

No. 80
STATE OF MICHIGAN
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REGULAR SESSION OF 2013

Senate Chamber, Lansing, Wednesday, October 9, 2013.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Geoffrey M. Hansen.

The roll was called by the Assistant 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—present
Hildenbrand—present

Hood—present
Hopgood—present
Hune—present
Hunter—present
Jansen—present
Johnson—excused
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—excused
Smith—present
Walker—present
Warren—present
Whitmer—present
Young—present

Minister Thomas McNerney of Vestaburg Church of Christ of Vestaburg offered the following invocation:

Our gracious Heavenly Father, Lord of all creation, Holy God and ruler of all the universe, we acknowledge that You have made us, and it is Your strong arm which upholds and sustains us. Furthermore, Father, we recognize that it is Your right to judge us as You see fit, for we have fallen short of Your righteous standard and have, indeed, so often gone our own way. Yet we humbly thank You that in Your mercy and by Your redemptive power, You have poured out all grace to us through Jesus Christ and offered us forgiveness in this life and hope beyond this life and into the next.

We come to You this morning, gracious God, in need of Your divine help. If ever we needed You, O Lord, it's now. We live in perilous and difficult times; times of turbulence and great struggle, of fear and anger, of mistrust and accusation. Without Your help, O God, we see only darker times ahead, but with it, we see brighter days filled with hope.

We pray, dear Father, that You would deliver us—deliver us from our attitudes of divisiveness and selfishness; deliver us from judging one another by our political ideologue, by race, creed, or color; deliver us from our own sinful selves and from the moral decline with which we now find ourselves, so that we might find guidance from You in our great time of need. Cause us to be one under the banner of Your holy name and of the United States of America and this great state of Michigan, which we all love and hold so dear, that we might restore dignity to every man, woman, and child under our care.

I pray, Father, that You would grant these honorable men and women of this Senate wisdom beyond their own measure; that You would give them a spirit of congeniality and that You would empower them to rise above the fray. Remove all cynicism for their fellow lawmakers in this endeavor, and restore to each and every one of them the enthusiasm with which they entered into this noble calling.

Heavenly Father, we are ever mindful that even as we stand here today, preparing to roll up our sleeves and get back to the work for which we have been called and commissioned, that there are men and women on the front lines protecting our freedom and the right to have dialogue and even disagreement on matters which are so important to our continued existence. We pray for Your protection for each and every one of them. Bring them back home to their husbands, wives and children, fathers and mothers, friends and family. Heal their wounds, both physical and emotional, which they have suffered for our sakes.

Hear our prayer, O Lord. You have been our guiding light before; may You be so again. Until You come again, we pray all of these things in the blessed name of Your Son Jesus Christ. Amen.

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

Motions and Communications

Senator Young entered the Senate Chamber.

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

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

The Secretary announced that the following bills were printed and filed on Tuesday, October 8, and are available at the Michigan Legislature website:

Senate Bill Nos. 603 604 605

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 Assistant President pro tempore, Senator Hansen, designated Senator Nofs as Chairperson.

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

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 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. 418, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 1202 (MCL 500.1202), as amended by 2012 PA 552.

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. 277, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 723 (MCL 257.723), as amended by 2005 PA 179.

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. 427, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 43 (MCL 421.43), as amended by 2004 PA 243.

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.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 471

The motion prevailed.

The following bill was read a third time:

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 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. 401

Yeas—35

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

Nays—0

Excused—3

Brandenburg

Johnson

Schuitmaker

Not Voting—0

In The Chair: Hansen

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Kahn introduced

Senate Bill No. 606, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending section 411 (MCL 339.411), as amended by 2008 PA 309; 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 Regulatory Reform.

Senator Kahn introduced

Senate Bill No. 607, entitled

A bill to amend 1979 PA 152, entitled “State license fee act,” by repealing section 62 (MCL 338.2262).

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

Senator Kahn introduced

Senate Bill No. 608, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2014; and to provide for the expenditure of the appropriations.

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

Senator Kahn introduced

Senate Bill No. 609, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 11, 17b, 201, and 236 (MCL 388.1611, 388.1617b, 388.1801, and 388.1836), sections 11 and 201 as amended by 2012 PA 465, section 17b as amended by 2007 PA 137, and section 236 as amended by 2012 PA 201.

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

Senators Green, Meekhof, Kowall, Pavlov, Colbeck and Robertson introduced

Senate Bill No. 610, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 224b (MCL 750.224b), as amended by 2008 PA 196.

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

Senators Kowall, Hildenbrand and Warren introduced

Senate Bill No. 611, entitled

A bill to amend 1980 PA 395, entitled “Community convention or tourism marketing act,” by amending section 5 (MCL 141.875), as amended by 1989 PA 245.

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

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:

I rise today in remembrance of former State Senator Robert Young who passed away this week. I spoke with his wife and daughter yesterday, and they will be down here for a formal tribute as their schedule will allow. That will be arranged through the Secretary of the Senate's office. But, today, I would like to read a bit from the *MLive* article about Senator Young. I spoke today with Mr. Gill over there who remembers him fondly as a fine gentleman.

The article starts that way. It says: "Senator Robert D. Young touched thousands of lives through a political career that began 50 years ago." He died from complications from an infection in his bloodstream, here in Michigan, in Ann Arbor. He spent half of the year here and half in Florida. He was 79 years old when he passed. I remember him mostly from seeing him at Dave Camp's event in Midland. He was always pleasant and elegant.

He was a member of our Legislature for 12 years, between 1970 and 1982. He ultimately was succeeded by Jerry Hart from Saginaw, who is gone now, and subsequently by Jon Cisky, who now lives in Florida, and then by Mike Goschka and myself. He was a tremendous Senator for our district, for the Great Lakes Bay Region, as it is now called. Those remarks were made by Bill Schuette, who remembered him. He remembered working with Bob Young in Lansing and called him a tireless worker and a great listener.

His daughter, Mary Jo, whom I spoke with last night and who will be phoning in to the Secretary's office to help us construct the special tribute, was pleased to know that we would be speaking a bit about him today. In some ways, we go on through moments like this, through our prepared remarks, of course, and through remembrances.

He was born in 1934 on his family farm in Spaulding Township in Saginaw County. He attended Saginaw High School and went to Michigan State—I forgive him for that. In 1957, he returned to Saginaw to run his own farm, and he built homes as well. As farmers often do, they need another job to pay for their hobby of farming. He was an example of that.

He first held office in Spaulding Township as their supervisor, from 1963 to 1967, and later became the county commissioner in that region. Then he went to the state level in 1970, two terms in the State House and a seat in the Senate in 1974. Dave Camp, our Congressman for our area and who worked with him on issues concerning the constituents of Saginaw, spoke in honor of Young on the House floor on October 8, the day of his funeral. He said: "Senator Young's devotion to community and this nation is something that is truly to be admired. He was a dedicated public servant to the betterment of Michigan." I think Congressman Camp had it right.

A moment of silence was observed in memory of former Senator Robert Young.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 74, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1310b (MCL 380.1310b), as added by 2011 PA 241.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Rocca and Bieda

Nays: None

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

The Committee on Judiciary reported

House Bill No. 4930, entitled

A bill to amend 1929 PA 269, entitled "An act to protect benevolent, humane, fraternal or charitable corporations in the use of their names and emblems; to provide penalties for the violation thereof; and to repeal Act No. 255 of the Public Acts of 1909," by repealing section 3 (MCL 430.53).

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.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, October 8, 2013, at 2:30 p.m., Room 110, Farnum Building

Present: Senators Jones (C), Rocca and Bieda

Excused: Senator Schuitmaker

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, October 8, 2013, at 12:30 p.m., Room 100, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Tuesday, October 8, 2013, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Nofs (C), Proos, Jones, Marleau, Walker, Hopgood, Bieda and Young

Excused: Senator Schuitmaker

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Tuesday, October 8, 2013, at 2:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senator Caswell (C), Jansen and Proos

Excused: Senator Gregory

COMMITTEE ATTENDANCE REPORT

The Committee on Reforms, Restructuring and Reinventing submitted the following:

Meeting held on Wednesday, October 9, 2013, at 8:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Jansen (C), Colbeck, Caspersen, Kowall, Robertson, Young and Warren

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

Human Services Department - Tuesdays, October 15, October 22, October 29, and November 5, 2:00 p.m., Room 405, Capitol Building (373-2768)

State Police and Military Affairs - Thursday, October 10, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Banking and Financial Institutions - Thursday, October 10, 1:30 p.m., Room 100, Farnum Building (373-5314)

Health Policy - Thursday, October 10, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5312)

Outdoor Recreation and Tourism - Thursday, October 10, 12:30 p.m., Room 110, Farnum Building (373-5312)

Regulatory Reform - Thursday, October 10, 1:00 p.m., Room 210, Farnum Building (373-5307)

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

The Assistant President pro tempore, Senator Hansen, declared the Senate adjourned until Thursday, October 10, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

