

No. 4
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2014

Senate Chamber, Lansing, Thursday, January 16, 2014.

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.

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—excused
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

Senator Mark C. Jansen of the 28th District offered the following invocation:

Dear heavenly Father, we come to You today, looking at Your creation and how beautiful it is. It may slow us down on the roads, but it gives us a chance to pause and reflect. We pray for this body; we pray for the Legislature; we pray for the employees throughout the state of Michigan who have been called to represent the state, but even higher to represent You. As all of us try to do that, we pray, Lord, we'll be obedient, we will be humble, Lord, and we will listen. Oftentimes politicians like to talk and so we just pray, Lord, that You would give us pause, and help us to be able to listen with both ears.

We pray for the days ahead, and the Governor, even tonight as he brings us his vision and what he wants to accomplish, we pray, Lord, that they would be in line with Your will. Lord, we pray for the kids and the students in this state. Help them to learn; help them to listen; help them to be the leaders not only today, but tomorrow.

We pray blessings on this body today and in the days ahead. We can only ask this 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

Senators Walker and Green entered the Senate Chamber.

Senator Whitmer moved that Senators Ananich, Bieda, Gregory, Hopgood, Hood, Johnson, Smith and Young be temporarily excused from today's session.

The motion prevailed.

Senator Whitmer moved that Senator Hunter be excused from today's session.

The motion prevailed.

Senator Meekhof moved that Senators Kahn, Marleau and Brandenburg be temporarily excused from today's session.

The motion prevailed.

The following communication was received and read:

Office of the Auditor General

January 13, 2014

Enclosed is a copy of the Comprehensive Annual Financial Report of the Bureau of State Lottery for the fiscal years ended September 30, 2013 and 2012.

If you have any questions regarding this report, please call me; or Scott M. Strong, C.P.A., Deputy Auditor General; or Mark A. Freeman, C.P.A., Audit Division Administrator for contract audits.

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 House bills were received in the Senate and filed on Wednesday, January 15:

House Bill Nos. 4288 4292

The Secretary announced that the following bills were printed and filed on Wednesday, January 15, and are available at the Michigan Legislature website:

Senate Bill No. 735

House Bill Nos. 5219 5220

Senators Kahn and Marleau entered the Senate Chamber.

Messages from the House

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:07 a.m.

10:45 a.m.

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

Senate Bill No. 337, 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 sections 27a and 30 (MCL 205.27a and 205.30), section 27a as amended by 2012 PA 211 and section 30 as amended by 1993 PA 14.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4), ordered that it be given immediate effect and amended the title to read as follows:

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 sections 21, 27a, and 30 (MCL 205.21, 205.27a, and 205.30), section 21 as amended by 2006 PA 11, section 27a as amended by 2012 PA 211, and section 30 as amended by 2013 PA 133.

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

House Bill No. 4629, entitled

A bill to amend 1972 PA 106, entitled "An act to provide for the licensing, regulation, control, and prohibition of outdoor advertising adjacent to certain roads and highways; to prescribe powers and duties of certain state agencies and officials; to promulgate rules; to provide remedies and prescribe penalties for violations; and to repeal acts and parts of acts," by amending sections 2, 4, 6, 7, 7a, 11, 11a, 15, 17, and 18 (MCL 252.302, 252.304, 252.306, 252.307, 252.307a, 252.311, 252.311a, 252.315, 252.317, and 252.318), sections 2, 7, 11a, and 18 as amended by 2009 PA 86, section 4 as amended by 2008 PA 93, sections 6, 11, and 15 as amended by 2006 PA 448, and sections 7a and 17 as amended by 2011 PA 13, and by adding sections 7b, 17a, 17b, 18b, 18c, and 22a.

The House of Representatives has amended the Senate substitute (S-3) as follows:

1. Amend page 20, line 7, after "(6)" by striking out "ALL" and inserting "BOTH".
2. Amend page 20, line 20, by striking out the balance of the section and inserting:

"(B) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION AND ENDING 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION, FOR THE FIRST 8 NONSTANDARD SIGNS FOR WHICH THE OWNER APPLIES FOR A DIGITAL BILLBOARD PERMIT UNDER SUBDIVISION (A), THE OWNER SHALL NOT BE REQUIRED TO SURRENDER 3 INTERIM PERMITS. THIS SUBDIVISION ONLY APPLIES TO SIGNS LOCATED IN A COUNTY HAVING A POPULATION OF NOT LESS THAN 750,000. THE SPACING REQUIREMENTS UNDER SECTION 17(4) APPLY TO THE FIRST 8 NONSTANDARD SIGNS FOR WHICH THE OWNER APPLIES FOR A DIGITAL BILLBOARD PERMIT UNDER SUBDIVISION (A)."

3. Amend page 45, line 1, after "(4)" by striking out the balance of the subsection and inserting **"BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION AND ENDING 6 MONTHS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, FOR THE FIRST 8 NONSTANDARD SIGNS FOR WHICH THE OWNER APPLIES FOR A DIGITAL BILLBOARD PERMIT UNDER SECTION 6(6)(A) WITHOUT HAVING TO SURRENDER**

3 INTERIM PERMITS AS PROVIDED UNDER SECTION 6(6)(B), EACH SIGN SHALL NOT BE CLOSER THAN 1,000 FEET TO ANOTHER SIGN USING A DIGITAL BILLBOARD PERMIT ON EITHER SIDE OF THE HIGHWAY FACING THE SAME DIRECTION OF TRAFFIC. THIS SUBSECTION ONLY APPLIES TO SIGNS LOCATED IN A COUNTY HAVING A POPULATION OF NOT LESS THAN 750,000.”.

The House of Representatives has concurred in the Senate substitute (S-3) as amended and agreed to the title as amended. Pursuant to rule 3.202, the bill was laid over one day.

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

Senators Caswell and Bieda introduced

Senate Bill No. 737, entitled

A bill to amend 1986 PA 87, entitled “An act regarding warranties on new motor vehicles; to require certain repairs to new motor vehicles; to provide remedies for the failure to repair such vehicles; and to prescribe duties for certain state agencies,” by amending section 1 (MCL 257.1401), as amended by 1998 PA 486.

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

House Bill No. 4288, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 18 (MCL 205.68), as amended by 2008 PA 438.

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. 4292, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 14a (MCL 205.104a), as amended by 2008 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 Finance.

Recess

Senator Meekhof moved that the Senate recess until 6:00 p.m.

The motion prevailed, the time being 10:48 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Calley.

During the recess, Senators Bieda, Gregory, Brandenburg, Hood, Smith, Hopgood, Johnson, Ananich and Young entered the Senate Chamber.

Senator Meekhof moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle.

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

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of all Senators admittance to the Senate floor.

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 6:01 p.m.

6:08 p.m.

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

Joint Convention

The Sergeant at Arms announced a committee from the House of Representatives, Representatives O'Brien, Lori, Phelps and Clemente, who, through their chairperson, reported that the House was ready to meet with the Senate in Joint Convention.

The President, Lieutenant Governor Calley, announced that the hour had arrived for the meeting of the two houses in Joint Convention.

Senator Meekhof moved that the Senate recess for the purpose of proceeding to the Hall of the House of Representatives for the Joint Convention.

The motion prevailed, the time being 6:10 p.m.

(For proceedings in Joint Convention, see House Journal No. 5, p. 26.)

The Senate reconvened at the expiration of the recess at 8:12 p.m. and pursuant to rule 1.101, in the absence of the Presiding Officers, was called to order by the Secretary of the Senate.

The Secretary of the Senate announced that the Senate had attended the Joint Convention in the Hall of the House of Representatives and had received the State of the State message by Governor Snyder.

Committee Reports

The Committee on Judiciary reported

House Bill No. 4715, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 224f (MCL 750.224f), as added by 1992 PA 217.

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, Schuitmaker, 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. 4716, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16m of chapter XVII (MCL 777.16m), as amended by 2012 PA 124.

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, Schuitmaker, 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. 4717, 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 4 (MCL 28.424), as added by 1992 PA 219.

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, Schuitmaker, Rocca and Bieda

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 Education submitted the following:

Joint meeting held on Wednesday, January 15, 2014, at 2:30 p.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Pavlov (C), Emmons, Colbeck, Hopgood and Young

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:

Joint meeting held on Wednesday, January 15, 2014, at 2:30 p.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Walker (C), Caswell, Pappageorge and Hopgood

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Wednesday, January 15, 2014, at 4:30 p.m., Cobo Center Atrium, 1 Washington Boulevard, Detroit

Present: Senators Kowall (C), Hildenbrand and Smith

Excused: Senators Nofs, Emmons, Hansen and Ananich

Scheduled Meetings

Appropriations -

Subcommittees -

Agriculture and Rural Development - Tuesdays, February 11, February 18, February 25, March 11, March 18 and March 25, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Higher Education and House Higher Education Appropriations Subcommittee - Thursday, January 30, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police and Military Affairs - Thursdays, January 30, 1:30 p.m., Rooms 402 and 403; February 20, 3:00 p.m., Rooms 402 and 403; February 27, 3:00 p.m., Room 405; and March 6, March 13, March 27 and April 17, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Energy and Technology - Tuesday, January 21, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5307)

Senate Fiscal Agency Board of Governors - Thursday, January 23, 9:00 a.m., Room S-324, Capitol Building (373-2768)

State Drug Treatment Court Advisory Committee - Tuesday, January 28, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 8:13 p.m.

The Secretary of the Senate declared the Senate adjourned until Tuesday, January 21, 2014, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

