

**No. 45**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**97th Legislature**  
**REGULAR SESSION OF 2013**

---

---

Senate Chamber, Lansing, Wednesday, May 15, 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—excused  
Hildenbrand—present

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

Senator David S. Hildenbrand of the 29th District offered the following invocation:

“Our Father, who art in heaven, Hallowed be thy name.

Thy kingdom come. Thy will be done, on earth as it is in heaven.

Give us this day our daily bread.

And forgive us our trespasses, as we forgive those who trespass against us.

And lead us not into temptation, but deliver us from evil: For thine is the kingdom, and the power, and the glory, 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 Ananich and Casperson entered the Senate Chamber.

Senator Hopgood moved that Senators Hunter and Young be temporarily excused from today’s session.

The motion prevailed.

Senator Hopgood moved that Senator Johnson be excused from today’s session.

The motion prevailed.

Senator Meekhof moved that Senators Kahn, Marleau, Moolenaar, Nofs, Pappageorge and Richardville be temporarily excused from today’s session.

The motion prevailed.

Senator Meekhof moved that Senator Hansen be excused from today’s session.

The motion prevailed.

Senator Meekhof moved that rule 3.902 be suspended to allow his guest admittance to the Senate floor.

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

Senators Pappageorge, Moolenaar, Nofs and Richardville entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 14:

**House Bill Nos. 4242 4574 4586**

The Secretary announced that the following bills were printed and filed on Tuesday, May 14, and are available at the Michigan Legislature website:

**Senate Bill Nos. 359 360**

### Messages from the Governor

The following message from the Governor was received:

Date: May 14, 2013

Time: 12:42 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 219 (Public Act No. 28), being**

An act to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending section 2 (MCL 28.292), as amended by 2011 PA 158.

(Filed with the Secretary of State on May 14, 2013, at 3:52 p.m.)

Respectfully,  
Rick Snyder  
Governor

The following messages from the Governor were received and read:

May 8, 2013

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

**Michigan Iron Industry Museum Advisory Board**

Larry D. Lankton of 1017 College Avenue, Houghton, Michigan 49931, county of Houghton, representing the general public, succeeding Frida Waara, is appointed for a term expiring October 4, 2014.

May 9, 2013

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

**Michigan Council for Rehabilitation Services**

William F. Jones of 1313 Westboro Drive, Birmingham, Michigan 48009, county of Oakland, representing the Governor's Talent Investment Board, succeeding David Nicholson, is appointed for a term expiring December 31, 2015.

May 9, 2013

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

**Michigan Board of Social Work**

Kenneth J. Mazur of 21565 Nowlin Street, Dearborn, Michigan 48124, county of Wayne, representing individuals engaged primarily in the practice of social work, succeeding Matthew Wojack, is appointed for a term expiring December 31, 2013.

Sincerely,  
Rick Snyder  
Governor

The appointments were referred to the Committee on Government Operations.

### Messages from the House

**Senate Bill No. 16, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43559 (MCL 324.43559), as amended by 1998 PA 95, and by adding section 1616.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,

Senator Meekhof moved that consideration of the bill be postponed for today.

The motion prevailed.

Senator Marleau entered the Senate Chamber.

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 Warren 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. 4177, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 316 (MCL 750.316), as amended by 2006 PA 415.

**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.

**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.

**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.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

**House Bill No. 4127, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 6b (MCL 765.6b), as amended by 2008 PA 192.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

Senators Hunter, Young, and Kahn entered the Senate Chamber.

**Resolutions**

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

**Senate Resolution No. 34**

The motion prevailed.

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

**Senate Resolution No. 56**

The resolution consent calendar was adopted.

Senator Meekhof offered the following resolution:

**Senate Resolution No. 56.**

A resolution commemorating the Fourth Annual Michigan Chaldean American Legislative Day.

Whereas, There are 121,000 Chaldeans who reside in the state of Michigan, the largest population outside of Iraq; and

Whereas, Chaldeans, since migrating to America during the 1920s, have continued to use their strong work ethics to contribute to the growth of Michigan; and

Whereas, The Chaldean population has repeatedly proved their entrepreneurial spirit with nearly 60 percent of the community owning at least one business and 80 percent of all food stores in the Detroit area alone. The Chaldean American Chamber of Commerce represents more than 12,000 Chaldean-owned businesses in the state of Michigan; and

Whereas, The population of Chaldeans continues to grow in the state of Michigan, since the Iraqi Chaldean refugees began migrating in search of better economic, political, and religious opportunities; and

Whereas, The Chaldean Community Foundation provides services to the newly-arrived Iraqi Chaldean refugees and victims of war, who have been faced with religious persecution. The community works to help the refugees adjust and become contributing citizens to the state of Michigan; now, therefore, be it

Resolved by the Senate, That we commemorate the Fourth Annual Michigan Chaldean American Legislative Day on May 15, 2013, with the entire state to acknowledge the contributions of this entrepreneurial community as an important part of Michigan's diverse history; and be it further

Resolved, That a copy of this resolution be transmitted to the Chaldean American Chamber of Commerce as evidence of the highest esteem of the members of the Michigan Legislature.

Senators Anderson, Bieda, Booher, Brandenburg, Green, Hopgood, Jansen, Jones, Kowall, Marleau, Pavlov, Proos and Richardville were named co-sponsors of the resolution.

**Introduction and Referral of Bills**

Senator Booher introduced

**Senate Bill No. 361, entitled**

A bill to amend 1945 PA 78, entitled "An act to declare the area of the state of Michigan," by amending the title and sections 1 and 2 (MCL 2.1 and 2.2).

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

**House Bill No. 4242, entitled**

A bill to amend 1969 PA 306, entitled “Administrative procedures act of 1969,” by amending section 45 (MCL 24.245), as amended by 2011 PA 242.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 4574, entitled**

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending section 1806 (MCL 339.1806), as amended by 1988 PA 463.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 4586, 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 30c (MCL 205.30c), as amended by 2007 PA 194.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

### Statements

Senators Young, Hood and Kowall asked and were granted unanimous consent to make statements and moved that statements be printed in the Journal.

The motion prevailed.

Senator Young’s statement is as follows:

I’d like to start with a quote from James Madison: “We are right to take alarm at the first experiment upon our liberties.” Madam President, government does not consent for the people to have rights under their protection. The people consent for their rights to be protected by the government. We lost sight of that with this emergency manager law. We’re taking things that don’t belong to us. We’re telling communities that their votes don’t count. We’re saying, “We know how to run your police department better than you do; your fire department better than you do; we know your finances better than you do.”

We are negating the will of the people every day. That’s not powers that we have in this government. We don’t have that authority. That was not given to us. Our authority derives from the people, and we lost sight of that. It is just amazing to me how folks think they can set up an unconstitutional construct of government for their own personal goals and ambitions. The Federalist Papers even talk about how ambition is good, but ambition must match the constitutional rights of the place.

I am very concerned. I am extremely appalled. Madam President, if I could be honest with you, I find it a little bit scary that this Governor believes that he can just throw anything up against the wall and hope it sticks. The people’s right to exercise their franchise is not something that is based on conditional terms. The Constitution was built to last through emergencies. We’ve had a lot of them; whether it be wars, the Civil Rights Movement, the abolition of slavery; whether it be the abolition of separate-but-equal.

Madam President, we are in Michigan, are we not? This is the place where Martin Luther King, Jr., gave his first “I Have a Dream” speech, is it not? Is this not the place—is this not—this has always been the lodestone. This has always been the harbinger and the signs of the next steps to come. We have always been on the forefront, and we’ve always been the leaders of innovation.

We lost that. We’ve walked down a completely different path, but the great thing about life is that it’s not where you are; it’s where you can go. Madam President, I believe we’re better than that. I believe we can go a different route. I don’t believe we have to keep walking this path.

The difference between the good ones and the great ones is that the good ones see an opportunity and make excuses why they let it pass them by. The great ones stand up and seize it. They take it. They cherish it. They guard it. They protect it

because they know how important it is. I think that the cause of liberty—that the purpose of liberty; the same thing that took us from a colony to a country; the same thing that led us to be the economic giant that America is—is worth fighting for. It's worth putting aside political ideology and partisan indifference for. It's even worth people dying for.

Let's not let that sacrifice go to waste. Let's repeal this unconstitutional EM law, and let's pass my bill, Senate Bill No. 311.

Senator Hood's statement is as follows:

I stand before you today to tell you that yesterday down in the city of Detroit at the 2nd police precinct, they had a memorial candlelight vigil for officers who had lost their lives in the line of duty. I was fortunate enough to be able to get back for that, and it was a great ceremony that was put on. There was a young lady there who read a poem. She was a 9-1-1 operator, and I promised her that I would read this poem for you today. Afterwards, I may read the names of some of the fallen police officers.

The poem goes like this; it's called "Heroes Live Forever":

"Beneath the canvas of the infinite blue sky, where butterflies flutter, we assemble to share in the love, memories, respect, admiration and loss of our many fallen officers.

As we reflect upon the lives of sons & daughters, mothers & fathers, husbands & wives, and fellow officers & friends, we recall them as children playing cops & robbers and wanting to be a police officer with their metal handcuffs and plastic guns. When they became adults, with great pride they made their dreams come true. They took an oath to protect and preserve life.

Yes, they made the courageous decision to become a police officer. They meditated and prayed about this decision. They weighed the matter of what they could give to the community. They could give bravery, integrity, courage, dedication, honesty, compassion, guidance, encouragement, fairness and most importantly—love for their fellow man. In that same token, they asked, 'What could I lose?' They made a decision that could involve the ultimate act of unselfishness. The true essence of a hero. Every officer is a hero. These officers are heroes even more so because they have given the ultimate sacrifice—their lives.

Standing before me are the family, fellow officers & friends of fallen heroes. Now they live on in our hearts. We cherish the memories, the love and the friendship.

Yes, we will ache until the moon is no more and the constellation of stars fall from heaven. We will cry two symbolic tears. One tear because we respect and admire them. The second tear is because we cannot reach out and embrace them. This is a silent silver tear that the grains of time cannot tarnish nor disseminate, yet embodies, simply put, our love.

My feathers dipped in ink is depleted. Sons & daughters, mothers & fathers, husbands & wives, and fellow officers & friends, lift your heads, stand tall, stand proud. They died doing greatness and we salute them, because heroes live forever."

The young lady who wrote that, her name is Jacqueline Walker, and once again, she is a 9-1-1 operator.

I'm going to try and get a couple of the names in before the time runs out, Madam President. These are all officers from the Detroit Police Department: Charles Armour, Brian Huff, Kenneth Daniels, Matthew Bowens, Jennifer Timothy-Ann Fettig, Scott Stewart, Michael Scanlon, Neil Wells, Shynelle Mason, Richard Scalf, Shawn Bandy, Patrick Michael Prohm, Lindora Smith, Earl Lavelle White, Jerry Foster Philpot, II, Benjamin Short, Norman Spruiel, Richard Leskie, Bruce Williams, Charles Pope, Rodney Bennett, and Sherdard Brison. Those are officers just back to 1990, and we salute them.

Senator Kowall's statement is as follows:

I rise today to correct a misrepresentation that apparently some people have—or at least one person has—about economic growth here in this state. Yesterday, the good Senator from the 1st District asked, "Where are the jobs?" Then he seemed to imply that there are no new jobs here in Michigan.

As the chair of Economic Development, I can assure you that there is job growth throughout our great state. I am happy to report that the state of the economic development here in Michigan is strong, and this strength is evident by our job growth. The latest data shows that for Wayne, Oakland, and Macomb Counties, there are an additional 95,550 jobs created since 2010. This represents a 6 percent job growth throughout our state. The increase for southeastern Michigan includes an additional 4,537 mechanical engineers; 2,426 machinists; and 2,171 industrial engineers, among many other occupations that have seen growth in the state.

Job prospects are on an upswing in southeastern Michigan and throughout the state. Our future is extraordinarily bright. But there is one thing that we have to do to bring more jobs to the city of Detroit: We have to assist in making Detroit safe. To create jobs in and around the city, it must become once again a safe haven for parents who live there, for the kids, employers, and employees of all these positions. Only by ensuring basic safety can we help Detroit to return to the economic engine that it once was.

I want to add, as a born and bred Detroiter, I know what the city had to offer in the past, and it can offer that in the future. Only by ensuring the basic safety can we help Detroit to return. May we take these charges seriously, and may we continue to enact laws that promote the growth in Michigan and lead to hiring new positions and job providers. This is a job that we must not take lightly.

### Committee Reports

The Committee on Veterans, Military Affairs and Homeland Security reported

**Senate Bill No. 302, entitled**

A bill to designate this state a purple heart state.

With the recommendation that the bill pass.

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

John R. Moolenaar  
Chairperson

To Report Out:

Yeas: Senators Moolenaar, Pappageorge, Emmons and Gregory

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Veterans, Military Affairs and Homeland Security reported

**House Bill No. 4138, entitled**

A bill to prohibit any agency of this state, any political subdivision of this state, any employee of any agency of this state or any political subdivision of this state, or any member of the Michigan national guard from assisting an agency of the armed forces of the United States in the investigation, prosecution, or detention of any citizen of the United States under certain circumstances.

With the recommendation that the bill pass.

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

John R. Moolenaar  
Chairperson

To Report Out:

Yeas: Senators Moolenaar, Pappageorge, Emmons and Gregory

Nays: None

The bill was referred to the Committee of the Whole.

### COMMITTEE ATTENDANCE REPORT

The Committee on Veterans, Military Affairs and Homeland Security submitted the following:

Meeting held on Tuesday, May 14, 2013, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Moolenaar (C), Pappageorge, Emmons and Gregory

Excused: Senator Smith

The Committee on Judiciary reported

**Senate Bill No. 321, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 552 (MCL 750.552), as amended by 2007 PA 167.

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 14, 2013, at 2:30 p.m., Room 110, Farnum Building

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



## COMMITTEE ATTENDANCE REPORT

The Committee on Infrastructure Modernization submitted the following:

Meeting held on Tuesday, May 14, 2013, at 2:40 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

Excused: Senators Jansen and Brandenburg

**Scheduled Meetings**

**Banking and Financial Institutions** - Thursday, May 16, 1:30 p.m., Room 100, Farnum Building (373-5312)

**Health Policy** - Thursday, May 16, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (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 10:32 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, May 16, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate