

No. 17
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2013

Senate Chamber, Lansing, Tuesday, February 26, 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.

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—excused
Rocca—present
Schuitmaker—present
Smith—present
Walker—present
Warren—present
Whitmer—present
Young—present

Pastor Charles Jenson of West Carmel Congregational Church of Charlotte offered the following invocation:

Most heavenly gracious Father, we come to You today thanking You for all of the blessings of this life. Father, as this legislative body comes together today, give them wisdom, courage, and knowledge to make the decisions that they need to make. Father, be with our Governor as well. Father, thank You for all of those who are in attendance today. Father, as we walk this walk, let us be reminded how much that You have given us in our lives.

Father, we thank You for Your presence here today and always. In Jesus' name I pray, Lord. Amen.

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

Motions and Communications

Senator Bieda entered the Senate chamber.

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

February 22, 2013

Enclosed is a copy of the following audit report:

Performance audit of the Bureau of Commercial Services (currently named Corporations, Securities, and Commercial Licensing Bureau), Department of Licensing and Regulatory Affairs.

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

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

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

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

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

Senator Meekhof moved that rule 3.902 be suspended to allow the guest of Senator Casperson admittance to the Senate floor.

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

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:04 a.m.

11:18 a.m.

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

During the recess, Senators Green, Johnson, Young and Hunter entered the Senate Chamber.

The following communication was received and read:
Office of the Senate Majority Leader

February 26, 2013

Pursuant to Executive Order 2013-6, I hereby appoint Senators Bruce Caswell and Rebekah Warren to serve on the Mental Health and Wellness Commission.

If you have any questions, please do not hesitate to contact Teri L. Ambs in my office at 373-3543.

Respectfully yours,
Randy Richardville
Senate Majority Leader

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, February 21:
House Bill No. 4132

The Secretary announced that the following bills were printed and filed on Thursday, February 21, and are available at the Michigan Legislature website:

Senate Bill Nos. 215 216

House Bill Nos. 4288 4289 4290 4291 4292 4293 4294 4295 4296 4297

The Secretary announced that the following bills were printed and filed on Friday, February 22, and are available at the Michigan Legislature website:

House Bill Nos. 4298 4299 4300 4301 4302 4303 4304 4305 4306 4307 4308 4309

Messages from the House

Senate Bill No. 44, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 8 (MCL 28.728), as amended by 2011 PA 18.

The House of Representatives has amended the bill as follows:

1. Amend page 7, line 7, by striking out all of subparagraph (v) and renumbering the remaining subparagraph.

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

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 60, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 2a (MCL 28.422a), as amended by 2012 PA 377.

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

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

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 with a substitute therefor, the following bill:

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). 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.

Introduction and Referral of Bills

Senators Johnson, Bieda, Colbeck, Hopgood, Gregory, Young, Smith, Whitmer and Hood introduced

Senate Bill No. 217, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding section 15. The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senators Hansen, Booher, Proos, Moolenaar, Hildenbrand and Hopgood introduced

Senate Bill No. 218, entitled

A bill to amend 2008 PA 94, entitled "Water resource improvement tax increment finance authority act," by amending sections 3 and 10 (MCL 125.1773 and 125.1780); 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 Outdoor Recreation and Tourism.

Senators Booher and Moolenaar introduced

Senate Bill No. 219, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 2 (MCL 28.292), as amended by 2011 PA 158.

The bill was read a first and second time by title and referred to the Committee on Veterans, Military Affairs and Homeland Security.

Senators Booher, Walker, Hansen, Jones, Marleau, Green and Casperson introduced

Senate Bill No. 220, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation

department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending sections 11 and 11c (MCL 247.661 and 247.661c), section 11 as amended by 2002 PA 639 and section 11c as amended by 2002 PA 498.

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

Senators Jones, Green, Nofs, Marleau and Hopgood introduced

Senate Bill No. 221, entitled

A bill to amend 1994 PA 295, entitled “Sex offenders registration act,” by amending section 5a (MCL 28.725a), as amended by 2011 PA 17.

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

House Bill No. 4132, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 9307 (MCL 324.9307), as amended by 2004 PA 439.

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.

Statements

Senators Bieda, Jones and Kahn asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Bieda’s statement is as follows:

I want to rise to thank my colleagues for working with us on the rewrite of the paternity act. The case that the good Senator from the 21st District spoke about actually arose in my district. It was an interesting story because it was right in the midst of the Senate election, where I had this constituent call me with this very unique or seemingly unique issue. I promised I would meet with him after the election if I was honored enough to be elected, and I did two days after the election.

I promised that it was going to be my first course of business, and I’m very, very grateful for having a good working relationship with a number of you in this chamber. I think when we work together on a lot of issues, there’s really no boundary on what we can accomplish. I think that this legislation that was signed into law by the Governor last June makes some fundamental, but certainly needed, changes to our system of paternity in this state.

I do want to thank all of my colleagues because the vote was unanimous out of the State Senate. I appreciate your support for this. I also appreciate the chairman of the committee and the other committee members on the Judiciary Committee, as we worked through this difficult and sort of complex, as well as emotional, issue. I think that it’s a good thing for the children of this state, for parents in this state, and it’s a needed reform. I am very glad to be a part of that.

Senator Jones’ statement is as follows:

Last session, we worked in a bipartisan fashion to fix the 1956 paternity act. I want to thank the good Senator from District 9 for all of his hard work. We’re restoring fathers’ rights across the state today.

Let me tell you about just one case: A man and woman, who were married, separated; she did not complete the divorce process. Eventually, she met Daniel Quinn. He had no idea she was still legally married, and they began a relationship and had a little girl. He raised his little girl, little Maeleigh, for 2½ years; the only father she knew, her real father. Eventually, there was a quarrel, and her mother moved out, taking her, and moved back in with the man she had never divorced. Instead, she alleged that he used the child as a shield to sell drugs and went to prison. The mother lost the child to foster care, and the real father, Daniel Quinn, went to the judge and attempted to get his baby back. The judge said, “I’m sorry, under the 1956 paternity act, I can do nothing for you.”

We worked very hard to change that archaic, ridiculous act that did not allow a modern-day judge to consider DNA; did not allow a judge to consider the best interest of the child. Yesterday, Daniel Quinn was granted custody rights, parental rights I should say, in court. Today, for the first time in 3½ years, little Maeleigh will be talking to her daddy.

I want to thank every Senator who helped with this legislation. Again, this isn’t just one case; fathers all over the state will be able to see their sons and daughters again.

Senator Kahn’s statement is as follows:

This week ends the month of February and on March 1, the issue in Washington, D.C., of the budgets we have, deficits we run, the debt that we have will be refocused in terms of the discussion of the sequester. There is \$1 trillion worth of

deficit reduction, part of what is needed to change the rate of increase of debt in our country. Currently, we are spending somewhere around 3 percent of our gross domestic product on debt, and to have a debt at that level and do nothing, by 2023, we will be closer to \$80 billion. Washington is having a very difficult time with this.

What is currently being said by the administration if this sequester goes through: “If Congress allows this meat-cleaver approach to take place, it will jeopardize our military readiness. It will eviscerate job-creating investments in education and energy and medical research.” At the White House, they warned that they won’t consider cutting bloated programs that have outlived their usefulness unless there is some associated additional revenue.

By Friday of this week, the \$85 billion figure that is spoken about may be burned into our memories, but it appears that number is, in fact, wrong for fiscal year 2023. The number is about less than half of that. What is \$44 billion in federal money? Well, for Michigan, I can tell you that is nearly what we spend on our entire state budget, but for the feds, that is only 1.2 percent of all federal spending. That a reduction of that amount is going to essentially evoke a plague of fraud on the people of the United States is overblown. We have been hearing that this sequester will kill 700,000 jobs—that claim being repeated seems to be taken as gospel and based on a pretty ugly model.

As we think about this, and we debate it and talk with our federal legislators, we ought to remember that we spent about \$1 trillion on the stimulus program. What did that buy us? How many jobs did that create? What is our gross domestic product? And, of course, the reverse: If we have these reductions, are they per se going to result in the same things that were lost with the cost of stimulus? So it seems to me that the rhetorical answer is that if the stimulus couldn’t produce a reduction in unemployment, it didn’t produce a whole rath of new jobs that a spending reduction is unlikely to result in the reverse, i.e., tremendous losses. I would ask that we all bear that in mind as we work toward saving our country for our children’s and grandchildren’s futures, which certainly are in jeopardy now.

Committee Reports

The Committee on Natural Resources, Environment and Great Lakes reported

Senate Bill No. 78, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 504, 35101, 35501, 35502, 35503, and 52502 (MCL 324.504, 324.35101, 324.35501, 324.35502, 324.35503, and 324.52502), section 504 as amended by 2009 PA 47, section 35101 as amended by 1996 PA 290, sections 35501, 35502, and 35503 as added by 1995 PA 59, and section 52502 as added by 2004 PA 125; and to repeal acts and parts of acts.

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.

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Pavlov, Green, Kowall and Meekhof

Nays: Senator Hood

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

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources, Environment and Great Lakes submitted the following:

Meeting held on Thursday, February 21, 2013, at 8:30 a.m., Room 210, Farnum Building

Present: Senators Casperson (C), Pavlov, Green, Kowall, Meekhof, Warren and Hood

The Committee on Outdoor Recreation and Tourism reported

Senate Bill No. 154, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 74126 (MCL 324.74126), as added by 2006 PA 248.

With the recommendation that the bill pass.

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

Goeffrey M. Hansen
Chairperson

To Report Out:

Yeas: Senators Hansen, Hildenbrand, Meekhof, Casperson, Moolenaar, Young and Hopgood

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Outdoor Recreation and Tourism submitted the following:
 Meeting held on Thursday, February 21, 2013, at 12:30 p.m., Room 110, Farnum Building
 Present: Senators Hansen (C), Hildenbrand, Meekhof, Casperson, Moolenaar, Young and Hopgood

The Committee on Economic Development reported

Senate Bill No. 29, entitled

A bill to prohibit the sale of certain engine coolant in this state that does not contain denatonium benzoate as a bittering agent; to require certain record keeping; and to provide for penalties.

With the recommendation that the bill pass.

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

Michael W. Kowall
 Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons, Hansen and Smith

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development reported

Senate Bill No. 123, entitled

A bill to amend 1999 PA 203, entitled "The convention facility authority act," by amending sections 3, 5, and 8 (MCL 141.1403, 141.1405, and 141.1408).

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.

Michael W. Kowall
 Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons, Hansen and Smith

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:
 Meeting held on Thursday, February 21, 2013, at 1:30 p.m., Room 100, Farnum Building
 Present: Senators Kowall (C), Hildenbrand, Nofs, Emmons, Hansen and Smith
 Excused: Senator Hunter

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submitted the following:
 Meeting held on Thursday, February 21, 2013, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
 Present: Senators Pappageorge (C), Colbeck and Anderson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Community Health submitted the following:
 Meeting held on Thursday, February 21, 2013, at 1:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower
 Present: Senators Moolenaar (C), Caswell, Booher and Gregory

COMMITTEE ATTENDANCE REPORT

The Committee on Infrastructure Modernization submitted the following:
 Joint meeting held on Thursday, February 21, 2013, at 2:06 p.m., Room 519, South Tower, House Office Building
 Present: Senators Kahn (C), Pappageorge, Jansen, Brandenburg and Hood
 Excused: Senators Booher and Warren

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:
Meeting held on Thursday, February 21, 2013, at 3:00 p.m., Room 405, Capitol Building
Present: Senators Colbeck (C), Pappageorge and Gregory

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

Agriculture and Rural Development - Tuesday, March 5, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Capital Outlay - Wednesday, February 27, 4:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Community Colleges and House Community Colleges Appropriations Subcommittee - Thursday, February 28, 11:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building; and Friday, March 8, 1:00 p.m., Schoolcraft Community College, VisTaTech Center, Sutherland Room, 18600 Haggerty Road, Livonia (373-2768)

Community Health Department - Thursday, February 28, 1:30 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Environmental Quality Department - Tuesday, March 5, 12:00 noon, Room 110, Farnum Building (373-2768) (CANCELED)

General Government - Tuesdays, March 5, March 12, March 19, and April 9, 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Human Services Department - Tuesdays, March 5 and March 12, 2:00 p.m., Room 405, Capitol Building (373-2768)

Judiciary - Wednesday, February 27, 9:00 a.m., Room 110, Farnum Building (373-2768)

K-12, School Aid, Education - Wednesday, February 27, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Natural Resources Department - Tuesday, March 5, 1:00 p.m., Room 110, Farnum Building (373-2768) (CANCELED)

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

Transportation - Thursday, February 28, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Economic Development - Wednesday, February 27, 1:30 p.m., Room 110, Farnum Building (373-5323)

Families, Seniors and Human Services - Wednesday, February 27, 3:00 p.m., Room 210, Farnum Building (373-5312)

Local Government and Elections - Wednesday, February 27, 3:00 p.m., Room 100, Farnum Building (373-5314)

Outdoor Recreation and Tourism - Thursday, February 28, 12:30 p.m., Room 210, Farnum Building (373-5323)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 11:40 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, February 27, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate