

**No. 43**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**97th Legislature**  
**REGULAR SESSION OF 2013**

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Senate Chamber, Lansing, Thursday, May 9, 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 Tim Larson of Peace United Lutheran Church of Southfield offered the following invocation:

Almighty God, we humbly stand before You this morning mindful of Your great power, Your deep mystery, and Your gracious love. You are the source of all that is; from the uncountable stars and galaxies in the evening sky, to the incredible power contained in tiny atoms too small for our eyes to see. We acknowledge that You sustain our very lives and provide the precious opportunities we have for creating loving relationships, just laws, and a genuine sense of community. We acknowledge, Lord, that You alone are righteous.

I pray this day before You, Holy One, that these 38 State Senators may recognize and appreciate Your presence among them as they go about the business of Michigan's citizens in this chamber this morning. Guide them as they exercise the power and responsibility that You have placed in their hands. Remind them that responsible politics is not about partisan war, but rather about building consensus among colleagues with differing points of view.

Inspire them to create legislation that strives for the common good, encourages individual merit and healthy competition among our citizens and businesses, and is merciful to the poor and to the vulnerable. Help them to set aside notions of ideological perfection or inclinations toward hubris, so they might best work together for the benefit of all Michigan citizens in this imperfect world.

Open their minds to reason, and motivate them to compromise when it is necessary for the benefit of our citizenry. Mitigate their mistakes, and remind them that money is a tool and not a god and that public money should be spent justly as well as responsibly.

Bless them in their labors this day for the sake of our state, and grant to this body the power of Your presence and peace. Amen.

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

### **Motions and Communications**

Senators Brandenburg, Schuitmaker and Smith entered the Senate Chamber.

Senator Hopgood moved that Senator Johnson 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.

Senator Meekhof moved that Senators Jansen, Moolenaar and Green be temporarily excused from today's session.  
The motion prevailed.

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senator Walker admittance to the Senate floor, including the center aisle.

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

Senator Meekhof moved that rule 3.901 be suspended to allow photographs to be taken from 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 10:07 a.m.

10:16 a.m.

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

During the recess, Senator Walker introduced the St. Ignace High School Lady Saints Girls Basketball Team, Class D State Champions; and Head Coach Dorene Ingalls; and presented them with a Special Tribute.  
Coach Ingalls responded briefly.

During the recess, Senators Green, Jansen and Moolenaar entered the Senate Chamber.

The following communications were received:  
Department of State

Administrative Rules  
Notices of Filing

March 26, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-022-LR (Secretary of State Filing #13-03-28) on this date at 4:45 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Unbundled Network Element and Local Interconnection Services."

These rules become effective on May 25, 2013.

April 2, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-041-LR (Secretary of State Filing #13-04-01) on this date at 3:28 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Part 8. Handling and Storage of Materials."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

April 2, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-080-LR (Secretary of State Filing #13-04-02) on this date at 3:30 p.m. for the Department of Licensing and Regulatory Affairs, entitled "GI Part 38. Hand and Portable Powered Tools."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

April 4, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-048-LR (Secretary of State Filing #13-04-03) on this date at 3:16 p.m. for the Department of Licensing and Regulatory Affairs, entitled "CS Part 11. Fixed and Portable Ladders."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

April 4, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-051-LR (Secretary of State Filing #13-04-04) on this date at 3:18 p.m. for the Department of Licensing and Regulatory Affairs, entitled "CS Part 18. Fire Protection and Prevention."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

April 4, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-052-LR (Secretary of State Filing #13-04-05) on this date at 3:20 p.m. for the Department of Licensing and Regulatory Affairs, entitled "CS Part 19. Tools."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

April 4, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-064-LR (Secretary of State Filing #13-04-06) on this date at 3:22 p.m. for the Department of Licensing and Regulatory Affairs, entitled "CS Part 12. Scaffolds and Scaffold Platforms."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

April 5, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-076-LR (Secretary of State Filing #13-04-07) on this date at 3:44 p.m. for the Department of Licensing and Regulatory Affairs, entitled "CS Part 27. Blasting and Use of Explosives."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

April 5, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-077-LR (Secretary of State Filing #13-04-08) on this date at 3:46 p.m. for the Department of Licensing and Regulatory Affairs, entitled "OH Part 511. Temporary Labor Camps."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

April 5, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-078-LR (Secretary of State Filing #13-04-09) on this date at 3:48 p.m. for the Department of Licensing and Regulatory Affairs, entitled "GI Part 27. Woodworking Machinery."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

April 5, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-079-LR (Secretary of State Filing #13-04-10) on this date at 3:50 p.m. for the Department of Licensing and Regulatory Affairs, entitled "GI Part 22. Tractors."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

April 12, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-055-LR (Secretary of State Filing #13-04-11) on this date at 3:49 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Occupational Health Part 504. Diving Operations."

These rules take effect 7 days after filing with the Secretary of State.

April 12, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-056-LR (Secretary of State Filing #13-04-12) on this date at 3:51 p.m. for the Department of Licensing and Regulatory Affairs, entitled "General Industry Safety Part 79. Diving Operations."

These rules take effect 7 days after filing with the Secretary of State.

April 12, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-057-LR (Secretary of State Filing #13-04-13) on this date at 3:53 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Construction Safety Part 31. Diving Operations."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

April 17, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2011-006-LR (Secretary of State Filing #13-04-14) on this date at 3:47 p.m. for the Department of Licensing and Regulatory Affairs, entitled "General Industry Safety Standard Part 74. Fire Fighting."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

April 17, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2011-010-LR (Secretary of State Filing #13-04-15) on this date at 3:49 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Part 14. Mammography."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

April 17, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-068-LR (Secretary of State Filing #13-04-16) on this date at 3:51 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Basic Local Exchange Customer Migration."

These rules become effective June 17, 2013.

April 22, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-049-LR (Secretary of State Filing #13-04-17) on this date at 2:42 p.m. for the Department of Licensing and Regulatory Affairs, entitled "CS Part 14. Tunnels, Shafts, Caissons, and Cofferdams."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

April 22, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-122-LR (Secretary of State Filing #13-04-18) on this date at 2:44 p.m. for the Department of Licensing and Regulatory Affairs, entitled "GI Part 44. Foundries."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

April 22, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office

of Regulatory Reinvention filed Administrative Rule #2012-123-LR (Secretary of State Filing #13-04-19) on this date at 2:46 p.m. for the Department of Licensing and Regulatory Affairs, entitled "GI Part 57. Oil and Gas Drilling and Servicing Operations."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

April 22, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-126-LR (Secretary of State Filing #13-04-20) on this date at 2:48 p.m. for the Department of Licensing and Regulatory Affairs, entitled "GI Part 73. Fire Brigades."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

April 29, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2010-012-TY (Secretary of State Filing #13-04-21) on this date at 4:48 p.m. for the Department of Treasury, entitled "General Sales and Use Tax Rules."

These rules take effect 7 days after filing with the Secretary of State.

April 29, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-045-LR (Secretary of State Filing #13-04-22) on this date at 4:50 p.m. for the Department of Licensing and Regulatory Affairs, entitled "CS Part 22. Signals, Signs Tags, and Barricades."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

April 29, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-046-LR (Secretary of State Filing #13-04-23) on this date at 4:52 p.m. for the Department of Licensing and Regulatory Affairs, entitled "CS Part 32. Aerial Work Platforms."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

April 29, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-047-LR (Secretary of State Filing #13-04-24) on this date at 4:54 p.m. for the Department of Licensing and Regulatory Affairs, entitled "GI Part 58. Aerial Work Platforms."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,  
Ruth Johnson  
Secretary of State  
Robin L. Houston  
Departmental Supervisor  
Office of the Great Seal

The communications were referred to the Secretary for record.

The Secretary announced that the following bills were printed and filed on Wednesday, May 8, and are available at the Michigan Legislature website:

**Senate Bill No. 354**

**House Bill Nos. 4694 4695 4696 4697 4698 4699 4700 4701 4702 4703 4704 4705**

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 Gregory 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 without amendment, the following bills:

**House Bill No. 4069, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 51102, 51103, 51108, 51113, and 51115 (MCL 324.51102, 324.51103, 324.51108, 324.51113, and 324.51115), sections 51102 and 51115 as added by 1995 PA 57, sections 51103 and 51113 as amended by 2006 PA 383, and section 51108 as amended by 2012 PA 248.

**House Bill No. 4243, entitled**

A bill to amend 2006 PA 379, entitled "Qualified forest property recapture tax act," by amending sections 2 and 4 (MCL 211.1032 and 211.1034).

**House Bill No. 4244, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2012 PA 497.

**Senate Bill No. 284, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 9t.

The bills were placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

The following bill was read a third time:

**House Bill No. 4254, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 33 and 602b (MCL 257.33 and 257.602b), section 33 as amended by 2002 PA 494 and section 602b as amended by 2012 PA 498, and by adding section 13d.

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. 161****Yeas—35**

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

**Nays—0****Excused—2**

Hunter	Johnson
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**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 provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

**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.

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. 162****Yeas—34**

Anderson	Hansen	Marleau	Robertson
Bieda	Hildenbrand	Meekhof	Rocca



Booher	Hood	Moolenaar	Schuitmaker
Brandenburg	Hopgood	Nofs	Smith
Casperson	Hune	Pappageorge	Walker
Colbeck	Jansen	Pavlov	Warren
Emmons	Jones	Proos	Whitmer
Green	Kahn	Richardville	Young
Gregory	Kowall		

**Nays—1**

Caswell

**Excused—2**

Hunter

Johnson

**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 make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

The following bill was read a third time:

**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.

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. 163****Yeas—35**

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

Nays—0

Excused—2

Hunter Johnson

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. 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.

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. 164**

Yeas—35

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

Nays—0

Excused—2

Hunter Johnson

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. 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 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. 165****Yeas—35**

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

**Nays—0****Excused—2**

Hunter	Johnson
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**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

**Resolutions**

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

**Senate Resolution No. 52****Senate Resolution No. 53**

The resolution consent calendar was adopted.

Senators Hune, Kowall, Bieda, Hopgood, Anderson, Booher, Proos, Hildenbrand, Hansen and Robertson offered the following resolution:

**Senate Resolution No. 52.**

A resolution proclaiming May 12-18, 2013, as InfantSEE® Week in the state of Michigan.

Whereas, The most critical stages of vision development occur in the first year of a child's life; and

Whereas, Undetected eye and vision problems can lead to permanent vision impairment or loss of life; and

Whereas, 1 in 10 children is at risk from undiagnosed eye and vision problems, and 1 in 30 children will be affected by amblyopia—a leading cause of vision loss in people younger than 45 years of age; and

Whereas, Undetected vision problems can contribute to a decrease in a child's quality of life and may lead to developmental and behavioral difficulties which impede classroom learning, as well as increase the costs to society; and

Whereas, Early detection of vision problems is the best way to treat and prevent permanent vision impairment; and

Whereas, Member optometrists of the American Optometric Association and The Vision Care Institute of Johnson &amp; Johnson Vision Care, Inc., have partnered to create InfantSEE®, a public health program to provide a one-time, no-cost eye assessment for infants six to twelve months old; now, therefore, be it

Resolved by the Senate, That we hereby proclaim May 12-18, 2013, as InfantSEE® Week in the state of Michigan; and be it further

Resolved, That we commend the Michigan Optometric Association and the profession of optometry on the fifth anniversary of the InfantSEE® program for voluntarily dedicating their expertise and services to the infants of Michigan; and be it further

Resolved, That the state of Michigan encourage parents to schedule an InfantSEE® assessment for their infants; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Optometric Association with our highest esteem. Senators Brandenburg, Emmons, Jansen, Marleau and Pappageorge were named co-sponsors of the resolution.

Senators Schuitmaker, Jones, Hopgood and Warren offered the following resolution:

**Senate Resolution No. 53.**

A resolution recognizing May 12-18, 2013, as National Women's Health Week.

Whereas, National Women's Health Week has been observed for fourteen years in an effort to promote the importance of women's health; and

Whereas, Families, communities, neighborhoods, cities, states, health care systems, businesses, schools, places of worship, and community centers celebrate Women's Health Week all over the country; and

Whereas, National Women's Health Week encourages women to take steps to manage their physical and mental health; and

Whereas, Women nationwide are encouraged to take action by scheduling visits to health care providers for regular checkups and preventative screenings, eating healthy and getting active, monitoring mental health, and avoiding unhealthy behaviors; and

Whereas, New treatments combine the latest in evidenced-based, technologically-advanced medical science with the compassion and warmth every woman deserves when addressing gender-specific medical concerns; and

Whereas, Women's health specialists are setting new standards in medicine and care for women. They bring expert training, new ideas in medicine, research, and a passion for women's health, advancing the ways women are cared for throughout their lives; and

Whereas, Spectrum Health Medical Group specialists will champion the cause of women's health by hosting a Doctor Dialogue on May 14, 2013, to discuss women's health concerns and answer questions from women in West Michigan; and

Whereas, Health systems throughout all of Michigan have established programs and enhanced services to better serve the women of Michigan; now, therefore, be it

Resolved by the Senate, That we hereby recognize May 12-18, 2013, as National Women's Health Week in the state of Michigan, in recognition of the importance of women's health.

Senators Anderson, Bieda, Booher, Brandenburg, Emmons, Hildenbrand, Jansen, Kowall, Marleau, Pappageorge, Proos and Rocca were named co-sponsors of the resolution.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators Hopgood, Anderson, Hood, Gregory, Booher, Bieda, Kowall, Warren, Brandenburg and Pappageorge introduced **Senate Bill No. 355, entitled**

A bill to designate January 13 of each year as Korean American Day.

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

Senators Hopgood, Anderson, Gregory, Bieda, Warren and Brandenburg introduced

**Senate Bill No. 356, entitled**

A bill to amend 2003 PA 225, entitled "An act to designate March 31 of each year as Cesar E. Chavez day in the state of Michigan; to designate July 14 of each year as President Gerald R. Ford day in the state of Michigan; and to designate July 30 of each year as Henry Ford day in the state of Michigan," (MCL 435.301 to 435.303) by amending the title and by adding section 4.

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

Senators Pappageorge, Nofs and Marleau introduced

**Senate Bill No. 357, entitled**

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 778 (MCL 450.1778), as amended by 1993 PA 91.

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

Senator Meekhof introduced

**Senate Bill No. 358, entitled**

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 7 (MCL 338.887), as amended by 2002 PA 205.

The bill was read a first and second time by title and referred to the Committee on Reforms, Restructuring and Reinventing.

### Statements

Senators Anderson, Whitmer, Young, Walker, Kahn and Richardville asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Anderson's statement is as follows:

We had a local tragedy yesterday. At about 8 a.m. yesterday, fire alarms alerted the owner of a local business in Westland, Marvaso's restaurant, and the adjoining Electric Stick pool hall that a fire within the building had been detected. The Wayne-Westland combined fire department responded and began fighting what quickly became an inferno, engulfing both establishments. Early in their efforts, nearly the entire roof of the building collapsed with the firefighters inside.

One firefighter did not make it out. Brian Woehlke lost his life in the line of duty yesterday facing danger, as he did every day on behalf of his community. He was only 29 years old. Having served only 10 months with the department, he is the first firefighter in the 47-year history of the Westland department to perish while responding to a fire. The community in which Brian lived and those whom he so selflessly served have been devastated by this tragedy.

A moment of silence was observed in memory of Wayne-Westland firefighter Brian Woehlke.

Senator Whitmer's statement is as follows:

I rise today to call on Governor Snyder to use the state's rainy day fund and provide emergency funding to the Buena Vista schools so they can reopen and ensure students there are not left behind.

You see, the Governor and the Republican majority in the Legislature have made drastic cuts to our public schools over the last few years, and this is just the latest example of the devastating impact that they are having on our kids. Buena Vista schools have laid off employees, shuttered the windows, and locked their students out because they simply cannot afford to keep running.

I've got to tell you, as a parent of kids who are in elementary school and who has taken in ice tea to thank our teachers during this Teacher Appreciation Week, it's a sad irony that the teachers of Buena Vista schools offered to continue working without pay so that those kids were not left behind. And, yet, the doors had to be closed.

How can the Governor and legislators stand idly by while this happens? What kind of a message does it send to their kids, the parents there? What does it say to the world that we've got a rainy day fund which we won't tap into when these kids need our help the most? Our state's Constitution guarantees each and every child in Michigan the right to an education. The kids in Buena Vista Township schools have been left out and forced to stay home.

I know the Governor and his Republican colleagues, his "skunk works" operatives, and his corporate cronies hate the idea of a free education and public schools, but it is deplorable that he would turn his back on a school and kids in such dire needs. The Governor has the power to use the rainy day fund dollars and immediately open Buena Vista Township schools. I urge him to do so. He needs to prove to these kids and their families that their education, their futures are every bit as important as those in other school districts around the state.

The Governor has not been shy about pouring millions of dollars in recent months into his Education Achievement Authority pet project—stealing from our public schools to do so—in an attempt to make-believe that it is a success. Well, if the Governor is willing to hand out money hand over fist to his flagging EAA experiment, he should step up and use his authority to reopen a school in dire need. We should all be stepping up to help Buena Vista Township schools and the students they serve.

Let the people of the Saginaw area and Buena Vista Township know that at least the Democrats are standing up and trying to help them. But the Republicans? Nothing. Crickets. Are you going to put your Wall Street friends and credit rating before the kids of this area who desperately need our help? Your silence says that's exactly the choice you are making.

Senator Young's statement is as follows:

Representative democracy has served us well. It is still the best form of government to ensure that people's voices are heard, their interests protected, and their rights safeguarded. But it cannot survive without public support and trust.

Madam President, that is what we have right now with this unconstitutional EM law. There is no trust. There is no sense of community involvement because we don't know what is going on from one minute to the next. The only thing I know about Kevyn Orr so far since he has been there is that he is a racing fan, and he will be at Belle Isle for the Grand Prix. That's it. I don't know what his plans are. I don't know how he plans to reform the districts. I don't know what he wants to do for the citizens. I don't know what he plans to do for keeping us safe. I don't even know what his fiscal plan is because he's not talking to anybody. That's one of the great things about the Constitution and the First Amendment, that it guarantees that there is a right to recourse for grievances to be redressed. So bottom line is we don't have that. We don't have anyone who is coming to the people and letting them know what is going on in their government.

Secondly, the only way in which Detroit will truly be that shining city on the hill, the only way in which we will be that spectacular municipality on the straight is if it is built on four pillars. One of those pillars is equality, another one of those pillars is justice, another one of those pillars is opportunity, and the final pillar is democracy. Democracy must be upheld and must be guarded vigorously and jealously because the people's right to exercise their franchise is what America's greatness was built upon. It was that same desire which took us from being a colony to now being a country. It was that same desire which allowed African Americans the right to vote, which took us from segregation to integration; that took us from being a second-class race to now having the opportunities and participating in the abundance which is America.

When we don't have that; when it is stripped away from us; when it is taken away from us; knowing that it is a slap in the face to the people who sacrificed. Whether it is Martin Luther King who gave his first "I Have a Dream" speech here; whether it was people or freedom riders in the South who were riding; whether it was people who were being hosed, people who were being beaten, people who were being jailed, people who were shot. Medgar Evers was a civil rights advocate who was shot in his front yard in front of his family, who lost his life so that my generation could stand on their shoulders with the right to vote.

Madam President, this is something that is precious. This is something that generations previous to mine have fought for, have suffered for, and have died for. We cannot vicariously and so cavalierly and carelessly take away their right to suffrage. It is democracy which will lead us to prosperity, not austerity at the expense of democracy, not fiscal responsibility at the expense of democracy, but democracy itself.

Now I know we've got our problems, and I know there have been some mistakes which have been made, but just because prior leaders or just because the Governor doesn't feel that our leadership is good enough doesn't mean that the citizens don't have the right to participate and be part of the solution. But we're not. No one is talking to us at all. I mean, I would have a better chance of finding out what happened during a CIA black ops mission than I would to find out what the EM is doing in my own town. Can you imagine that? If someone came into your house, ate your food, drank your drinks, got into your bed and rolled around in it, emptied your bank account, and stole your car and didn't even tell you about it, it's wrong. Vote for my bill, Senate Bill No. 331, and let's repeal the unconstitutional EM law.

Senator Walker's statement is as follows:

I rise today to respond to comments made about Buena Vista schools and the economic trouble that they are in, and that was relayed here on the floor earlier. I want to say it's not the Republicans' fault, as it was alluded to by the previous speaker. The school district found their way into their own problems. There are over 700 school districts in our state, and it's a long process to understand when school districts are in economic trouble. It takes a lot of time and a lot of process to understand when a district is in such trouble that it can't pay its bills, and it can't teach its students any longer. The blame belongs on the school district, not Republicans. I find it incredulous that people would blame Republicans for not keeping their own house in order.

The Michigan Department of Education is withholding state aid from that school for the months of April, May, and June because the district took \$401,000 to educate students from Wolverine Secure Treatment Center who no longer even attended the district. That's just one of the problems, and I don't want to pick on the district, but it's not fair to blame Republicans. The district had a hand in this.

So, Madam President, I understand the economic trouble our state is in, but school districts, along with municipalities, along with state government, we have all had to make hard decisions to live within our means. Including our own households, we have all had to make hard decisions to live within our means. A school district that is being properly run knows what their means are, and we all have to live within our means. So I resent the blame being cast upon those who didn't create the problem, and it wasn't the Republicans.

Senator Kahn's statement is as follows:

The issue attendant to Buena Vista schools, a school district in my district, is pretty sad. In working through that and talking to the people who are involved, it would be nice to get beyond the past, beyond the problems and the costs, and as the prior speaker said, beyond the politics. Our job in the Legislature is to move forward and come up with solutions. It's not just legislators; it is school administrators, parents, and all those who are involved in providing for, caring for, and nurturing those children.

There are discussions under way on a lot of different levels. When I originally talked to the folks down there, I told them I'd be glad to be helpful in any way I could. We've been doing some things to come to a solution here, but they're better done oftentimes when there are decisions to be made and courses of action to be explored. It's often better to do that outside of the line of speeches here, frankly, or in the newspaper.

I would like to say that the ISD superintendent, the state Board of Education, the Governor's office, my office, Stacy Erwin Oakes, the MEA folks, and the association representatives have all been weighing in on this and looking to find a way to deal with the most important issue: the kids.

Of those issues, near the top of the heap, if not at the top of the heap, are the seniors. There are hours of instruction requirements for them to graduate. What do you do about that? Well, just to share with the chamber that one problem—

there are lots of problems, but that one problem—you could look at things such as a seat-time waiver. You can look at sending those kids—and it is being looked at—to a neighboring school district to complete the year.

Have final decisions been made on either of those? No, they haven't, but I would like the chamber to understand through you, Madam President, and our people to understand that hands are not just being thrown up in the air saying, "Oh well." There's a lot of hard work that's going on right now with the goal of solving the immediate problem and with the right motivation: the kids.

Senator Richardville's statement is as follows:

About thirty years ago, almost thirty years ago, then-State Senator Connie Binsfeld and Senator Debbie Stabenow got together and had a bill or two that created the Children's Trust Fund. I think most of you know that last night was the signature event of the Children's Trust Fund, the Pam Posthumus Signature Event. I think it is the eleventh or twelfth in a row.

Last night, over 800 people attended and over \$538,000 were raised for abused and neglected kids around the state of Michigan. So congratulations to all of you who participated. I just wanted everyone to know that it all ended on a pretty good note.

Senator Johnson entered the Senate Chamber.

### Committee Reports

The Committee on Judiciary reported

**House Bill No. 4139, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by repealing chapter XII (MCL 772.1 to 772.15).

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, May 7, 2013, at 2:30 p.m., Room 110, Farnum Building

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

The Committee on Economic Development reported

**Senate Bill No. 308, entitled**

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 8 (MCL 125.2788), as amended by 2008 PA 504.

With the recommendation that the bill pass.

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

Michael W. Kowall  
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons, Hansen and Smith

Nays: None

The bill was referred to the Committee of the Whole.

### COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Wednesday, May 8, 2013, at 1:30 p.m., Room 110, Farnum Building

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

Excused: Senator Hunter

The Committee on Families, Seniors and Human Services reported

**House Bill No. 4042, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 10f; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Judith K. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Rocca, Nofs and Gregory

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Seniors and Human Services reported

**House Bill No. 4050, entitled**

A bill to amend 1994 PA 204, entitled "The children's ombudsman act," by amending sections 5a, 6, 7, 8, and 9 (MCL 722.925a, 722.926, 722.927, 722.928, and 722.929), section 5a as added and sections 6, 7, 8, and 9 as amended by 2004 PA 560; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Judith K. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Rocca, Nofs and Gregory

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Families, Seniors and Human Services submitted the following:

Meeting held on Wednesday, May 8, 2013, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Emmons (C), Rocca, Nofs and Gregory

#### COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Wednesday, May 8, 2013, at 4:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Booher (C), Jansen, Moolenaar and Hood

Excused: Senators Schuitmaker, Green and Anderson

#### Scheduled Meetings

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

**Michigan Law Revision Commission** - Wednesday, May 22, 11:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

**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 10:55 a.m.



The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Tuesday, May 14, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

