

No. 22  
STATE OF MICHIGAN  
**Journal of the Senate**  
97th Legislature  
REGULAR SESSION OF 2013

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

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Anderson—present  
Bieda—present  
Booher—present  
Brandenburg—present  
Casperson—present  
Caswell—present  
Colbeck—present  
Emmons—present  
Green—present  
Gregory—present  
Hansen—present  
Hildenbrand—present  
Hood—present

Hopgood—present  
Hune—present  
Hunter—excused  
Jansen—present  
Johnson—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

Pastor Dave Anderson of Church of Nazarene of Midland offered the following invocation:

O God, I come to You this morning on behalf of our leaders. My prayer is that You will help them lead us well; that You will give them wisdom and discernment; that they will have unified spirits and hearts. We know what happens when disunity arises, chaos arises. When chaos arises, well, usually the powerful take advantage of the powerless.

I ask that You bring them together; that they put pettiness aside and lead our state well. Work with our Governor, who is trying to set a good tone. Help our legislative branch and our executive branch to lead our state to become the state that is viewed as the best state in the United States, socially, economically, and educationally, bar none.

That is our prayer, O God; please hear it. In Your name we pray and ask. Amen.

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

### Motions and Communications

Senator Green entered the Senate Chamber.

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

Senator Meekhof moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

**Senate Bill No. 233**

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

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

March 5, 2013

Enclosed is a copy of the following audit report:  
Performance audit of the Caro Center, Bureau of State Hospitals and Behavioral Health Administrative Operations, Department of Community Health.

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 bill was received in the Senate and filed on Wednesday, March 6:  
**House Bill No. 4064**

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, March 6, for his approval the following bills:

**Enrolled Senate Bill No. 60 at 3:10 p.m.**

**Enrolled Senate Bill No. 44 at 3:12 p.m.**

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

**House Bill Nos. 4360 4361 4362 4363 4364 4365 4366 4367 4368 4369 4370 4371**

### 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.

11:22 a.m.

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

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 pro tempore, Senator Schuitmaker, designated Senator Hopgood as Chairperson.

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

**Senate Bill No. 233, entitled**

A bill to make, supplement, and adjust appropriations for certain capital outlay projects and for certain state departments and agencies for the fiscal year ending September 30, 2013; to provide for the expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

Substitute (S-3).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 16, line 18, after “for” by striking out “other dredging projects” and inserting “any allowable use for the Michigan state waterways fund”.

The Senate agreed to the substitute as amended 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 rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

**Senate Bill No. 233**

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

The following bill was read a third time:

**Senate Bill No. 233, entitled**

A bill to make, supplement, and adjust appropriations for certain capital outlay projects and for certain state departments and agencies for the fiscal year ending September 30, 2013; to provide for the expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

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. 41**

**Yeas—31**

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

**Nays—5**

Anderson	Johnson	Warren	Young
Bieda			

**Excused—1**

Hunter

**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

**Protests**

Senators Warren, Bieda, Johnson and Anderson, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 233.

Senator Warren moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Warren’s statement, in which Senators Bieda, Johnson and Anderson concurred, is as follows:

I rise to give my “no” vote explanation on Senate Bill No. 233. As originally introduced, Senate Bill No. 233 will do exactly what the sponsor said, which is to implement the recommendations of the Natural Resources Trust Fund, which includes some really worthy projects across this state. I would have happily stood here and supported that legislation.

However, in committee just yesterday, due to the changes that were made to completely deplete the Waterways Fund and take \$11.5 million of the General Fund to put toward dredging projects, unfortunately, I can no longer support this bill. The idea of taking every penny that is left in the Waterways Fund and putting it straight toward dredging puts at risk all the projects that were currently in line to get funding through the Waterways Fund, and also making a decision about \$11.5 million of the General Fund being slipped into a bill like this; what had been just Natural Resources Trust Fund projects.

For me, especially not serving on Appropriations and having a chance to really look at that situation, unfortunately, I will be voting in opposition to the bill.

By unanimous consent the Senate proceeded to the order of

**Resolutions****Senate Resolution No. 20.**

A resolution to memorialize the Congress of the United States to enact legislation to ensure that amounts credited to the Harbor Maintenance Trust Fund are used solely for the dredging, infrastructure, operation, and maintenance of federally-authorized ports, harbors, and waterways.

The question being on the adoption of the resolution,

Senator Meekhof requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The resolution was adopted, a majority of the members voting therefor, as follows:

**Roll Call No. 42****Yeas—36**

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson
Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker
Colbeck	Jansen	Pappageorge	Warren
Emmons	Johnson	Pavlov	Whitmer
Green	Jones	Pros	Young

**Nays—0**

**Excused—1**

Hunter

**Not Voting—0**

In The Chair: Schuitmaker

Senators Colbeck, Emmons, Green, Hildenbrand, Kahn, Meekhof, Moolenaar, Nofs, Pavlov, Robertson, Rocca and Walker were named co-sponsors of the resolution.

**Senate Resolution No. 21.**

A resolution to urge the Great Lakes governors to develop an agreement to coordinate the promotion and maintenance of ports and harbors.

The question being on the adoption of the resolution,

Senator Meekhof requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The resolution was adopted, a majority of the members voting therefor, as follows:

**Roll Call No. 43**

**Yeas—36**

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson
Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker
Colbeck	Jansen	Pappageorge	Warren
Emmons	Johnson	Pavlov	Whitmer
Green	Jones	Pros	Young

**Nays—0**

**Excused—1**

Hunter

**Not Voting—0**

In The Chair: Schuitmaker

Senators Colbeck, Emmons, Green, Hildenbrand, Hune, Kahn, Meekhof, Moolenaar, Nofs, Pavlov, Robertson, Rocca and Walker were named co-sponsors of the resolution.

### Introduction and Referral of Bills

Senators Casperson, Colbeck and Robertson introduced

**Senate Joint Resolution Q, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 35 of article IX, to provide for the use of certain revenues generated from leases for the extraction of nonrenewable resources from state-owned lands and to modify the allowable expenditures from the Michigan natural resources trust fund.

The joint resolution was read a first and second time by title and referred to the Committee on Natural Resources, Environment and Great Lakes.

Senators Smith and Hune introduced

**Senate Bill No. 251, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3104, 3107, and 3163 (MCL 500.3104, 500.3107, and 500.3163), section 3104 as amended by 2002 PA 662, section 3107 as amended by 2012 PA 542, and section 3163 as amended by 2002 PA 697.

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

Senators Brandenburg, Smith, Hildenbrand, Jones, Green, Robertson, Jansen, Proos, Hansen, Moolenaar, Kowall, Pavlov, Booher, Walker, Nofs, Hune, Marleau, Rocca, Emmons, Casperson, Meekhof, Schuitmaker, Kahn, Colbeck and Pappageorge introduced

**Senate Bill No. 252, entitled**

A bill to establish a marina dredging loan origination program; to authorize certain loan guarantees; to prescribe the powers and duties of certain state agencies and officials; and to provide for an appropriation.

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

**House Bill No. 4064, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 832, 859, 1427, 2137, and 8344 (MCL 600.832, 600.859, 600.1427, 600.2137, and 600.8344), sections 859 and 8344 as amended by 2005 PA 326 and section 2137 as amended by 2009 PA 239, and by adding sections 1426 and 1428; and to repeal acts and parts of acts.

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.

### Statements

Senators Hopgood 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 Hopgood's statement is as follows:

Tax season is upon us, and one by one Michiganders are realizing how hard they've been hit by the tax policies of this administration. My Democratic colleagues and I fought hard against the tax increases that were imposed on the lower- and middle-income classes in order to slash taxes for big business. Now the citizens of Michigan are seeing the direct impact on their tax returns, and rightfully, they are completely distraught. We are finally seeing the true impact of the tax increases decided upon two years ago. The result is those at the top are being spared the blow at the expense of those at the bottom.

As you well know, the homestead property tax credit no longer applies to a great number of homeowners as it did last tax season. Affecting about 400,000 returns, this will come as a major setback to many middle-class families. Seniors, who so carefully planned for their futures years ago, are being nicked and dined with the introduction of the pension tax. This tax could likely mean the difference between affording the medications they so desperately need and being deprived of them. The list of tax credits for middle- and low-income earners you have slashed is seemingly endless. In particular, the reduction of the Michigan earned income tax credit will force an estimated 9,000 children in our state back into poverty. This reduction is a tax hike on low-income working families who already pay a disproportionate share of their income in sales, property, and other taxes. The child deduction along with tax credits for city income taxes, charitable contributions, medical savings accounts, college tuition and fees, and more are also disallowed.

As a result of these drastic changes, a single parent with two children and \$22,000 in annual income, who would have qualified for a \$444 refund, will now receive only \$80. In a \$22,000 household, this could well be the difference between making a rent payment or not. The refund is often a lifeline these families so desperately depend on. Without that lifeline, you leave these families no other choice but to sink further into debt. A married couple with two kids making \$100,000 in income will now pay \$459 more than they did in tax year 2011. At a time when we still have so many unemployed, that could well be \$459 they simply don't have to spare.

On top of it all, Governor Snyder put off the scheduled reduction in the income tax rate, to the detriment of the middle class, in order to offset a \$1.6 billion business tax cut. This shift comes at the absolute worst time for Michigan's middle-class workers who are in desperate need of new jobs, not new taxes.

As I have said from the beginning, these policies—shifting more of the burden on those who have less—are fundamentally wrong for Michigan. Between tax breaks for businesses, hurting those most in need, and destroying our public education system, Governor Snyder's Michigan is in retrograde. If we are to be a major player in the 21st century global economy, the Governor needs to get his priorities in order.

Senator Young's statement is as follows:

Madam President, I come before you today with a heavy heart. A true pioneer—a true icon, if you will—a true trailblazer and innovator, Diane Edgecomb, has passed away. She started things like festivals in Hart Plaza to putting lights on the Ambassador Bridge and helped start the city's first DDA. She's a great woman and a great person, and her loss is going to be sorely missed in my district.

A moment of silence was observed in memory of Detroit businesswoman and philanthropist Diane Edgecomb.

### Committee Reports

The Committee on Judiciary reported

**Senate Bill No. 35, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 4q (MCL 117.4q), as amended by 2008 PA 51.

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 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

**Senate Bill No. 36, entitled**

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending section 406 (MCL 125.3406).

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 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

**Senate Bill No. 37, entitled**

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," (MCL 125.1501 to 125.1531) by adding section 9c.

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 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

**Senate Bill No. 38, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 4027.

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 and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**Senate Bill No. 39, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 4r (MCL 117.4r), as amended by 2008 PA 51.

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 and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**Senate Bill No. 131, entitled**

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," (MCL 722.21 to 722.31) by adding section 5a.

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 and Rocca

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, March 5, 2013, at 2:30 p.m., Room 110, Farnum Building

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

The Committee on Appropriations reported

**Senate Bill No. 233, entitled**

A bill to make, supplement, and adjust appropriations for certain capital outlay projects and for certain state departments and agencies for the fiscal year ending September 30, 2013; to provide for the expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Roger Kahn, M.D.  
Chairperson



**To Report Out:**

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Gregory and Hood

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 Appropriations submitted the following:

Meeting held on Wednesday, March 6, 2013, at 2:19 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Kahn (C), Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood and Hopgood

Excused: Senator Johnson

**COMMITTEE ATTENDANCE REPORT**

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

Meeting held on Wednesday, March 6, 2013, at 9:00 a.m., Senate 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, March 6, 2013, at 1:30 p.m., Room 110, Farnum Building

Present: Senators Kowall (C), Hildenbrand, Nofs, Emmons, Hansen and Smith

Excused: Senator Hunter

**COMMITTEE ATTENDANCE REPORT**

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

Meeting held on Thursday, March 7, 2013, at 9:00 a.m., Room 210, Farnum Building

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

Excused: Senator Hood

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

**Community Colleges and House Community Colleges Appropriations Subcommittee** - Friday, March 8, 1:00 p.m., Schoolcraft Community College, VisTaTech Center, Sutherland Room, 18600 Haggerty Road, Livonia; and Monday, March 11, 1:00 p.m., St. Clair County Community College, Michigan Technical Education Center, Room 150, 323 Erie Street, Port Huron (373-2768)

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

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

**K-12, School Aid, Education** - Wednesdays, March 13 and March 20, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 11:53 a.m.

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

CAROL MOREY VIVENTI  
Secretary of the Senate