

No. 44
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2013

Senate Chamber, Lansing, Tuesday, May 14, 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.

Ananich—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 Mike Wetzig of Ravenna Baptist Church of Ravenna offered the following invocation:

Father, we come before You this morning on this beautiful day that You have made. Father, I am reminded of the words of the prophet Jeremiah that he wrote in Lamentations, Chapter 3, when he said, "Yet this I call to mind and therefore I have hope: Because of the Lord's great love we are not consumed, for his compassions never fail. They are new every morning; great is your faithfulness."

Father, in a world that is filled with distress and tough decisions, Lord, we thank You that there is hope; that hope is there because of Your great love, because of Your compassions, because of Your faithfulness. Father, I thank You for the opportunity to intercede on behalf of these great decisionmakers, these leaders in this great state of Michigan. Father, we do pray for Your wisdom for them both today and the days to come and all the decisions that they will make. Father, we know that You are the great authority, and yet You have entrusted leaders and decisionmakers to rule Your people. So, Father, we do ask that You would provide that wisdom that is so needed in important decisions that are made here in the Senate.

Father, I am reminded also of the words of the great king of Israel, King Solomon, when he said, "Give your servant a discerning heart to govern your people and to distinguish between right and wrong." So, Father, I ask for the same thing for these men and women, these decisionmakers here today, that You would give them discerning hearts, and give them the ability to distinguish between right and wrong.

Father, Your word challenges us to pray for our leaders and to obey our leaders so that their work may be a joy and not a trial. So, God, I pray that would take place here this day that they would have joy in the decisions that are made and the work that is done here on this day.

Father, we thank You and in the words of the apostle Paul close this prayer: "Now to him who is able to do immeasurably more than all we ask or imagine, according to his power that is at work within us, to him be glory in the church and in Christ Jesus throughout all generations, for ever and ever! Amen."

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

Motions and Communications

Senators Richardville and Kahn entered the Senate Chamber.

Senator Meekhof moved that rule 3.902 be suspended to allow his guests and the guests of Senator Ananich 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.

The following communication was received and read:
Genesee County Board of Canvassers

CERTIFICATION OF DETERMINATION

STATE OF MICHIGAN

ss.

COUNTY OF GENESEE

The Board of County Canvassers of Genesee County, Michigan, having ascertained and canvassed the votes of said State Senator 27th District at the Election held on Tuesday, the 7th day of May, Two Thousand and Thirteen;

Do hereby certify and determine the number of votes given for candidates for the following State Senator 27th District:
State Senator 27th District - Partial Term Ending 01/01/2015 (Vote for 1)

Robert J. Daunt 2,640

Jim Ananich 8,728 (Elected)

Robert Nicholls 143
Bobby Jones 80

BOARD OF CANVASSERS:
Alexander Isaac, Chairperson
Edward Goggins, Member
Michelle Voorheis, Member

ATTEST:
John J. Gleason
Clerk of Board of County Canvassers

May 10, 2013

The communication was referred to the Secretary for record.

Oath of Office

A ceremonial swearing-in was conducted for Senator Jim Ananich, who took and subscribed to the Constitutional Oath of Office, which was administered by Secretary of the Senate Carol Morey Viventi, and entered upon the performance of his duties as Senator.

Senators Whitmer, Richardville, Meekhof, Bieda and Brandenburg asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Whitmer's statement is as follows:

I have had the distinct privilege of serving in this chamber for the past seven years now—actually, it's almost eight—which at the grand old age of 41, makes me the Dean of the Michigan Senate. Now during that time, I, like many others before me, have developed a deep respect for this chamber, for its decorum and its traditions, and for its ability to foster an intellectual and honest debate on the issues that matter most to the people of Michigan.

We refer to the Senate as the upper chamber, not simply in terms of its significance, but in its ability to rise above the political noise that so often fills this building and gives each of us, regardless of whether we have an "R" or "D" attached to our names, the ability to share our voice and the message of those who chose us to represent them here. If there is, in fact, a place left for the statesmanship and stateswomanship in Michigan government, then it is truly here in the State Senate, where we often do not agree on policy, yet we respect the process that allows us to express our reasons why, even without having to worry about losing our committee assignments over it.

I share my belief of what this chamber represents because I am honored to have true a statesman join us here today as the newest elected member of the Michigan Senate. There's nothing I can tell you about Jim Ananich this morning that you won't learn for yourselves in the coming months. He is a fighter; he is an advocate and a believer that the people's voice must always be heard inside the halls of the Capitol. He comes to us with a wealth of knowledge, understanding the difficulties our cities are coping with as a former city councilman, the challenges our schools are facing as a former teacher, and the issues affecting families across our state as a leader.

I know that all of my colleagues here today will welcome Jim Ananich to this chamber, but I hope you'll carry on the traditions of this chamber by listening to what he has to tell us because I, much like the people of Genesee County, have been listening to him for the past several years as he has worked as a State Representative. We know his passion for Michigan and his real belief that we can make our state work once again, and it's a message worth listening to.

Jim, I welcome you to this chamber as my friend, and I can't tell you how excited I am to now refer to you officially as my colleague.

Senator Richardville's statement is as follows:

Good morning, Madam President and members, guests in the Gallery and, of course, our staff. I, on behalf of everyone else in the Senate, would also like to welcome Senator Jim Ananich to the Michigan State Senate. You know, your predecessor left big shoes for you fill, but I don't think that is going to be a problem.

I just want to let you know that if you make a statement or if you get up to talk, there's a five-minute time limit up there. You don't have to go to the end. I think your predecessor thought that you did, but it's really not the case, alright? I know that you're up to the task of serving the people of the 27th District and the other ten million people or so around the state.

So, on behalf of the entire Michigan Senate, I would like to welcome you here. I would like to, as well as we can, work on a bipartisan basis. I know your reputation; I know your background. I know some of the things that you did when you were in the House of Representatives, and I think that you will be a welcome addition to this chamber. Once again, I welcome you.

Senator Meekhof's statement is as follows:

It is our pleasure to recognize three individuals who have earned a special honor. The Frank Fitzgerald Public Service Award recognizes talented young people who have shown extraordinary dedication and a willingness to help others. This award is named for the late Representative Frank Fitzgerald, who was a lawmaker in the 1980s and 1990s. Frank spent 12 years in the Michigan House and was twice elected Speaker pro tempore. His father, John Fitzgerald, served here in the Michigan Senate, and his grandfather served as Michigan's Governor.

In addition to their public service, the winners are honored for their excellence as scholars and volunteers. Our first recipient is Christian Hokans, who graduated from Michigan State University just a few days ago. He was recently inducted into Phi Beta Kappa. This summer he heads off to Middlebury College in Vermont for some additional studies.

Christian has interned in the Michigan Senate and with the Michigan Attorney General's office. He has done extensive volunteer work with inner-city teens in the greater Lansing area. Earlier this year, Christian successfully completed the Chicago Marathon. So please join me in congratulating Christian Hokans as one of our Frank Fitzgerald Award winners.

Our second recipient is Frankie Dame. Frankie is a very dedicated young man. He currently helps out in two Senate offices, serving both Darwin Booher and Senator Tom Casperson. Although Frankie is just 18 years old, he has already received an undergraduate degree from Thomas Edison State College. He is heading to law school at Michigan State University this fall.

Frankie has been involved with Kids Against Hunger and also traveled to Haiti to help underprivileged children there. He attended the Student Statesmanship Institute here in Lansing, and joining us today in the east Gallery are Frankie's parents, Frank and Susie Dame. Let's help congratulate Frankie on being one of our award winners.

It gives me great pleasure to introduce our third recipient. His name is Jonathan Snively. Jonathan has done internships in both state and federal government, including the Michigan Department of the Attorney General and the United States Congress. He received the prestigious Washington Crossing Foundation Scholarship in 2009 and also attended the Student Statesmanship Institute.

Jonathan has worked extensively with underprivileged children at the Youth Haven Ranch. Earlier this month, Jonathan graduated from Hope College, right from the great 30th District. Joining us in the Gallery today are Jonathan's parents, Brad and Kelle Snively.

On behalf of the Michigan Senate, we'd like to thank all three of these individuals for their hard work and recognize them on winning the Fitzgerald Public Service Award.

Senator Bieda's statement is as follows:

Today is kind of a bittersweet day for my office. Renee Edmondson, who has been with me for about a year now, has been doing an awesome job as an intern in my office. She has just graduated from Cooley Law School, and she will be taking the bar exam this coming July. For the attorneys in here, we all join in offering our sympathies for taking the bar exam in July, but I know she is going to do well, and she is going to be an awesome addition to the legal profession.

Renee's husband Steve and her daughter Sofie have been so kind to share her with us for the last year, but we are going to miss her smiling face in our office, as well as her expertise on a number of different legal matters that she has assisted us with and a number of her menagerie. I don't have a list of all the dogs and cats, and I don't want to imply she's a cat lady by any means, but she is definitely an animal lover. She has been very, very helpful in dealing with issues related to animal law in the state of Michigan.

With that, I would like my colleagues to join me in thanking her for her service in the Michigan Senate.

Senator Brandenburg's statement is as follows:

I have with me today three people who are very special to my life, and I would like to say right up front that if it weren't for these three people, I guarantee that I would not be standing here today. To give you a little history on two of them: My mom and dad were married in September 1950, and I was born in October 1951. So I guess you could say that they took care of business pretty fast. They are soon approaching their 63rd wedding anniversary. Also with them is my wife of 35 years, and I have often said that if it weren't for her, I would probably be sitting on a park bench somewhere with a tin can in my hand. They are in the east Gallery, and I would like to introduce my mom and dad, Marie and Don Brandenburg, and my wife Karen.

The Secretary announced the enrollment printing and presentation to the Governor on Friday, May 10, for his approval the following bills:

Enrolled Senate Bill No. 178 at 2:35 p.m.

Enrolled Senate Bill No. 179 at 2:37 p.m.

Enrolled Senate Bill No. 97 at 2:39 p.m.

The Secretary announced that the following bills were printed and filed on Thursday, May 9, and are available at the Michigan Legislature website:

Senate Bill Nos. 355 356 357 358

House Bill Nos. 4706 4707 4708 4709 4710 4711 4712 4713 4714

Messages from the Governor

The following messages from the Governor were received:

Date: May 8, 2013
Time: 9:15 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 288 (Public Act No. 21), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” 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.

(Filed with the Secretary of State on May 8, 2013, at 4:48 p.m.)

Date: May 8, 2013
Time: 9:17 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 289 (Public Act No. 22), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” 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.

(Filed with the Secretary of State on May 8, 2013, at 4:50 p.m.)

Date: May 9, 2013
Time: 9:30 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 123 (Public Act No. 26), being

An act to amend 1999 PA 203, entitled “An act to create certain authorities; to authorize creation of certain funds; to authorize expenditures from the funds; to finance the purchase of land and the development of certain convention facilities and of public improvements or related facilities; and to prescribe the powers and duties of certain state and local officials,” by amending sections 3, 5, and 8 (MCL 141.1403, 141.1405, and 141.1408).

(Filed with the Secretary of State on May 10, 2013, at 2:47 p.m.)

Date: May 9, 2013
Time: 9:32 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 218 (Public Act No. 25), being

An act to amend 2008 PA 94, entitled “An act to provide for the establishment of a water improvement tax increment finance authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in water resources; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas; to promote water resource improvement; to create a board; to prescribe the powers and duties of the board; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule

promulgation; and to provide for enforcement of the act,” by amending sections 3 and 10 (MCL 125.1773 and 125.1780); and to repeal acts and parts of acts.

(Filed with the Secretary of State on May 10, 2013, at 2:45 p.m.)

Respectfully,
Rick Snyder
Governor

The following message from the Governor was received and read:

May 13, 2013

Due to an error on the letter dated April 11, 2013, and filed with your office on April 11, 2013, please be advised of the following correction appearing in **bold** print:

Executive Director - Michigan Gaming Control Board

Richard S. Kalm of 6910 West Gates Street, Romeo, Michigan 48065, county of **Macomb**, succeeding himself, is reappointed for a term commencing June 3, 2013, and expiring June 2, 2019.

Sincerely,
Rick Snyder
Governor

The message was referred to the Committee on Government Operations.

Third Reading of Bills

The following bill was read a third time:

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.

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. 166

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

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).

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. 167

Yeas—38

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

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 impose a state recapture tax on the change in use of certain qualified forest property; to provide for the administration of the recapture tax; to prescribe the powers and duties of certain state and local officers; to provide for the collection and distribution of the recapture tax; and to prescribe penalties and provide remedies.”.

The Senate agreed to the full title.

The following bill was read a third time:

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.

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. 168**Yeas—38**

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

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 provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; 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. 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 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. 169**Yeas—35**

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

Nays—3

Brandenburg	Hune	Rocca
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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
Resolutions

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

Senate Resolution No. 34

The motion prevailed.

Senator Meekhof moved that rule 3.204 be suspended to permit immediate consideration of the following resolution:

Senate Resolution No. 54

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

Senator Richardville offered the following resolution:

Senate Resolution No. 54.

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 2.103 of the Standing Rules of the Senate is hereby amended to read as follows:

“2.103 STANDING COMMITTEES

The standing committees of the Senate shall be:

Agriculture (5 members)

Appropriations (16 members)

Banking and Financial Institutions (7 members)

Economic Development (7 members)

Energy and Technology (9 members)

Families, Seniors and Human Services (4 members)

Finance (7 members)

Government Operations (5 members)

Health Policy (8-9 members)

Infrastructure Modernization (7 members)
 Insurance (7 members)
 Judiciary (4 members)
 Local Government and Elections (4 members)
 Natural Resources, Environment and Great Lakes (7 members)
 Outdoor Recreation and Tourism (7 members)
 Redistricting (9 members)
 Reforms, Restructuring and Reinventing (7 members)
 Regulatory Reform (7 members)
 Transportation (7 members)
 Veterans, Military Affairs and Homeland Security (5 members)
 Statutory standing committees:
 Administrative Rules (5 members) (see MCL 24.235)
 Legislative Council (6 members and 3 alternates) (see MCL 4.1103)
 Legislative Retirement Board of Trustees (2 members) (see MCL 38.1026)
 Michigan Capitol Committee (4 members) (see MCL 4.1701)".
 The question being on the adoption of the resolution,
 The resolution was adopted, a majority of the members serving voting therefor.
 Senators Booher, Brandenburg, Jones, Kowall, Marleau and Proos were named co-sponsors of the resolution.

By unanimous consent the Senate returned 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 Walker 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 bill:

Senate Bill No. 265, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801j (MCL 257.801j), as added by 2012 PA 498.

The bill was placed on the order of Third Reading of Bills.

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

The Secretary announced that the Majority Leader has made the appointment of the following standing committees:

Banking and Financial Institutions - Senator Ananich (MVC) replacing Senator Hunter

Economic Development - Senator Smith (MVC); Senator Ananich replacing Senator Hunter

Health Policy - Senator Ananich

Transportation - Senator Ananich replacing Senator Warren

The standing committee appointments were approved, a majority of the members serving voting therefor.

Introduction and Referral of Bills

Senators Booher, Pappageorge, Proos, Colbeck and Moolenaar introduced

Senate Bill No. 359, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 367b (MCL 18.1367b), as amended by 2011 PA 47.

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

Senator Hansen introduced

Senate Bill No. 360, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2012 PA 365.

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

Statements

Senators Colbeck, Hopgood, Young, Johnson and Bieda asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Colbeck's statement is as follows:

I rise just to go over a simple math problem with my colleagues. At the January Revenue Estimating Conference, we had a consensus revenue estimate that showed we have \$472.2 million in incremental general funds available for revenue. That represented about a 5.4 percent growth over the previous year. Recently, we were told that the Senate Fiscal Agency came out with an analysis that suggested we have an additional \$452 million in general funds available, which is an increase over the \$472.2 million that was cited at the conference.

If you add on the \$285 million estimate in lapsed funds into our budget, those numbers add up to \$1.2 billion. I think for my colleagues it would be interesting to note whatever subject has been tossed around on what spending priority we have in the Senate demands \$1.2 billion. I would suggest that is our roads.

So before we starting talking about doing any tax increases to go off and pay for this, please note that because our economy is turning around and because of the policies we have been implementing over the past almost three years, Michigan is starting to generate more tax revenue. People are getting to work, and we need to go off and honor those policies that we have put in place and say no to any tax increase to fund the roads. It comes down to priorities.

Senator Hopgood's statement is as follows:

I rise to remind and invite my colleagues here in the Senate to today's 11th Annual Asian Pacific American Heritage Month celebration at the Capitol. This is the eleventh year that we have been doing this; it's always a great celebration. The celebration will occur at 2 p.m. in the rotunda, and immediately following the ceremony, there will be a reception on the fourth floor. We invite all of our colleagues to come and attend and share with this community, which has been among the fastest-growing communities in the entire state of Michigan, and it's always a good time. We hope to see everyone there.

Senator Young's statement is as follows:

Madam President, I would like to start with a quote: "We become just by performing just action, temperate by performing temperate actions, brave by performing brave action." Madam President, I was absolutely, I was at a point where I was so disgusted that I just had to laugh when I saw the report that the emergency manager came out with. I mean, it was nothing. He didn't say anything. He's not about anything, he's not really doing anything, and he's not going to tell us anything. Hold on a minute, I got a text; it's nothing. He says he's familiar with Kevyn Orr. I mean, this guy didn't do anything. What was the purpose of putting out this report if you're not going to tell the community what you're going to do? He didn't say anything. You have to laugh to keep yourself from crying around here.

Furthermore, what I am upset about is we have all this conversation about what we're going to cut and what we're going to take away, as if somebody elected him, which nobody did. I just want to let you know that. When the people of the city of Detroit did vote on this, 82 percent voted against it—82 percent. That's more than two-thirds—82 percent. I mean, if 82 percent vote against something, that usually means we don't have the law anymore, but in Governor Snyder's world, that is a close election. You explain that because I can't figure it out for the life of me. I don't know what he's doing up there or who he's talking to, but apparently, it's not the people of Michigan. It's certainly not the citizens of Detroit.

Anyway, that being said, there was no real clear plan in terms of jobs in his own report. Unemployment has gone up by 200 percent in the city of Detroit—200 percent. Almost 50 percent of the people in Detroit are unemployed. I don't care how many people you lay off. I don't care how many people you lock up. I don't care how many assets you sell. I don't care how many times you get in front of the crowd and go positive relentless action. Unless you have an actual plan to put people back to work, nothing is going to change in the city of Detroit, and nothing is going to change in the state of Michigan. That is what we are here to do, and that's what we need to do. As democratically-elected officials, we need to represent the public, and we need to make sure that we put our people back to work. There have been no conversations in terms of utilizing what we have in the city of Detroit, whether it's biomass; whether it's hydroelectric; whether it's the deconstruction industry; whether it's making sure that we actually have investment in the city of Detroit. We have a serious lack of investment in our town, and no one is talking about putting people to work.

Madam President, I have firefighters who fight fires on Monday and go stand in the food stamp line on Tuesday. Madam President, I have police officers who put their lives on the line every day just to have a mayor who is suing the department to find more ways to cut their salary. That is not conducive for a vibrant or growing economy anywhere. What we need are jobs. Where are the jobs? Where's the jobs plan? I don't see it, and if I keep asking for the same thing and the Governor doesn't show it to me, at some point, I have to come to the conclusion that maybe it doesn't exist. If it doesn't exist, it's probably because that's not on his agenda. I'm saying, how can you sit there and talk about actual economic recovery? How can you talk about a shining city on the hill again? How can we talk about being brave by committing brave actions or being temperate by committing temperate actions if we don't put the citizens of Detroit back to work? This is very simple.

We have got to have policies that are going to put food on the table for Detroit families, that are going to make the cost of living more affordable, that are going to put people back to work.

So, Madam President, I think the first thing we need to do is reestablish democracy and order in the city of Detroit. Replace democracy with tyranny; vote against the EM law and repeal it.

Senator Johnson's statement is as follows:

In what can only be described as counterintuitive, the closer we get to next year's election, the less leadership Governor Snyder seems compelled to exhibit. The latest example of this tragic pattern has manifested itself in the early closing of the Buena Vista School District for the rest of the school year. The state cut off funding for the Buena Vista district because of an error in which the district took money to educate students from the Wolverine Secure Treatment Center, though those students no longer attend the district.

When folks like me criticize the Governor's failed experiment known as the Educational Achievement Authority, failed bureaucrats like EAA Chancellor John Covington accuse me of only thinking about the adults and not focusing on the children. This, of course, could not be further from my truth.

However, whether Buena Vista schools continued taking that money as a result of an oversight or whether it was on purpose and, therefore, disingenuous, the Governor's failure to lead is only punishing children today. These punitive measures will have no tangible effect on the adults who make up the school board and the administration of the district. It only serves to hinder the students' ability to attain an education and, in fact, embarrasses those students and their community across the state and this nation.

In place of legitimate classroom instruction, the Governor's administration has now announced it will offer a voluntary skills camp over the summer. I don't know what a skills camp is. Details don't indicate which teacher will teach nor what content will be covered. This is the clearest illustration yet of government failing its constituents. This all speaks to a much larger concern, however, and one that I have discussed at length in times before. These maneuvers are specifically designed to undermine Michigan's system of public education.

In the past two years, we've seen almost \$2 billion taken away from K-12 education funding; the cap on charter schools abolished; an unfettered infestation of unproven virtual schools; and an emergency manager law created to take advantage of financially-distressed school districts, as well as the corrupt and ineffective EAA to take over academically-challenged districts.

When state funding goes away and when corporate-financed charters compete directly through PR and marketing campaigns to enroll students, this by its very nature undermines the fiscal viability of a given school district. When you connect these dots to the Governor's secretive "skunk works" cheap education project, the puzzle is completed. This is about taking the public out of public education.

Governor Snyder needs to understand that our children are not commodities. They are not available to the highest bidder who can provide the cheapest service. They deserve the best. This summer, if the Buena Vista skills camp teaches leadership skills, I expect to see Governor Snyder in attendance, sitting in the front row, and taking thorough and copious notes because as of today, his inability to lead is leaving hundreds of Michigan children behind.

Senator Bieda's statement is as follows:

This past Sunday, May 12, was Fibromyalgia Day in Michigan. Today, I would like to turn your attention towards the awareness of the disorder of fibromyalgia. Fibromyalgia is a chronic pain syndrome that attacks the body long-term of its muscles, joints, and other soft tissues of the body. Not only does one suffer body-wide pains that can interfere with daily activities, but also normal pain responses and sleep disturbances that increase fatigue. In addition to the physical symptoms, fibromyalgia is also linked to emotional trauma, and people suffer from depression and anxiety.

Although fibromyalgia is most commonly attached to women between the ages of 20 to 50, approximately 10 million Americans are affected, as well as 3 percent to 6 percent of the worldwide population. An exact cause or cure has not been identified, but treatments focus on physical therapy for pain management and a variety of prescription medications for relieving pain. Stress relief methods, such as relaxation treatments and engaging in support groups, also can help.

I present you with this information today to increase awareness and education as this past Sunday was Fibromyalgia Awareness Day in Michigan. I encourage you to participate in awareness events in your district as we continue to spread awareness to support those suffering and provide compassion in order to help them live more harmonious lives.

Committee Reports

The Committee on Finance reported

Senate Bill No. 64, 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 27a (MCL 205.27a), as amended by 2012 PA 211.

With the recommendation that the bill pass.

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

Jack M. Brandenburg
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 209, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 4o (MCL 205.54o), as amended by 2004 PA 173.

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.

Jack M. Brandenburg
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

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 Finance submitted the following:

Meeting held on Wednesday, May 8, 2013, at 12:30 p.m., Room 210, Farnum Building

Present: Senators Brandenburg (C), Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

Scheduled Meetings

Appropriations - Wednesday, May 15, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Economic Development - Wednesday, May 15, 1:30 p.m., Room 110, Farnum Building (373-5323)

Education and House Education - Wednesday, May 15, 3:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

Families, Seniors and Human Services - Wednesday, May 15, 3:00 p.m., Room 210, Farnum Building (373-5312)

Finance - Wednesday, May 15, 12:30 p.m., Room 210, Farnum Building (373-5307)

Health Policy - Thursday, May 16, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

Local Government and Elections - Wednesday, May 15, 3:00 p.m., Room 100, Farnum Building (373-5314)

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

Natural Resources, Environment and Great Lakes - Thursday, May 16, 8:30 a.m., Room 210, Farnum Building (373-5323)

Regulatory Reform - Thursday, May 16, 1:00 p.m., Room 210, Farnum Building (373-5307)

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 10:54 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Wednesday, May 15, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate