

No. 39
STATE OF MICHIGAN
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97th Legislature
REGULAR SESSION OF 2014

Senate Chamber, Lansing, Thursday, May 1, 2014.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Brian N. Calley.

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—excused
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—excused
Pavlov—present
Proos—present
Richardville—present
Robertson—present
Rocca—present
Schuitmaker—present
Smith—excused
Walker—present
Warren—present
Whitmer—present
Young—excused

Senator Bertram C. Johnson of the 2nd District offered the following invocation:

Father, grant us the sensitivity to hear Your voice and the courage to follow its instruction. May what we do here today be of great benefit to Your people, Your community, and Your kingdom. We ask that You make us instruments of both Your peace and Your will. Amen.

The President, Lieutenant Governor Calley, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senators Nofs and Richardville entered the Senate Chamber.

Senator Hopgood moved that Senators Ananich and Hood be temporarily excused from today's session. The motion prevailed.

Senator Hopgood moved that Senators Hunter, Young and Smith be excused from today's session. The motion prevailed.

Senator Hopgood asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Hopgood's statement is as follows:

I would like to recognize an intern in my office, Matthew Brown. He is leaving my office today; today is his last day. I would like to read from a tribute for him:

"Originally from Hillsdale, Mr. Brown is in his final year at Central Michigan University in Mount Pleasant, where he is pursuing a Bachelor of Arts in Political Science. In the months he has spent as an intern in my office, Mr. Brown has proven to be a very capable and competent individual. A legislative intern can often find themselves undertaking a variety of challenging assignments and tasks, sometimes at a moment's notice. Mr. Brown engaged every task assigned to him with enthusiasm and commitment and always produced quality results. He worked tirelessly and selflessly as he prepared letters, researched issues, and a variety of other day-to-day tasks that are critical in running a legislative office. He has become a great asset during his time in my office and will certainly be missed."

I would ask my colleagues to help me thank him and to wish him well in the future.

Senator Meekhof moved that Senators Pappageorge and Brandenburg be excused from today's session. The motion prevailed.

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senator Proos 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 Secretary announced that the following bills were printed and filed on Wednesday, April 30, and are available at the Michigan Legislature website:

Senate Bill Nos.	912	913	914	915	916	917	918												
House Bill Nos.	5478	5479	5480	5481	5482	5483	5484	5485	5486	5487	5488	5489	5490	5491					
	5492	5493																	

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.

10:19 a.m.

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

During the recess, Senator Proos introduced members of the PGA Senior Championship Tour: Jeff Hintz, tournament director; Bridget Blough, Organic Gypsy Food Truck representative; and Deb O'Connor, KitchenAid representative; displayed the Alfred S. Bourne Trophy and presented them with a Special Tribute.

Mr. Hintz responded briefly.

During the recess, Senators Ananich and Hood entered the Senate Chamber.

Senator Schuitmaker asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Schuitmaker's statement is as follows:

We are so fortunate to have wonderful young people, and I had two wonderful young people join me for the past several months in my office as interns. They did great work writing letters, dealing with constituent issues, and responding to all the various calls we receive. They were both always willing to take on any task and both worked for the past several months. These interns had alternating schedules and actually met for the first time this morning. They will be missed, but I know their futures will be great.

Jordan Donnelly is finishing his junior year at Michigan State. He is heading home to Goodrich to work this summer and will return to MSU in the fall to finish a degree in political science.

Emily Bruinsma has just graduated with a degree in economics and Spanish and will be looking for a job. Before working, she is planning a European vacation visiting eight countries. We wish her safe travels.

Both of these interns will be missed, and I would ask the members to help me thank and welcome them.

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 Assistant President pro tempore, Senator Hansen, designated Senator Proos as Chairperson.

After some time spent therein, the Committee arose; and the Assistant President pro tempore, Senator Hansen, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 5263, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending section 61 (MCL 780.811), as amended by 2009 PA 28.

House Bill No. 5146, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 4404, 4420, 4424, 4426, 4434, 4438, 4442, and 4446 (MCL 500.4404, 500.4420, 500.4424, 500.4426, 500.4434, 500.4438, 500.4442, and 500.4446), section 4404 as amended by 2006 PA 511 and section 4424 as amended by 2008 PA 497.

House Bill No. 5147, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2236 (MCL 500.2236), as amended by 2002 PA 664; and to repeal acts and parts of acts.

House Bill No. 5148, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 912 and 924 (MCL 500.912 and 500.924), as amended by 2002 PA 462.

House Bill No. 5149, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 603 (MCL 500.603), as added by 2003 PA 208.

House Bill No. 5150, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 4016 and 4073 (MCL 500.4016 and 500.4073), section 4073 as added by 1980 PA 58.

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:

Senate Bill No. 617, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 52A. 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.

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

Senate Bill No. 715, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 22A. 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.

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

Senate Bill No. 741, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16181 (MCL 333.16181), as amended by 2006 PA 643.

Substitute (S-1).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 3, line 18, after "STANDING" by inserting a comma and "OR A CURRENT REGISTRATION IN GOOD STANDING,".

2. Amend page 3, line 19, after "PROFESSION" by inserting a comma.

3. Amend page 3, line 27, after "SPOUSE'S" by striking out "OFFICIAL ACTIVE DUTY MILITARY ORDERS" and inserting "PERMANENT CHANGE OF STATION ORDERS".

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

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

Senate Bill No. 742, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 213 (MCL 339.213).

Substitute (S-1).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 2, line 25, after "STANDING" by inserting a comma.

2. Amend page 2, line 26, after "REGISTRATION" by inserting "IN GOOD STANDING,".

3. Amend page 2, line 26, after "OCCUPATION" by inserting a comma.

4. Amend page 3, line 7, after "SPOUSE'S" by striking out "OFFICIAL ACTIVE DUTY MILITARY ORDERS" and inserting "PERMANENT CHANGE OF STATION ORDERS".

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

Resolutions

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

Senate Resolution No. 34

Senate Resolution No. 123

The motion prevailed.

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

Senate Resolution No. 141

The resolution consent calendar was adopted.

Senators Hopgood, Smith, Hood, Booher, Marleau, Proos, Bieda, Gregory, Pappageorge, Johnson, Hunter, Whitmer, Anderson and Warren offered the following resolution:

Senate Resolution No. 141.

A resolution declaring May 2014 as Asian Pacific American Heritage Month in the state of Michigan.

Whereas, The state of Michigan is fortunate to be home to more than 300,000 residents of Asian and Pacific Island descent; and

Whereas, Asian Pacific Americans comprise one of the fastest-growing populations in both the state and the nation; in fact, the largest-growing population in Michigan, according to the 2010 U.S. Census; and

Whereas, The Asian and Pacific Island regions are tremendously diverse; with more than thirty countries, sixteen major ethnic groups, nine languages, and numerous belief systems bringing their culture to Michigan; and

Whereas, Citizens of Asian and Pacific Island descent, in each generation—from the laborers who connected our coasts one and a half centuries ago to the patriots who fought overseas while their families were interned at home—these patriotic Americans have enhanced our culture, quality of life, and economic vitality through leadership, commitments to knowledge and advancement, and dedication to their communities; and

Whereas, The state of Michigan and the United States of America have been enriched by the contributions of Asian Pacific Americans in all facets of life, including the arts, sciences, business, education, and philanthropy. Michigan has recognized the contribution Asian Pacific Americans and other immigrants make to our economy with the establishment of the Michigan Office for New Americans; and

Whereas, The culture and contributions of our Asian and Pacific Island residents will continue to grow in significance as more Asian Pacific Americans choose to make Michigan their home and as our economy becomes increasingly intertwined with the economies throughout Asia; and

Whereas, Asian Pacific Americans, through advocating issues of justice and equality, continue to break down the barriers of discrimination, indifference, and intolerance, thereby opening doors for all Asian Pacific Americans; and

Whereas, Asian Pacific American residents are proudly served in Michigan by many dedicated organizations, including the Asian Pacific American Affairs Commission, Asian Pacific American Chamber of Commerce, Council of Asian Pacific Americans, Asian American Citizens for Justice, Asian Pacific American Women's Association, Mid-Michigan Asian Pacific American Association, Asian Center, Michigan Asian and Pacific Islander American Vote, and Michigan Asian Pacific American Bar Association; and

Whereas, The state of Michigan takes pride in its cultural diversity and welcomes the opportunity to honor our Asian Pacific American residents for their lasting, expanding imprint upon our state; now, therefore, be it

Resolved by the Senate, That the members of this legislative body declare May 2014 as Asian Pacific American Heritage Month in the state of Michigan. We encourage all citizens to celebrate the individual and collective contributions of Asian Pacific Americans to this state and to this country.

Senators Ananich, Hansen, Richardville and Rocca were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senator Pappageorge introduced

Senate Bill No. 919, entitled

A bill to amend 1986 PA 54, entitled "Building officials and inspectors registration act," by amending section 13 (MCL 338.2313), as amended by 2012 PA 314.

The bill was read a first and second time by title and referred to the Committee on Veterans, Military Affairs and Homeland Security.

Senator Pappageorge introduced

Senate Bill No. 920, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 1060 (MCL 450.2060), as amended by 2012 PA 315.

The bill was read a first and second time by title and referred to the Committee on Veterans, Military Affairs and Homeland Security.

Senator Pappageorge introduced

Senate Bill No. 921, entitled

A bill to amend 2002 PA 733, entitled "State plumbing act," by amending sections 25 and 31 (MCL 338.3535 and 338.3541), section 25 as amended by 2012 PA 380 and section 31 as amended by 2012 PA 311.

The bill was read a first and second time by title and referred to the Committee on Veterans, Military Affairs and Homeland Security.

Senators Brandenburg, Bieda, Pappageorge, Marleau, Robertson, Hildenbrand and Kowall introduced

Senate Bill No. 922, entitled

A bill to amend 2001 PA 34, entitled "Revised municipal finance act," by amending section 518 (MCL 141.2518), as added by 2012 PA 329.

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

Senators Jansen, Jones, Robertson, Hansen, Brandenburg, Moolenaar, Pappageorge and Booher introduced

Senate Bill No. 923, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5109 (MCL 700.5109), as added by 2011 PA 61.

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

Senators Bieda, Jones, Robertson, Hopgood, Brandenburg, Rocca, Kowall, Hune, Anderson, Emmons and Schuitmaker introduced

Senate Bill No. 924, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145e.

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

Senators Jones, Bieda, Robertson, Hopgood, Brandenburg, Rocca, Kowall, Hune, Anderson, Emmons and Schuitmaker introduced

Senate Bill No. 925, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145f.

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

Statements

Senators Richardville, Colbeck and Caswell asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Richardville's statement is as follows:

Colleagues, I would like to take a moment to honor a young man who has helped keep our chamber running smoothly every day over the last little while. Caleb Jenkins has served the Michigan Senate for a year as a Senate courier. During that time, he has spent his time running important documents for us between chambers and the executive branch. He served with great distinction, and this experience has no doubt prepared him for the next stop.

Caleb will be leaving to become a member of our armed services. He will join the Air Force and begin basic training on June 10. He will be preparing for a career in the National Guard.

Colleagues, please join me in thanking Caleb for his service and wish him well as he prepares to serve our country.

Senator Colbeck's statement is as follows:

There has been a lot of talk about raising taxes for roads. Many people have been quoting stats that say Michigan is 45th in road funding per capita in the state. As I like to do whenever we start talking about tax increases, I'd like to discuss how we are spending the money we currently have before we go off and dig into the pocketbooks of our citizens.

On the subject of road expenses, right now we have a lot of data talking about that spending per capita, and the issue is that we really don't price road projects on spending per capita. We price them on dollars per mile typically. As a matter of fact, I think the only organization that prices our pavement contracts on the basis of the number of people is the Mafia. So we need to start looking at how we price out our road projects here. Usually that is done in spending per mile.

I would like to bring a report to everyone's attention. This is from the Reason Foundation ranking Michigan 13th out of the 50 states in road spending when looked at from a per-mile basis. What that translates to is 53 percent more per mile than the national average. As we go into these discussions about whether or not we should or shouldn't raise taxes to pay for roads, I would like to make sure that people have all of the facts at their disposal.

I encourage folks, if you would like to look into this any further, I have access to this information posted on my Senate website in the data center section. I would encourage you all to check it out.

Senator Caswell's statement is as follows:

Just for the Senate's education, when the new Farm Bill was signed, there was a process in the previous bill allowing an increased amount of food stamps based on people getting a very small amount of heating assistance. For next year, that has been ended. There are about 15,000 people who were able to receive increased food stamps because of this small heating assistance piece, which was a buck. We were giving them a buck so they qualified for more food.

That was taken out of the federal budget, and of those 15,000 cases, there will be about 2,800 people who will see a 15 percent reduction in their food stamps allocation. So as you hear from folks, you may hear that the new standard is we will have to give them 20 bucks in order to be eligible under this to get increased food stamps. We can't afford that because the amount of money we are expecting next year from Washington, D.C., in the President's budget is about \$20 million less for heating assistance. If we were to do the \$20 deal, that would cost us about \$8 million, and we simply can't afford it with the anticipated reduction in heating assistance.

So when you hear from your constituents over the next several months, primarily after the election, that their food stamps are being cut, having to do with heating assistance, it is because of the change in the federal Farm Bill and has nothing to do with the state of Michigan. We are simply following federal law.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 788, entitled

A bill to codify the liability of possessors of land for injuries to trespassers.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Bieda

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 858, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 7422 and 17744c.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 859, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20919 and 20965 (MCL 333.20919 and 333.20965), section 20919 as amended by 2006 PA 582 and section 20965 as amended by 2000 PA 375.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 860, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 1106, 17745, 17751, 17754, and 17757 (MCL 333.1106, 333.17745, 333.17751, 333.17754, and 333.17757), section 1106 as amended by 2000 PA 58, sections 17745, 17751, and 17757 as amended by 2013 PA 186, and section 17754 as amended by 2013 PA 268, and by adding sections 7421 and 17744b.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Bieda

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5085, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 2 (MCL 28.422), as amended by 2012 PA 377.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Bieda

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Wednesday, April 30, 2014, at 9:00 a.m., Room 110, Farnum Building

Present: Senators Jones (C), Schuitmaker and Bieda

Absent: Senator Rocca

COMMITTEE ATTENDANCE REPORT

The Committee on Reforms, Restructuring and Reinventing submitted the following:

Meeting held on Wednesday, April 30, 2014, at 8:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Jansen (C), Colbeck, Casperson, Kowall, Robertson and Warren

Excused: Senator Young

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, April 30, 2014, at 2:08 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Local Government and Elections submitted the following:

Meeting held on Wednesday, April 30, 2014, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Robertson (C), Meekhof and Young

Excused: Senator Brandenburg

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Joint meeting held on Wednesday, April 30, 2014, at 3:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Marleau (C), Hune, Schuitmaker and Warren

Excused: Senators Robertson, Emmons, Jones, Johnson and Ananich

Scheduled Meetings

Administrative Rules - Wednesday, May 14, 3:30 p.m. or later after committees are given leave to meet, Rooms 402 and 403, Capitol Building (373-5773)

Judiciary - Tuesday, May 6, 2:30 p.m., Room 110, Farnum Building (373-5323)

Michigan Law Revision Commission - Tuesday, May 13, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0212)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 10:41 a.m.

The Assistant President pro tempore, Senator Hansen, declared the Senate adjourned until Tuesday, May 6, 2014, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

