

No. 42
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2013

Senate Chamber, Lansing, Wednesday, May 8, 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—excused
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—excused
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 Philip A. Green of Juniata Baptist Church of Vassar offered the following invocation:

Our gracious Heavenly Father, it truly is a blessing to have the privilege of coming before You and bringing our requests and petitions before Your very throne. As we are assembled here this morning, it is with solemnness and awe; solemnness because the decisions that are made in this very room have the potential to affect lives for generations, and awe because we do not have the ability to see the effects of those decisions before they must be made.

Lord, we make the same request that King Solomon made to You. Please give us wisdom. Our finiteness hinders us from being able to accurately predict the full consequences of our decisions. We also recognize that there are many influencing factors in the motivations for introducing the different pieces of legislation. Lord, give us the wisdom to discern not only the intentions of the legislation, but also the effects of that legislation.

Secondly, Lord, we ask for boldness. Help us to discern the correct decisions; then help us to make the correct decisions with no thought to our personal well-being. Help us to remember what we are called to do and do it with all of our might. Help us to do right regardless of the personal cost that it may require of us.

We ask all of these things in the name of Your precious Son Jesus. Amen.

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

Motions and Communications

Senators Hood, Jansen and Green entered the Senate Chamber.

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

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 7:
House Bill Nos. 4297 4439

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, May 7, for his approval the following bills:

Enrolled Senate Bill No. 219 at 10:58 a.m.

Enrolled Senate Bill No. 43 at 11:00 a.m.

Enrolled Senate Bill No. 288 at 11:02 a.m.

Enrolled Senate Bill No. 289 at 11:04 a.m.

The Secretary announced that the following bills were printed and filed on Tuesday, May 7, and are available at the Michigan Legislature website:

Senate Bill Nos. 350 351 352 353

Messages from the Governor

Senators Moolenaar, Smith, Kahn and Brandenburg entered the Senate Chamber.

The following message from the Governor was received:

Date: May 7, 2013

Time: 3:15 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 108 (Public Act No. 20), being

An act to amend 2001 PA 142, entitled "An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions," (MCL 250.1001 to 250.2080) by adding section 69.

(Filed with the Secretary of State on May 7, 2013, at 3:32 p.m.)

Respectfully,
Rick Snyder
Governor

The following messages from the Governor were received and read:

April 25, 2013

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

Correctional Officers' Training Council

Timothy M. Eklin of 7398 Waterfall Drive, Grand Blanc, Michigan 48439, county of Genesee, representing the academic community, succeeding himself, is reappointed for a term expiring March 29, 2016.

William R. Henderson of 8343 Goldfinch Drive, Freeland, Michigan 48623, county of Saginaw, representing state corrections officers, succeeding Andrew Potter, is appointed for a term expiring March 29, 2016.

April 26, 2013

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

Michigan Board of Physical Therapy

Linda H. Minter of 2161 Arundel Place, Okemos, Michigan 48864, county of Ingham, representing the general public, succeeding Sean Handler, is appointed for a term expiring December 31, 2013.

April 29, 2013

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

Michigan Historical Commission

Kimberly S. Johnson of 117 E. Iroquois Road, Pontiac, Michigan 48341, county of Oakland, representing the general public, succeeding herself, is reappointed for a term expiring May 21, 2017.

Joan F. Capuano of 78 Vendome Road, Grosse Pointe Farms, Michigan 48236, county of Wayne, representing the general public, succeeding herself, is reappointed for a term expiring May 21, 2017.

May 1, 2013

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

Firefighters Training Council

Chad Tackett of 1597 Woodlea Drive, Otsego, Michigan 49078, county of Allegan, representing the Michigan Association of Fire Chiefs, succeeding Michael G. Deprez, is appointed for a term expiring December 31, 2013.

May 3, 2013

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

Michigan Cherry Committee

Daryl K. Peterson of 6115 W. Olmstead Road, Ludington, Michigan 49431, county of Mason, representing District 2 sweet cherry growers, succeeding himself, is reappointed for a term expiring February 1, 2016.

Michael A. DeRuiter of 3884 W. Taylor Road, Hart, Michigan 49420, county of Oceana, representing District 2 tart cherry growers, succeeding himself, is reappointed for a term expiring February 1, 2016.

Marc C. Willmeng of 7680 Hill Road, Watervliet, Michigan 49098, county of Berrien, representing District 3 sweet cherry growers, succeeding himself, is reappointed for a term expiring February 1, 2016.

May 3, 2013

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

Corn Marketing Program of Michigan

Steven J. Lonier of 14300 Lowell Road, Lansing, Michigan 48906, county of Clinton, representing District 6 growers, succeeding Patrick Feldpausch, is appointed for a term expiring March 5, 2016.

Richard L. Dobbins of 13677 Cornell Road, Concord, Michigan 49237, county of Jackson, representing District 5 growers, succeeding himself, is reappointed for a term expiring March 5, 2016.

Paul Wagner of 5899 County Road 633, Grawn, Michigan 49637, county of Grand Traverse, representing District 9 growers, succeeding Edward Breitmeyer, is appointed for a term expiring March 5, 2016.

May 7, 2013

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

Residential Builders' and Maintenance and Alteration Contractors' Board

Jeff J. Agnew of 10060 Summerfield Drive, Temperance, Michigan 48181, county of Monroe, representing maintenance and alteration contractors, succeeding himself, is reappointed for a term expiring March 31, 2017.

Mark K. Wahl of 1397 W. Linwood Road, Linwood, Michigan 48634, county of Bay, representing residential builders, succeeding Frank DiStefano, is appointed for a term expiring March 31, 2017.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator Pavlov moved that Senator Emmons be temporarily excused from today's session.
The motion prevailed.

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

Senators Young and Emmons entered the Senate Chamber.

General Orders

Senator Pavlov 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 bills:

Senate Bill No. 237, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 9208 (MCL 333.9208), as amended by 2000 PA 90.

Senate Bill No. 238, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1177 (MCL 380.1177), as amended by 2000 PA 91.

Senate Bill No. 239, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 167 (MCL 388.1767), as amended by 2006 PA 342.

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:

House Bill No. 4254, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 33 (MCL 257.33), as amended by 2002 PA 494, and by adding section 13d.

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:

House Bill No. 4471, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 2012 PA 516.

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.

Resolutions

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

Senate Resolution No. 34

The motion prevailed.

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 50

Senate Resolution No. 51

The resolution consent calendar was adopted.

Senators Colbeck and Bieda offered the following resolution:

Senate Resolution No. 50.

A resolution to commemorate the 100th Anniversary of the Michigan Historical Commission.

Whereas, The Michigan Historical Commission was created on May 8, 1913, with passage by the Legislature and signing by Governor Woodbridge Ferris of Public Act 271, for the purposes of collecting and preserving material, including records, archives, paintings, and statuary illustrative of and relating to the history of Michigan, the old Northwest Territory, the early pioneers, and the Indian tribes in Michigan, displaying it in the Michigan Historical Museum, and publishing source materials and historical studies on the history of the state; and

Whereas, The succeeding years have resulted in additions to the commission's responsibilities, such as enactment in 1955 of Public Act 10, giving it authority over the Michigan Historical Marker program now encompassing some 1,700 sites and stories; and in 2007, under Executive Order No. 52, directing it to lead Michigan's commemoration of the sesquicentennial of the American Civil War. After various executive reorganizations, today it provides counsel to the Department of Natural Resources on the state's history programs; and

Whereas, Since 1913, the Michigan Historical Commission has continuously championed Michigan's unique, rich heritage, most recently seeking to aid the city of Detroit with renovation and promotion of Capitol Park, seat of Michigan's territorial government and its first capital, and the Ulysses S. and Julia D. Grant Home, the state's only publicly-owned presidential residence; and

Whereas, The Michigan Historical Commission has long been characterized by diversity, its longest-serving member being Elizabeth S. Adams, appointed in 1941 and served until 1995; having the contributions of such celebrated African Americans as Esther Edwards and Samuel Logan, Jr., as well as distinguished public servants such as John B. Swainson, in whose name the commission created an award to honor those who make signal contributions to preserving Michigan history; and currently being served by the largest number of female members in its history; and

Whereas, The leadership of the Michigan Historical Commission has been and will continue to be essential in preserving and promoting Michigan's history, connecting it to tourism initiatives that aid the economy and quality of life, and educating our youth on their state's heritage; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate the 100th Anniversary of the Michigan Historical Commission; and be it further

Resolved, That a copy of this resolution be transmitted to John M. Dempsey, president of the Michigan Historical Commission; Keith Creagh, director of the Department of Natural Resources; and to the members of this greatly-respected commission as evidence of the high regard and esteem held for them by the Michigan Legislature and the people they serve.

Senators Anderson, Booher, Brandenburg, Hansen, Hildenbrand, Hopgood, Jones, Kowall, Marleau and Proos were named co-sponsors of the resolution.

Senators Pavlov, Booher, Colbeck, Robertson, Proos, Brandenburg, Marleau, Jansen and Casperson offered the following resolution:

Senate Resolution No. 51.

A resolution recognizing May 5-11, 2013, as Michigan Charter Schools Week.

Whereas, Michigan's charter schools law was enacted 19 years ago, enabling charter schools to be locally established and founded in communities across the state; and

Whereas, Charter schools provide new educational opportunities to 130,000 students and their families; and

Whereas, These schools give all parents more choices in their children's education; and

Whereas, Michigan's 276 charter schools and their dedicated staff continue to bring fresh ideas and perspectives to K-12 education; and

Whereas, Charter public schools encourage competition and are accountable to the public through public universities, community colleges, and local and intermediate school districts that help establish and oversee these schools; and

Whereas, Charter schools are making great progress in closing the achievement gap for urban, minority, and at-risk children across the state; now, therefore, be it

Resolved by the Senate, That we hereby recognize May 5-11, 2013, as Michigan Charter Schools Week in honor of their successes and the important role they play in educating Michigan's young people; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Association of Public School Academies.

Senators Hildenbrand and Kowall were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators Jones, Rocca, Anderson, Proos, Marleau, Pappageorge and Nofs introduced

Senate Bill No. 354, entitled

A bill to amend 1969 PA 287, entitled “An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies,” (MCL 287.331 to 287.340) by adding section 8b.

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

House Bill No. 4297, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 2045, 74116, 74117, 74120, 78105, and 78119 (MCL 324.2045, 324.74116, 324.74117, 324.74120, 324.78105, and 324.78119), section 2045 as added by 2010 PA 32, sections 74116, 74117, and 74120 as amended by 2010 PA 33, and section 78105 as amended and section 78119 as added by 2010 PA 34.

The House of Representatives has passed the bill.

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

House Bill No. 4439, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 805 (MCL 257.805), as added by 2010 PA 35.

The House of Representatives has passed the bill.

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

Statements

Senators Bieda and Young 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:

Today, Senator Colbeck and I introduced on the consent calendar a resolution honoring the centennial of the Michigan Historical Commission. For 100 years, the Michigan Historical Commission has safeguarded our state’s history through good times and bad. Its devotion to preserving our stories and promoting knowledge and education about our past has been essential to our very identity as Michiganders. Our history, after all, is second to none. The commission has not merely acted as a panel of historians interested in the dry dates and facts of the past but, as Michigan moviemaker Ken Burns termed it, “emotional archaeologists” who help unveil the mystery of bringing our past alive. Today, it continues the century-old work of preserving our state’s “first principles, its highest aspirations, its greatest sacrifices, even reminders of its most shameful mistakes.”

One of the commission’s signature programs is approving and advancing our state historical markers, a 58-year-old program that serves vital public purposes in identifying sites and subjects of historic significance to Michigan, educating the people of Michigan about their heritage, and enhancing cultural economic development. The nearly 1,700 markers are the signposts of our life as a society and stretch from one end to the other side of this state. The program is but one example of heritage tourism, the fastest-growing and most lucrative aspect of this key economic driver for the state.

The state has a fundamental responsibility to ensure that Michigan history is preserved, interpreted, and shared. Our history builds a sense of confidence and grounding in our children as part of a continuum of challenge and success. It’s the fabric of stories and experiences that holds our communities together in common purpose. It provides a sense of place that builds strong neighborhoods and attracts tourists and commerce.

The commission, for a century now, has carried out its vital mission, and we hereby commit it to doing so for another 100 years. I am confident that the current nine members of the commission, who serve without remuneration of any kind, will continue their dedication to helping our state preserve and promote its heritage. There is no better service.

President John F. Kennedy reminded Americans: “A knowledge of history is, above all, a means of responsibility—of responsibility to the past and of responsibility to the future...of responsibility to those who came before us and struggled

and sacrificed to pass on to us our precious inheritance of freedom...and of responsibility to those who will come after us and to whom we must pass on that inheritance with what new strength and substance it is within our power to add.”

On this, the centennial of the creation of the Michigan Historical Commission, this congratulatory resolution affirms the continuing role of the commission to nurture our heritage through creative and innovative solutions that elevate the quality of life for all the people of Michigan.

Senator Young’s statement is as follows:

Mr. President, I’d like to start with a quote: “Every government degenerates when trusted to the rulers of the people alone. The people themselves are its only safe depositories.” Mr. President, as you’re well aware, we have an emergency manager in the city of Detroit. The powers that are vested in the people cannot be there when the concentration of power all goes to one man. He doesn’t have to listen to their issues, their concerns, their comments. Most of the ideas I get are from my constituents. Most of the things that I stand for are from the people. When you have someone who has been given plenary power to do what he wants, the will of the people falls silent. Tyranny in response to emergency is not valor. To hold up democracy in the face of perceived proper fiscal austerity is not virtue.

Mr. President, the EM law not only is unconstitutional because of its powers, but also flawed in what it says because it basically suggests that in order for you to have fiscal responsibility and accountability, you have to suspend democracy. It assumes that democracy and fiscal accountability are mutually exclusive, and they’re not. They’re one in the same. The only way that we’re going to achieve true responsibility fiscally and prosperity economically is if democracy is at the helm. Democracy is the foundation on which those other desires that we seek are built.

That’s why we need to repeal the EM law. It’s not just because it’s wrong. It’s not just because it’s unconstitutional. It’s not just because the emergency manager has been given the power to break contracts, which is unconstitutional. It’s not just because he’s taken the right to vote away; the right to exercise your franchise. It’s because we will never truly experience the greatness that we have in store. We will never bridge the gap between Michigan’s promise and its reality if we have this law.

So I ask you, Mr. President—I implore you, we need to repeal this law. We need to repeal it because of what it’s doing to the people who have, in good faith, signed contracts. We need to repeal it because of what it’s doing to the cities in terms of taking away the ability of the elected leaders to lead where the vision of the people told them to go. A city is nothing more than the visions, dreams, hopes, desires, and wants of its people. We elected leadership for the purpose of achieving those goals.

When I said the quote a while back about how “the ears of the leader must ring with the voice of the people,” that wasn’t just something I said because it sounds nice or makes you feel good, Mr. President. It does sound nice and make you feel good. Mr. President, it was about the fact that leadership must be inclusive of its community; otherwise, what was once intended to provide sovereignty; what was once intended to provide prosperity; what was once intended to provide responsibility will be replaced with anarchy.

That’s something we don’t need. That’s something we have enough of. That’s something we don’t need to encourage. That’s something we don’t need to engender. We need to send the EM back to D.C., and we need to start passing laws that the people of the city of Detroit and other cities with EMs sent us up here to do. That’s lost making a safer area. That’s lost bringing jobs and putting people back to work. That’s what I was brought up here to do, Mr. President. So let’s put Michigan back to work and repeal the EM law.

Committee Reports

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Monday, May 6, 2013, at 1:00 p.m., Port of Detroit Public Dock and Terminal Building, 2nd Floor Public Space, 130 East Atwater Street, Detroit

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

Excused: Senators Meekhof, Warren and Hood

COMMITTEE ATTENDANCE REPORT

The Committee on Infrastructure Modernization submitted the following:

Meeting held on Tuesday, May 7, 2013, at 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Kahn (C), Pappageorge, Booher, Jansen, Brandenburg, Hood and Warren

Scheduled Meetings

Infrastructure Modernization - Tuesday, May 14, 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Natural Resources, Environment and Great Lakes - Thursday, May 9, 8:30 a.m., Room 210, Farnum Building (373-5323) (CANCELED)

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

Senator Pavlov moved that the Senate adjourn.
The motion prevailed, the time being 10:29 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, May 9, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate