

**No. 10**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**97th Legislature**  
**REGULAR SESSION OF 2013**

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Senate Chamber, Lansing, Thursday, February 7, 2013.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Tonya Schuitmaker.

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—excused  
Jansen—present  
Johnson—excused  
Jones—present  
Kahn—present  
Kowall—present  
Marleau—present  
Meekhof—present  
Moolenaar—excused  
Nofs—present

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

Pastor Kevin McCloud Jr. of City of Love Outreach Ministries of Muskegon offered the following invocation:

Dear Heavenly Father, we thank You for everything You have done. We thank You, God, for leading us. Thank You for giving us the right minds. Father, we thank You for our President, and we thank You for our Senators. God, we thank You for our Governor. We thank You and we pray, Father, that You will lead us as we lead our people.

Bless us in Jesus' name. Amen.

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

### Motions and Communications

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

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

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

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

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

February 5, 2013

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Economic Development Corporation, a discretely presented component unit of the State of Michigan, for the fiscal years ended September 30, 2012 and September 30, 2011.

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

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

The Secretary announced that the following bills and joint resolutions were printed and filed on Wednesday, February 6, and are available at the Michigan Legislature website:

<b>House Bill Nos.</b>	<b>4168</b>	<b>4169</b>	<b>4170</b>	<b>4171</b>	<b>4172</b>	<b>4173</b>	<b>4174</b>	<b>4175</b>	<b>4176</b>	<b>4177</b>	<b>4178</b>	<b>4179</b>	<b>4180</b>	<b>4181</b>
	<b>4182</b>	<b>4183</b>	<b>4184</b>	<b>4185</b>	<b>4186</b>	<b>4187</b>	<b>4188</b>	<b>4189</b>	<b>4190</b>					
<b>House Joint Resolutions</b>	<b>F</b>	<b>G</b>	<b>H</b>											

### Messages from the Governor

Senator Kahn entered the Senate Chamber.

The following messages from the Governor were received and read:

January 23, 2013

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

#### **Michigan Bean Commission**

Greg A. Ackerman of 5486 Dixon Road, Vassar, Michigan 48768, county of Tuscola, representing District 3, succeeding Dennis Englehard, is appointed for a term expiring December 31, 2015.

Clinton A. Stoutenburg of 70 N. Stoutenburg Road, Sandusky, Michigan 48471, county of Sanilac, representing District 4, succeeding himself, is reappointed for a term expiring December 31, 2015.

Allen J. Bischer of 5072 Finkel Road, Minden City, Michigan 48456, county of Huron, representing District 5, succeeding Clifford Roggenbuck, is appointed for a term expiring December 31, 2015.

Neil J. French of 2455 Vassar Road, Reese, Michigan 48757, county of Tuscola, representing processors, shippers and handlers, succeeding Joseph Cramer, is appointed for a term expiring December 31, 2015.

February 6, 2013

Please be advised of the following appointment to office:

**Wayne State University Board of Governors**

David A. Nicholson of 189 Cloverly Road, Grosse Pointe Farms, Michigan 48236, county of Wayne, succeeding Danialle Karmanos, is appointed for a term expiring December 31, 2018.

Sincerely,  
Rick Snyder  
Governor

The appointments were referred to the Committee on Government Operations.

### 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 pro tempore, Senator Schuitmaker, designated Senator Casperson as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Schuitmaker, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 51, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7jj (MCL 211.7jj[1]), as added by 2006 PA 378.

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. 52, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2012 PA 47.

Substitute (S-3).

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. 53, entitled**

A bill to amend 2006 PA 379, entitled "Qualified forest property recapture tax act," by amending section 4 (MCL 211.1034).

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. 54, entitled**

A bill to amend 2006 PA 379, entitled "Qualified forest property recapture tax act," by amending section 5 (MCL 211.1035).

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. 55, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7dd (MCL 211.7dd), as amended by 2012 PA 324.

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. 56, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 9301, 9302, 9304, 9307, 9308, and 9310 (MCL 324.9301, 324.9302, 324.9304, 324.9307, 324.9308, and 324.9310), sections 9301, 9302, 9304, 9308, and 9310 as amended by 1998 PA 463 and section 9307 as amended by 2004 PA 439, and by adding sections 51301, 51302, 51305, and 51306; and to repeal acts and parts of acts.

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. 57, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8703, 8707, 8708, and 8709 (MCL 324.8703, 324.8707, 324.8708, and 324.8709), as amended by 2011 PA 2.

