

**No. 30**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**97th Legislature**  
**REGULAR SESSION OF 2013**

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Senate Chamber, Lansing, Wednesday, April 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.

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

Reverend Seth Weeldreyer of First Presbyterian Church of Kalamazoo offered the following invocation:

As we start, all we say and do in this place of honor and glory, everywhere we are this day, we fall silent, dear God, in Your presence. You are God of Senate chambers and family sitting rooms; of streams filled with beauty and streets lined with businesses. You are God of many names and faces of people whose names we know and faces we see in the eyes of our hearts and those perhaps known only to You; people whom we all serve and with whom we seek life in its fullness.

We thank you, O God, above all, for these bonds of life with You and other people; for our world in which there is so much goodness and possibility and in which we still fall short as we try to figure out together what is best for all.

As we seek the way toward prosperity, security, and equal opportunity that is Your true peace, guide us, O God, by the witness of justice that we hear in Hebrew prophets; by the power of compassion and sacrificial love that we see in Jesus the Christ. Guide us, O God, with the pillar of Muslim commitment to care for the poor and with respect of Native Americans in harmony of all Creation; with Your grace bestowed upon Buddhists and Hindus and so many others, each in their way. Guide especially, we pray, our public servants from the Governor's office to these halls of congress, from the civic leaders of each Michigan hamlet to Washington, D.C., and throughout the world.

Wherever we sit in this room, wherever we stand on issues, however our lives intertwine, fill us with real hope more than momentary hype. Give us humility and authenticity that, beyond party affiliation or pet agenda, we may seek the good of all, as we see Your purposes even more than our plans.

So we think of soldiers. We think of peacemakers. We bear with us the resources and responsibilities each of us has to make a difference. We pray for wisdom. We pray for courage. We pray in Your holy name. Amen.

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

### Motions and Communications

Senator Brandenburg entered the Senate Chamber.

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

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

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, April 9:  
**House Bill No. 4262**

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 Hansen 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 bills:

**House Bill No. 4052, entitled**

A bill to amend 1950 (Ex Sess) PA 27, entitled "Motor vehicle sales finance act," by amending section 2 (MCL 492.102), as amended by 1995 PA 166.

**House Bill No. 4053, entitled**

A bill to amend 1966 PA 224, entitled "Retail installment sales act," by amending section 2 (MCL 445.852), as amended by 1995 PA 167.

The bills were 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. 257, entitled**

A bill 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.

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.

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:

**House Bill No. 4123**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4123, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 2977.

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. 72**

**Yeas—30**

Anderson	Green	Kahn	Pavlov
Bieda	Gregory	Kowall	Proos
Booher	Hansen	Marleau	Richardville
Brandenburg	Hildenbrand	Meekhof	Robertson
Casperson	Hopgood	Moolenaar	Rocca
Caswell	Hune	Nofs	Schuitmaker
Colbeck	Jansen	Pappageorge	Walker
Emmons	Jones		

**Nays—5**

Hood	Smith	Warren	Whitmer
Johnson			

**Excused—2**

Hunter	Young
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**Not Voting—0**

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

### **Resolutions**

Senators Warren, Anderson, Bieda, Smith and Hopgood offered the following resolution:

#### **Senate Resolution No. 29.**

A resolution to declare April 9, 2013, as Pay Equity Day in the state of Michigan.

Whereas, It has been 50 years since the passage of the Equal Pay Act, and even with the passage of Title VII of the Civil Rights Act just one year later, women and people of color continue to suffer the consequences of inequitable pay differentials; and

Whereas, According to statistics released in 2011 by the U.S. Census Bureau, year-round, full-time working women in 2010 earned only 77 percent of the earnings of year-round, full-time working men, indicating little change or progress in pay equity; and

Whereas, Higher education is not free from wage discrimination. According to a U.S. Department of Education analysis, after controlling for rank, age, credentials, field of study, and other factors, full-time female faculty members earn nearly 9 percent less than their male counterparts; and

Whereas, Statistics released in 2010 by the U.S. Census Bureau indicate that Michigan women earned only \$34,542 compared to men making \$48,066. Looking at year-round, full-time college-educated workers, Michigan women earned 72 percent of the earnings of their male counterparts, with Michigan ranking 46th in the nation; and

Whereas, Over a working lifetime, this wage disparity costs the average American woman and her family \$700,000 to \$2 million in lost wages, impacting Social Security benefits and pensions; and

Whereas, Fair pay equity policies can be implemented simply and without undue costs or hardship in both the public and private sectors; and

Whereas, Fair pay strengthens the security of families today and eases future retirement costs, while enhancing the American economy; and

Whereas, April 9, 2013, symbolizes the time in the new year in which the wages paid to American women catch up to the wages paid to men from the previous year; now, therefore, be it

Resolved by the Senate, That the members of this legislative body declare April 9, 2013, as Pay Equity Day in the state of Michigan. We urge Michigan’s citizens to recognize the full value of women’s skills and significant contributions to the labor force and encourage businesses to conduct an internal pay evaluation to ensure women are paid fairly.

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 question being on the adoption of the resolution,

Senator Meekhof moved that the resolution be referred to the Committee on Economic Development.

The motion prevailed.

Senators Gregory, Hood and Johnson were named co-sponsors of the resolution.

Senators Warren, Anderson, Bieda, Smith and Hopgood offered the following resolution:

#### **Senate Resolution No. 30.**

A resolution to urge the Congress of the United States to enact legislation that ensures pay equity between men and women.

Whereas, A half-century after the passage of the Equal Pay Act of 1963 and Title VII of the Civil Rights Act, women continue to be subjected to gender-based pay differentials. While current law provides that equal pay be given to employees,

irrespective of gender, for substantially equal work, employers have been allowed to pay different wages for men and women based on “any factor other than sex.” This loophole has permitted employers to justify higher salaries and benefits for men on grounds unrelated to job functions; and

Whereas, Little change or progress has been made in gender pay equity. According to the U.S. Census Bureau, women working full-time received only 77 percent of the pay men did in 2010. In Michigan, women earned \$34,542 in that year, 72 percent of men’s \$48,066. This ranked Michigan 46th nationally in gender pay differential. Over the lifetime of a career, the average American woman and her family will be negatively impacted from wage discrimination by \$700,000 to \$2 million, affecting Social Security, bonuses, pensions, and other benefits; and

Whereas, The proposed Paycheck Fairness Act of 2013 would address the shortcomings of the Equal Pay Act of 1963 and Title VII of the Civil Rights Act. The legislation would close the pay differentials loophole in the current law by requiring that when pay differentials exist, it be for a “bona fide factor,” such as education, training, or experience directly related to the position in question and out of business necessity. It also strengthens the nonretaliation provision of the Fair Labor Standards Act of 1938 to protect women who inquire about, disclose, or discuss their own wages or the wages of another employee; now, therefore, be it

Resolved by the Senate, That we urge the Congress of the United States to enact legislation that ensures pay equity between men and women; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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 question being on the adoption of the resolution,

Senator Meekhof moved that the resolution be referred to the Committee on Economic Development.

The motion prevailed.

Senators Gregory, Hood and Johnson were named co-sponsors of the resolution.

Senator Young entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

#### **Statements**

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:

Because of a death in the family, I was unable to attend session yesterday. Had I been here, I would’ve voted “yes” on Senate Bill No. 165, Senate Bill No. 92, and House Bill No. 4045.

By unanimous consent the Senate returned to the order of

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

Senators Warren, Hopgood, Smith, Anderson and Bieda introduced

#### **Senate Joint Resolution R, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 2 of article VIII, to prohibit public schools from being operated on a for-profit basis or by a for-profit entity.

The joint resolution was read a first and second time by title and referred to the Committee on Education.

Senator Whitmer introduced

#### **Senate Bill No. 290, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1212 (MCL 380.1212), as amended by 2003 PA 299.

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

Senators Warren, Hopgood and Smith introduced

**Senate Bill No. 291, entitled**

A bill to enter into the interstate compact to elect the president by national popular vote; and for related purposes. The bill was read a first and second time by title and referred to the Committee on Local Government and Elections.

Senator Green introduced

**Senate Bill No. 292, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16326 and part 171.

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

Senator Bieda introduced

**Senate Bill No. 293, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 3715 (MCL 700.3715), as amended by 2009 PA 46.

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

Senators Jones, Green and Colbeck introduced

**Senate Bill No. 294, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 9 (MCL 432.9), as amended by 1996 PA 167.

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

Senators Hunter, Smith and Jansen introduced

**Senate Bill No. 295, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78m (MCL 211.78m), as amended by 2006 PA 498.

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

Senators Warren, Anderson, Bieda, Smith and Hopgood introduced

**Senate Bill No. 296, entitled**

A bill to amend 1978 PA 390, entitled "An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts," by amending section 13a (MCL 408.483a), as added by 1982 PA 524.

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

Senators Young, Warren, Anderson, Bieda, Smith and Hopgood introduced

**Senate Bill No. 297, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 556 (MCL 750.556).

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

Senators Warren, Anderson, Bieda, Smith and Hopgood introduced

**Senate Bill No. 298, entitled**

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending sections 102, 103, and 202 (MCL 37.2102, 37.2103, and 37.2202), section 102 as amended by 1992 PA 124, section 103 as amended by 1999 PA 202, and section 202 as amended by 2009 PA 190.

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

Senators Whitmer, Warren, Anderson, Young, Bieda, Smith and Hopgood introduced

**Senate Bill No. 299, entitled**

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," (MCL 37.2101 to 37.2804) by adding section 202b. The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator Caswell introduced

**Senate Bill No. 300, entitled**

A bill to create the Michigan indigent defense commission and to provide for its powers and duties; to provide indigent defendants in criminal cases with effective assistance of counsel; to provide standards for the appointment of legal counsel; and to provide for certain appropriations and grants.

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

Senator Caswell introduced

**Senate Bill No. 301, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16 of chapter XV (MCL 775.16), as amended by 1980 PA 506.

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

Senators Caswell, Booher, Colbeck, Proos, Nofs, Bieda and Marleau introduced

**Senate Bill No. 302, entitled**

A bill to designate this state a purple heart state.

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

Senator Schuitmaker introduced

**Senate Bill No. 303, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57b (MCL 400.57b), as amended by 2011 PA 131.

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

Senator Schuitmaker introduced

**Senate Bill No. 304, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1599 (MCL 380.1599) and by adding section 1590.

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

Senator Schuitmaker introduced

**Senate Bill No. 305, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," (MCL 710.21 to 712A.32) by adding section 2f to chapter XIIA.

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

Senator Schuitmaker introduced

**Senate Bill No. 306, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303 and 319 (MCL 257.303 and 257.319), as amended by 2012 PA 306.

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

**House Bill No. 4262, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 226, 227, and 231 (MCL 750.226, 750.227, and 750.231), section 227 as amended by 1986 PA 8 and section 231 as amended by 2006 PA 401.

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.

### Committee Reports

The Committee on Judiciary reported

**House Bill No. 4093, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 625, 625a, 625g, and 625m (MCL 257.625, 257.625a, 257.625g, and 257.625m), section 625 as amended by 2012 PA 543, sections 625a and 625g as amended by 2003 PA 61, and section 625m as amended by 2008 PA 463.

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, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 4131, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 33 and 48 of chapter XVII (MCL 777.33 and 777.48), as amended by 2003 PA 134.

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, Schuitmaker, 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, April 9, 2013, at 2:30 p.m., Room 110, Farnum Building

Present: Senators Jones (C), Schuitmaker, Rocca and Bieda

### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Colleges submitted the following:

Meeting held on Tuesday, April 9, 2013, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Booher (C), Schuitmaker and Anderson

### COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, April 9, 2013, at 12:30 p.m., Room 100, Farnum Building

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

### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Tuesday, April 9, 2013, at 2:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Caswell (C), Jansen, Proos and Gregory



## COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, April 10, 2013, at 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

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

**Agriculture and Rural Development** - Thursday, April 11, 12:30 p.m., Room 100, Farnum Building (373-2768)

**Community Health Department** - Thursday, April 11, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**Environmental Quality Department** - Thursday, April 11, 1:00 p.m., Room 100, Farnum Building (373-2768)

**Licensing and Regulatory Affairs Department** - Thursday, April 11, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2768)

**Natural Resources Department** - Thursday, April 11, 12:00 noon, Room 100, Farnum Building (373-2768)

**State Police and Military Affairs** - Thursdays, April 11 and May 2, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**Transportation** - Thursday, April 11, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Banking and Financial Institutions** - Thursday, April 11, 1:30 p.m., Room 100, Farnum Building (373-5312) (CANCELED)

**Natural Resources, Environment and Great Lakes** - Thursday, April 11, 8:30 a.m., Room 210, Farnum Building (373-5323)

**Senate Fiscal Agency Board of Governors** - Thursday, April 11, 9:00 a.m., Room S-324, Capitol Building (373-2768)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 10:27 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, April 11, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

