patrol services provided by county sheriff departments to cities and villages to be eligible for secondary road patrol funding as long as the city or village complies with the MCL 51.76 law enforcement maintenance of effort requirement, unless any reduction is recognized to be due to cuts in general services due to economic conditions; and

Whereas, In all of Michigan's counties, cities, and villages, general services have been reduced as a result of serious economic difficulties. These reductions in services have occurred in direct reaction to economic conditions; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That, for Fiscal Year 2014, counties, cities, and villages in Michigan have been required to reduce general services because of economic conditions and are not reducing law enforcement services as stipulated in sections 76 or 77 of 1846 RS 14; and be it further

Resolved, That counties, cities, and villages have met the necessary terms of their agreements for road patrol services and secondary road patrol funding as they relate to maintenance of effort.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent 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 concurrent resolution,

Senator Meekhof moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Booher, Gregory, Hansen, Jones and Nofs were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senator Kahn introduced

Senate Bill No. 533, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 15a (MCL 125.2665a), as added by 2008 PA 154.

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

Senators Proos, Brandenburg, Jones, Robertson and Marleau introduced

Senate Bill No. 534, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 32 (MCL 432.32), as amended by 2012 PA 428.

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

Senators Proos, Booher and Jones introduced

Senate Bill No. 535, entitled

A bill to create the methamphetamine abuse registration act; to create a registry of individuals convicted of methamphetamine-related offenses; to require persons who sell, distribute, deliver, or furnish products containing ephedrine or pseudoephedrine to examine the methamphetamine abuser registry before selling, distributing, delivering, or furnishing those products; to prohibit the sale of products containing ephedrine or pseudoephedrine to certain individuals without a prescription; to prohibit the disclosure of certain confidential information; to provide civil immunity under certain circumstances; and to provide remedies and penalties.

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

Senators Proos, Jones and Kowall introduced

Senate Bill No. 536, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 7tt.

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

Senators Anderson, Bieda and Kahn introduced

Senate Bill No. 537, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 13102 (MCL 333.13102), as amended by 2010 PA 375.

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

Senator Hune introduced

Senate Bill No. 538, entitled

A bill to amend 2000 PA 274, entitled "Large carnivore act," by amending section 22 (MCL 287.1122).

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

Senator Nofs introduced

Senate Bill No. 539, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending section 7 (MCL 691.1407), as amended by 2005 PA 318.

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

Senator Nofs introduced

Senate Bill No. 540, entitled

A bill to enhance public safety, protect the environment, and prevent the disruption of vital public services by reducing the incidences of damage to underground facilities caused by excavation or blasting activity by providing notices to facility owners and facility operators before excavation or blasting; to provide for certain notices to affected parties when underground facilities are damaged; to provide for the powers and duties of certain state governmental officers and entities; to allow the promulgation of rules; to prescribe penalties; to allow the imposition of a fee; to provide for immunity for certain individuals; to allow claims for damages against certain governmental entities in certain circumstances; and to repeal acts and parts of acts.

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

House Bill No. 4229, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 6, 20, 21f, 24c, 25e, 26a, 74, 95, 107, and 147a (MCL 388.1606, 388.1620, 388.1621f, 388.1624c, 388.1625e, 388.1626a, 388.1674, 388.1695, 388.1707, and 388.1747a), sections 6, 24c, 26a, 74, 95, 107, and 147a as amended and sections 21f and 25e as added by 2013 PA 60 and section 20 as amended by 2013 PA 97.

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 Appropriations.

House Bill No. 4636, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 16, 44, and 76 (MCL 780.766, 780.794, and 780.826), as amended by 2009 PA 28.

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 Judiciary.

House Bill No. 4694, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding a chapter heading and sections 1090, 1091, 1092, and 1093.

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 Judiciary.

House Bill No. 4695, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 1097 and 1098.

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 Judiciary.

House Bill No. 4696, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 1094, 1095, and 1096.

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 Judiciary.

House Bill No. 4697, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 1099 and 1099a.

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 Judiciary.

House Bill No. 4833, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 867 and 881 (MCL 168.867 and 168.881), section 867 as amended by 2013 PA 51 and section 881 as amended by 1995 PA 261.

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 Local Government and Elections.

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communication was received and read:
Michigan Legislature

September 19, 2013

Pursuant to Public Act 224 of 2004 (MCL 600.1082), we make the following appointments to the State Drug Treatment Court Advisory Committee:

The Honorable Harvey J. Hoffman, representing a district court judge who has presided at least two years over a drug treatment court, for a term from today's date to 9/18/2017.

The Honorable Raymond P. Voet of Ionia, representing the veterans' treatment court judges, for a term from today's date to 9/18/2017.

Douglas R. Lloyd of Lansing, representing prosecuting attorneys, for a term from today's date to 9/18/2016.

Sincerely,
Randy Richardville
Senate Majority Leader

Jase Bolger
Speaker of the House

The communication was referred to the Secretary for record.

Committee Reports

The Committee on Appropriations reported

House Bill No. 4786, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2891 (MCL 333.2891), as amended by 2004 PA 467, and by adding section 2892.

With the recommendation that the bill pass.

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

Roger Kahn, M.D.
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Booher, Caswell, Colbeck, Green, Proos, Walker, Anderson and Gregory

Nays: Senators Schuitmaker, Hood and Hopgood

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

House Bill No. 4787, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20161 (MCL 333.20161), as amended by 2011 PA 144.

With the recommendation that the bill pass.

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

Roger Kahn, M.D.
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Booher, Caswell, Green, Proos, Walker, Anderson, Gregory, Hood and Hopgood
 Nays: Senators Colbeck and Schuitmaker
 The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

House Bill No. 4961, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 117a (MCL 400.117a), as amended by 1998 PA 516.

With the recommendation that the bill pass.

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

Roger Kahn, M.D.
 Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood and Hopgood

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Regulatory Reform reported

House Bill No. 4355, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending section 57 (MCL 559.157).

With the recommendation that the bill pass.

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

Tory Rocca
 Chairperson

To Report Out:

Yeas: Senators Rocca, Jones, Hune, Meekhof and Warren

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Regulatory Reform submitted the following:

Meeting held on Thursday, September 19, 2013, at 12:30 p.m., Room 210, Farnum Building

Present: Senators Rocca (C), Jones, Hune, Meekhof and Warren

Excused: Senators Pavlov and Johnson

The Committee on Banking and Financial Institutions reported

Senate Bill No. 267, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1278a (MCL 380.1278a), as amended by 2009 PA 205.

With the recommendation that the bill be referred to the Committee on Education.

Darwin L. Booher
 Chairperson

To Report Out:

Yeas: Senators Booher, Nofs, Green, Marleau, Rocca and Ananich

Nays: None

The bill was referred to the Committee on Education.

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Thursday, September 19, 2013, at 1:30 p.m., Room 100, Farnum Building

Present: Senators Booher (C), Nofs, Green, Marleau, Rocca and Ananich

Excused: Senator Smith

Scheduled Meetings

Appropriations - Wednesday, September 25, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Subcommittees -

Agriculture and Rural Development - Tuesday, October 1, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Corrections Department, House Criminal Justice Committee and House Judiciary Committee - Thursday, September 26, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Human Services Department - Wednesday, October 2, 2:00 p.m., Rooms 402 and 403, and Tuesdays, October 8, October 22, and November 5, 2:00 p.m., Room 405, Capitol Building (373-2768)

State Police and Military Affairs - Thursday, September 26, 2:00 p.m. (CANCELED); Thursday, October 3, 8:00 a.m. and Thursday, October 10, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Banking and Financial Institutions - Thursday, September 26, 1:30 p.m., Room 100, Farnum Building (373-5312)

Economic Development - Wednesday, September 25, 1:30 p.m., Room 110, Farnum Building (373-5312)

Education - Thursday, September 26, 5:30 p.m., Port Huron High School, Performing Arts Center, 2215 Court Street, Port Huron (373-5314)

Finance - Wednesday, September 25, 12:30 p.m., Room 210, Farnum Building (373-5307)

Natural Resources, Environment and Great Lakes - Thursday, September 26, 8:30 a.m., Room 210, Farnum Building (373-5312) (CANCELED)

Reforms, Restructuring and Reinventing - Wednesday, September 25, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-5307)

Senate Fiscal Agency Board of Governors - Thursday, September 26, 9:00 a.m., Room S-324, Capitol Building (373-2768)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 10:23 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, September 25, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

