

No. 81
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2013

Senate Chamber, Lansing, Thursday, October 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—present
Casperson—excused
Caswell—present
Colbeck—present
Emmons—present
Green—present
Gregory—present
Hansen—present
Hildenbrand—present

Hood—excused
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—excused
Smith—present
Walker—present
Warren—present
Whitmer—excused
Young—excused

Reverend Dr. Jason Garwood of Colwood Church of Caro offered the following invocation:

Heavenly Father, Creator of heaven and earth, sustainer of all things, blessed be Your name; Your kingdom come; Your will be done, on earth as it is in heaven. Give us this day our daily bread, and forgive us our debts as we forgive our debtors. Lead us not into temptation, but deliver us from the evil one.

Your word promises to give grace to the humble. Your word promises blessings for the poor, the weak, the powerless, the hungry, the needy, the weary, the pure in heart, and those who pursue righteousness. We confess that we need those promises.

Father, we are here today to govern, to make decisions with the best of our knowledge, and with wisdom we so desperately need. I pray for the men and women of this Michigan Senate, that they would be strengthened to carry out Your will, doing justice and governing this great state. Grant them wisdom from above. Father, we acknowledge the many blessings You have given us: freedom, security, and prosperity, just to name a few. You have given us so much. Thank You.

Ultimately, Father, You have given us the greatest gift of all; that being Your unique Son Jesus Christ, the King of kings and Lord of lords. Thank You, Jesus, for being willing to give Your life so that we could live, for substituting Yourself on the cross, dying a death that we deserve, and resurrecting from the dead; giving life and a right standing before the heavenly courts, so that the gospel may permeate our souls this day as we magnify Your name and give You glory in all things.

Spirit, help us. In Jesus' name, we pray. Amen.

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

Motions and Communications

Senators, Ananich, Green, Richardville, Hune, Hunter, Moolenaar and Nofs entered the Senate Chamber.

Senator Hopgood moved that Senators Hood, Young and Whitmer be excused from today's session. The motion prevailed.

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

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senator Johnson admittance to the Senate floor, including the center aisle.

The motion prevailed, a majority of the members serving voting therefor.

Senator Meekhof moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor. The motion prevailed, a majority of the members serving voting therefor.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, October 9:
House Bill Nos. 4656 4760 4770 4771 4993 5002

The Secretary announced that the following bills were printed and filed on Wednesday, October 9, and are available at the Michigan Legislature website:

Senate Bill Nos. 606 607 608 609 610 611
House Bill Nos. 5058 5059 5060 5061 5062 5063 5064 5065

Recess

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

10:22 a.m.

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

During the recess, Senator Johnson introduced Bill Couzens, founder of the Less Cancer organization, members of the organization, and bicyclists who rode from Port Huron to Mackinac Island to raise cancer awareness; and presented them with a Special Tribute.

Mr. Couzens responded briefly.

Messages from the Governor

The following messages from the Governor were received:

Date: October 8, 2013
Time: 4:56 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 257 (Public Act No. 126), being

An act to amend 1961 PA 120, entitled “An act to authorize the development or redevelopment of principal shopping districts and business improvement districts; to permit the creation of certain boards; to provide for the operation of principal shopping districts and business improvement districts; to provide for the creation, operation, and dissolution of business improvement zones; and to authorize the collection of revenue and the bonding of certain local governmental units for the development or redevelopment projects,” by amending sections 10, 10a, 10b, 10c, 10e, 10f, 10g, 10h, 10i, 10k, and 10l (MCL 125.990, 125.990a, 125.990b, 125.990c, 125.990e, 125.990f, 125.990g, 125.990h, 125.990i, 125.990k, and 125.990l), as added by 2001 PA 260, and by adding section 10n; and to repeal acts and parts of acts.

(Filed with the Secretary of State on October 9, 2013, at 9:52 a.m.)

Date: October 8, 2013
Time: 4:58 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 162 (Public Act No. 128), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 8 of chapter II (MCL 762.8).

(Filed with the Secretary of State on October 9, 2013, at 9:56 a.m.)

Date: October 8, 2013
Time: 5:04 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 126 (Public Act No. 129), being

An act to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2013; and to provide for the expenditure of the appropriations.

(Filed with the Secretary of State on October 9, 2013, at 9:58 a.m.)

Respectfully,
Rick Snyder
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 Pappageorge 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. 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 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. 4289, entitled

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending section 31 (MCL 567.251), as amended by 1997 PA 195.

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. 307, entitled

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and certain cities; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal acts and parts of acts," by amending section 10 (MCL 41.810), as amended by 2004 PA 463.

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. 546, entitled

A bill to amend 1877 PA 164, entitled "An act to authorize cities, incorporated villages, and townships to establish and maintain, or contract for the use of, free public libraries and reading rooms; and to prescribe penalties and provide remedies," by amending sections 2, 3, 4, 5, 7, 9, 10, 10a, 10c, 11, 14, 15, and 16 (MCL 397.202, 397.203, 397.204, 397.205, 397.207, 397.209, 397.210, 397.210a, 397.210c, 397.211, 397.214, 397.215, and 397.216), section 2 as amended by 2000 PA 99, sections 10, 10a, and 10c as amended by 1994 PA 81, section 11 as amended by 2002 PA 160, and sections 14 and 16 as amended and section 15 as added by 1984 PA 128.

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. 174, entitled

A bill to require certain consumer reporting agencies to place security freezes for protected consumers under certain circumstances; to provide for the removal of those security freezes; to authorize and limit fees; and to provide remedies.

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

Senate Resolution No. 34

The motion prevailed.

Senator Robertson offered the following resolution:

Senate Resolution No. 94.

A resolution honoring Maestro Enrique Arturo Diemecke.

Whereas, On October 12, 2013, we celebrate Maestro Enrique Diemecke's 25th season as music director and conductor of the Flint Symphony Orchestra. This very special day validates his commitment to the Flint community, reaching thousands of people with his passionate interpretations of the world's greatest music; and

Whereas, Among Maestro Diemecke's 25th season at the Flint Symphony Orchestra, he is also in his third season as music director of the Bogoto Philharmonic, opens his eighth season as music director of the Buenos Aires Philharmonic, and his 13th season as music director of the Long Beach Symphony in California; and

Whereas, As he guides the orchestra through the score, Maestro Diemecke brings a melody of passion, intellect, and technique into all of his performances. He has earned multiple awards and recognitions for his conducting, including the Jean Fontaine Orpheus d'Or Gold Medal for Best Vocal Music Recording for his recording of Donizetti's *The Exiles in Siberia* with the L'Orchestre Philharmonique de Montpellier-Languedoc-Rousillon. Maestro Diemecke was honored with a Gold Medal from the Academy of Lyric Recordings in 2000 and was awarded the Bruno Walter Orpheus d'Or Prize for Best Opera Conductor for his live recording of Mascagni's *Parisina*; and

Whereas, Not only is Maestro Diemecke a skillful conductor, he is also an accomplished composer, violinist, and orchestral arranger, and he has conducted his own composition, *Die-Sir-E*, during the Mexican National Symphony Orchestra tour; now, therefore, be it

Resolved by the Senate, That we offer this expression of our highest tribute to honor and congratulate Maestro Enrique Diemecke on his long and prosperous tenure with the Flint Symphony Orchestra and as a token of our appreciation for representing the state of Michigan proudly; and be it further

Resolved, That a copy of this resolution be transmitted to Maestro Enrique Diemecke as evidence of our highest esteem.

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 Ananich, Booher, Brandenburg, Green, Hansen and Proos were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Robertson's statement is as follows:

I just wanted to take a moment to encourage my colleagues to sign the resolution calendar and co-sponsor this resolution. For 25 years now, the people of the Flint area community have been fortunate enough to receive the benefit of Maestro Enrique Arturo Diemecke's genius as the conductor of the Flint Symphony Orchestra. I have been fortunate enough to be in the audience to hear his performances on many occasions. He is truly, truly a musical genius. His way with the audience, his love of music comes out in everything he says and does. His education of his audience with regard to classical music and the specifics of it are world-renowned. He is acknowledged worldwide for his orchestration and his conducting.

I just want to encourage my colleagues to sign the resolution. He is going to be honored tomorrow evening at the opening performance. He is appreciated by all who have witnessed the Flint Symphony Orchestra over the past 25 years. I encourage my colleagues to join me in sponsoring this resolution.

Senator Kahn offered the following resolution:

Senate Resolution No. 95.

A resolution honoring the 25th Anniversary of the Child and Adolescent Health Center Program.

Whereas, The physical and emotional well-being of children and youth is a critical precursor to learning and school achievement; and

Whereas, Primary care, education, and preventative measures provided by the Child and Adolescent Health Centers promotes such well-being; and

Whereas, The recipients of Child and Adolescent Health Services reported significantly better health outcomes and behaviors; and

Whereas, The Child and Adolescent Health Centers demonstrated decreases in student absences; and
Whereas, The Child and Adolescent Health Center program provides comprehensive services that are high quality, accessible, and acceptable to youth; and

Whereas, The Child and Adolescent Health Center program has grown from 16 sites in 1988 to 70 sites in 2013; and
Whereas, The Michigan Department of Community Health/Michigan Department of Education Child and Adolescent Health Center Program is celebrating its 25th Anniversary; now, therefore, be it

Resolved by the Senate, That we honor the 25th Anniversary of the Child and Adolescent Health Center Program; and be it further

Resolved, That we thank and congratulate the Child and Adolescent Health Center Program, staff, providers, parents, and youth for their dedicated service and advocacy to improve the health and well-being of Michigan's children and youth.

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.

Introduction and Referral of Bills

Senators Hopgood, Ananich, Gregory and Pappageorge introduced

Senate Bill No. 612, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 1108 (MCL 339.1108), as amended by 1988 PA 463.

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

Senators Booher and Pappageorge introduced

Senate Bill No. 613, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40115.

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

Senator Casperson introduced

Senate Bill No. 614, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending sections 7, 10, and 10a (MCL 257.1807, 257.1810, and 257.1810a), as amended by 2006 PA 107.

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

Senator Casperson introduced

Senate Bill No. 615, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675 (MCL 257.675), as amended by 2004 PA 151.

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

House Bill No. 4656, entitled

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 16 (MCL 409.116).

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 Reforms, Restructuring and Reinventing.

House Bill No. 4760, 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 30 (MCL 205.30), as amended by 1993 PA 14.

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. 4770, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 503.

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. 4771, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 410b.

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. 4993, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43532a (MCL 324.43532a), as added by 2013 PA 108, and by adding section 43532b.

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 Natural Resources, Environment and Great Lakes.

House Bill No. 5002, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1061.

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 Government Operations.

Scheduled Meetings

Appropriations -

Subcommittee -

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

Government Operations - Tuesday, October 15, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-3543)

Legislative Council - Thursday, November 7, 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Natural Resources, Environment and Great Lakes - Thursday, October 17, 8:30 a.m., Room 210, Farnum Building (373-5312)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 10:40 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Tuesday, October 15, 2013, at 10:00 a.m.