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. 58, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 50301 and 50302 (MCL 324.50301 and 324.50302), as added by 1995 PA 57.

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. 59, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 51102, 51103, 51108, 51113, and 51115 (MCL 324.51102, 324.51103, 324.51108, 324.51113, and 324.51115), sections 51102 and 51115 as added by 1995 PA 57, sections 51103 and 51113 as amended by 2006 PA 383, and section 51108 as amended by 2012 PA 248.

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 Smith entered the Senate Chamber.

## Resolutions

Senator Meekhof moved that rule 3.204 be suspended to permit immediate consideration of the following resolution:  
**Senate Resolution No. 14**

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

Senator Richardville offered the following resolution:

**Senate Resolution No. 14.**

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 2.103 of the Standing Rules of the Senate is hereby amended to read as follows:

**"2.103 STANDING COMMITTEES**

The standing committees of the Senate shall be:

Agriculture (5 members)

Appropriations (16 members)

Banking and Financial Institutions (7 members)

Economic Development (7 members)  
 Education (5 members)  
 Energy and Technology (9 members)  
 Families, Seniors and Human Services (4 members)  
 Finance (7 members)  
 Government Operations (5 members)  
 Health Policy (8 members)  
**INFRASTRUCTURE MODERNIZATION (7 MEMBERS)**  
 Insurance (7 members)  
 Judiciary (4 members)  
 Local Government and Elections (4 members)  
 Natural Resources, Environment and Great Lakes (7 members)  
 Outdoor Recreation and Tourism (7 members)  
 Redistricting (9 members)  
 Reforms, Restructuring and Reinventing (7 members)  
 Regulatory Reform (7 members)  
 Transportation (7 members)  
 Veterans, Military Affairs and Homeland Security (5 members)  
 Statutory standing committees:  
 Administrative Rules (5 members) (see MCL 24.235)  
 Legislative Council (6 members and 3 alternates) (see MCL 4.1103)  
 Legislative Retirement Board of Trustees (2 members) (see MCL 38.1026)  
 Michigan Capitol Committee (4 members) (see MCL 4.1701)".  
 The question being on the adoption of the resolution,  
 The resolution was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Senator Pappageorge's statement is as follows:

Today, we're saying goodbye to my chief of staff, Kristen Brown. She's been with me from the beginning of my first Senate term. She's been my scheduler, constituent director, legislative director, and now my chief of staff. She started as a Senate page when she was attending Michigan State. She went to work for my predecessor, Senator Shirley Johnson. She also assisted with my campaign, and it's one of the reasons why I'm here today.

In all, we've worked together for seven years. Kristen is moving to Arlington, Virginia, with her family. She will be truly missed by my staff, but it's a wonderful opportunity for her husband there.

I did warn her about Washington. Washington has this Beltway that goes all around it, and when you look up from the Beltway, you see these baffleplates which people think are to keep the noise out of the neighborhood. Actually, they are degaussing devices, and they make you stupid when you get inside. Then, when you get out, you're okay again.

### **Introduction and Referral of Bills**

Senators Marleau, Hunter, Moolenaar, Jones, Nofs, Pappageorge, Emmons, Robertson and Hune introduced **Senate Bill No. 165, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 204.  
 The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senator Meekhof introduced

**Senate Bill No. 166, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs

permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” by amending section 10a (MCL 460.10a), as amended by 2008 PA 286.

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

Senator Meekhof introduced

**Senate Bill No. 167, entitled**

A bill to amend 1909 PA 278, entitled “The home rule village act,” (MCL 78.1 to 78.28) by amending the title, as amended by 1998 PA 148, and by adding sections 27a, 27b, 27c, 27d, 27e, 27f, 27g, 27h, 27i, 27j, 27k, 27l, 27m, and 27n.

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

Senators Bieda, Rocca, Anderson and Gregory introduced

**Senate Bill No. 168, entitled**

A bill to regulate political activity; to regulate certain candidates for elective office and state and local officials; to require financial statements and reports; to prescribe the powers and duties of certain state and local governmental officers and agencies; to impose fees; to prescribe penalties and civil sanctions; and to provide remedies.

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

Senators Kowall, Casperson, Brandenburg, Hansen, Moolenaar, Emmons, Warren, Bieda, Meekhof, Walker, Richardville, Hood and Young introduced

**Senate Bill No. 169, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending the title, a division heading, and section 244 (MCL 257.244), the title as amended by 2010 PA 10 and section 244 as amended by 2008 PA 539, and by adding sections 2b, 663, 664, 665, 666, and 817.

