

No. 41
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2013

Senate Chamber, Lansing, Tuesday, May 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—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—present
Rocca—present
Schuitmaker—present
Smith—present
Walker—present
Warren—present
Whitmer—present
Young—present

Pastor Jason Janich of New Life Assembly of God Church of Escanaba offered the following invocation:

Father, we thank You for this great nation, the United States of America. I thank You for this great state and for the Senators in this room. Lord, words cannot express how much we appreciate their sacrifices and their diligence.

Lord, bless them. Give them wisdom. Give them ideas. Lord, we are aware that at times we may make mistakes. I pray in those times that You would give us humility, and give us boldness to correct them.

Father, we face difficult times with difficult decisions, and there simply are no easy answers. So I pray that You would help us to face it head on and forward and not to look back. I pray for a sense of unity and a sense of togetherness. I pray for humility.

Father, most of all, remind us that You are in control. It is not by our great wisdom; it is not by our great words, but it is by Your Spirit and Your leading that we will change the course of history.

Bless this session. Bless this state in Your name. Amen.

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

Motions and Communications

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

The motion prevailed.

The following communications were received and read:

Office of the Auditor General

April 30, 2013

Enclosed is a copy of the following audit report:

Performance audit of the Grand Rapids Home for Veterans, Department of Military and Veterans Affairs.

May 3, 2013

Enclosed is a copy of the following audit report:

Financial audit of the State of Michigan 401K Plan for the fiscal years ended September 30, 2012 and September 30, 2011.

Sincerely,

Thomas H. McTavish, C.P.A.

Auditor General

The audit reports were referred to the Committee on Government Operations.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, May 2:

House Bill Nos. 4290 4291

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, May 2, for his approval the following bills:

Enrolled Senate Bill No. 123 at 2:32 p.m.

Enrolled Senate Bill No. 108 at 2:34 p.m.

Enrolled Senate Bill No. 218 at 2:36 p.m.

The Secretary announced that the following bills and joint resolution were printed and filed on Thursday, May 2, and are available at the Michigan Legislature website:

Senate Bill Nos. 337 338 339 340 341 342 343 344 345 346 347

Senate Joint Resolution U

House Bill Nos. 4652 4653 4654 4655 4656

The Secretary announced that the following bills were printed and filed on Friday, May 3, and are available at the Michigan Legislature website:

Senate Bill Nos. 348 349

House Bill Nos. 4657 4658 4659 4660 4661 4662 4663 4664 4665 4666 4667 4668 4669 4670

4671 4672 4673 4674 4675 4676 4677 4678 4679 4680 4681 4682 4683 4684

4685 4686 4687 4688 4689 4690 4691 4692 4693

Messages from the Governor

The following messages from the Governor were received and read:

May 1, 2013

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

Michigan Board of Medicine

Carol A. Sheridan of 2338 Yorkshire Road, Ann Arbor, Michigan 48104, county of Washtenaw, representing the general public, succeeding Julie B. Frain, is appointed for a term expiring December 31, 2014.

May 1, 2013

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

Utility Consumer Participation Board

Ryan M. Dinkgrave of 1108 E. Lincoln Avenue, Royal Oak, Michigan 48067, county of Oakland, succeeding himself, is reappointed for a term expiring January 13, 2015.

James D. MacInnes of 4751 Arbutus Lane, Beulah, Michigan 49617, county of Benzie, succeeding himself, is reappointed for a term expiring January 13, 2015.

Paul N. Isely of 358 Glenhaven Avenue, N.W., Grand Rapids, Michigan 49504, county of Kent, succeeding himself, is reappointed for a term expiring January 13, 2015.

Susan Haroutunian of 14926 Rosemont Drive, Detroit, Michigan 48223, county of Wayne, nominee of the Attorney General, succeeding herself, is reappointed for a term expiring January 13, 2015.

Conan M. Smith of 234 8th Street, Ann Arbor, Michigan 48103, county of Washtenaw, succeeding himself, is reappointed for a term expiring January 13, 2015.

May 2, 2013

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

Michigan Community Corrections Board

Deborah A. Smith-Olson of 692 Norway Street, Baldwin, Michigan 49304, county of Lake, representing the general public, succeeding Dennis McMurray, is appointed for a term expiring March 31, 2017.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

Senate Bill No. 288, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40103, 40110, 40113a, and 43536a (MCL 324.40103, 324.40110, 324.40113a, and 324.43536a), section 40103 as amended by 2012 PA 520, section 40110 as added by 1995 PA 57, section 40113a as amended by 1997 PA 19, and section 43536a as amended by 2004 PA 545, and by adding section 48703a.

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

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 Senate agreed to the full title.

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

Senate Bill No. 289, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the title and section 40113a (MCL 324.40113a), the title as amended by 2005 PA 116 and section 40113a as amended by 1997 PA 19.

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

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 Senate agreed to the full title.

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

Senator Hunter entered the Senate Chamber.

Senate Bill No. 97, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 2011 PA 159.

Substitute (H-2).

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 156**Yeas—37**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schuitmaker

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 Senate agreed to the full title.

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

Third Reading of Bills

The following bill was read a third time:

House Bill No. 4264, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 174a (MCL 750.174a), as amended by 2012 PA 172.

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. 157**Yeas—37**

Anderson	Hansen	Kahn	Richardville
Bieda	Hildenbrand	Kowall	Robertson
Booher	Hood	Marleau	Rocca

Brandenburg	Hopgood	Meekhof	Schuitmaker
Casperson	Hune	Moolenaar	Smith
Caswell	Hunter	Nofs	Walker
Colbeck	Jansen	Pappageorge	Warren
Emmons	Johnson	Pavlov	Whitmer
Green	Jones	Proos	Young
Gregory			

Nays—0

Excused—0

Not Voting—0

In The Chair: Schuitmaker

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, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 27, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 537 (MCL 436.1537), as amended by 2011 PA 298.

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. 158

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 79, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 415.

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. 159**Yeas—37**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 279, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 537 (MCL 436.1537), as amended by 2011 PA 298.

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. 160**Yeas—37**

Anderson	Hansen	Kahn	Richardville
Bieda	Hildenbrand	Kowall	Robertson

Booher	Hood	Marleau	Rocca
Brandenburg	Hopgood	Meekhof	Schuitmaker
Casperson	Hune	Moolenaar	Smith
Caswell	Hunter	Nofs	Walker
Colbeck	Jansen	Pappageorge	Warren
Emmons	Johnson	Pavlov	Whitmer
Green	Jones	Proos	Young
Gregory			

Nays—0

Excused—0

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Casperson, Brandenburg, Kowall, Green and Pavlov introduced

Senate Bill No. 350, entitled

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," 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 17a and 17b.

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

Senator Meekhof introduced

Senate Bill No. 351, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20101 (MCL 324.20101), as amended by 2012 PA 446.

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

Senators Hildenbrand, Emmons, Brandenburg, Proos, Green, Rocca, Pappageorge, Jones, Colbeck, Nofs and Marleau introduced

Senate Bill No. 352, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7b (MCL 211.7b).

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

Senators Hune, Kahn and Meekhof introduced

Senate Bill No. 353, entitled

A bill to amend 1987 PA 248, entitled "Airport parking tax act," by amending section 3 (MCL 207.373), as amended by 2002 PA 680.

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

House Bill No. 4290, 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 section 3 (MCL 205.3), as amended by 2006 PA 615.

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. 4291, 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 section 21 (MCL 205.21), as amended by 2006 PA 11.

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 Finance.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:

Meeting held on Thursday, May 2, 2013, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Colbeck (C), Pappageorge and Gregory

Scheduled Meetings

Appropriations -

Subcommittee -

Capital Outlay - Wednesday, May 8, 4:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Economic Development - Wednesday, May 8, 1:30 p.m., Room 110, Farnum Building (373-5323)

Families, Seniors and Human Services - Wednesday, May 8, 3:00 p.m., Room 210, Farnum Building (373-5312)

Finance - Wednesday, May 8, 12:30 p.m., Room 210, Farnum Building (373-5307)

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

State Drug Treatment Court Advisory Committee - Tuesday, May 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 10:23 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Wednesday, May 8, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