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

Senators Johnson and Colbeck introduced

**Senate Bill No. 170, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 11 chapter II (MCL 762.11), as amended by 2004 PA 239.

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

By unanimous consent the Senate returned to the order of

**Motions and Communications**

The Secretary announced that the Majority Leader has made the appointment of the following standing committee:

**Infrastructure Modernization** - Senators Kahn (C), Pappageorge (VC), Booher, Jansen, Brandenburg, Hood (MVC) and Warren.

The standing committee appointments were approved, a majority of the members serving voting therefor.

**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:

I rise before you today to bring a little bit of sad news, and I know last week I brought some sad news. I rise to honor a former State Senator, Senator Hart, who passed away on January 31. I know that the Secretary of the Senate in the next week or so will be doing a formal presentation on this, but Senator Hart was a longtime public servant in many capacities, including Dearborn City Council, Wayne County Commission, and the Michigan Senate. He was also a member of several community organizations in and around Dearborn.

I had the chance to get to know Senator Hart. His bright jackets, bright ties, and bright personality made it so that when the Senator came into the room, you'd know he was there. It was always a great treat to walk with Senator Hart in the different parades and things that were going on in the city of Dearborn, and he would always get a great reception from the crowd. He will always be a huge pillar in Michigan politics.

He will be truly missed because he came from the old school of politics. He walked the streets and made sure that he had a connection with his constituents. What I want to add to that, before I end, Madam President, is that last week we talked about others who have passed away, and we've had several of those over the past couple weeks. We've got to remember through what we do and our challenges every day that we are still human; not just us, but every citizen in the state of Michigan. Family is No. 1. This place will be here when we leave, long after we leave.

Taking care of family, taking care of your friends, and taking care of one another is what we are here for. That's why God put us here; to take care of one another. Remember, life is short and tomorrow is not a promise. So every day when you leave the house, make sure that your family and your friends know that you care about them and that you love them.

We saw a couple incidents last week where we had a couple fatalities due to weather down on I-75 in Southwest Detroit. Former State Representative Jim Plakas, whom many of you know, one of the gentlemen who were injured or killed in that accident was his cousin. I had a chance to talk to Jim, and I did know the brother of that gentleman. You never know when things are going to happen, so appreciate each day and appreciate each second.

With that, we will always remember Senator Hart and what he has done for the state of Michigan.

A moment of silence was observed in memory of former State Senator George Z. Hart.

### **Committee Reports**

#### COMMITTEE ATTENDANCE REPORT

The Committee on Reforms, Restructuring and Reinventing submitted the following:  
Meeting held on Wednesday, February 6, 2013, at 8:30 a.m., Rooms 402 and 403, Capitol Building  
Present: Senators Jansen (C), Colbeck, Casperson, Kowall, Robertson, Young and Warren

### **Scheduled Meetings**

**Administrative Rules** - Thursday, February 14, 2:00 p.m., Room 426, Capitol Building (373-5575)

#### **Appropriations -**

##### **Subcommittees -**

**Agriculture and Rural Development** - Tuesday, February 12, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**Community Health Department** - Thursday, February 14, 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Corrections Department and House Corrections Appropriations Subcommittee** - Tuesday, February 12, 3:00 p.m., Room 519, South Tower, House Office Building (373-2768)

**Higher Education and House Higher Education Appropriations Subcommittee** - Wednesday, February 13, 3:15 p.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Human Services Department** - Thursday, February 14, 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower; and Tuesday, February 19, 2:00 p.m., Room 405, Capitol Building (373-2768)

**K-12, School Aid, Education** - Wednesday, February 13, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**K-12, School Aid, Education and House School Aid Appropriations Subcommittee** - Tuesday, February 26, 8:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Licensing and Regulatory Affairs Department** - Thursday, February 14, 1:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**State Police and Military Affairs** - Thursdays, February 14, February 21, February 28, and March 7, 3:00 p.m., Room 405, Capitol Building (373-2768)

**Infrastructure Modernization and House Transportation and Infrastructure** - Tuesday, February 12, 3:00 p.m. and Thursday, February 14, 2:00 p.m., House Appropriations Room, 3rd Floor, Capitol Building (373-1760)

**Transportation** - Tuesday, February 12, 12:30 p.m., Room 100, Farnum Building (373-5314)

Senator Meekhof moved that the Senate adjourn.  
The motion prevailed, the time being 10:30 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Tuesday, February 12, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate