

No. 45
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2014

Senate Chamber, Lansing, Thursday, May 15, 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—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 Mark Eix of Faith Covenant Church of Manistee offered the following invocation:

Almighty God, we come to You this morning from the Michigan Senate floor, a recognizable seat of earthly authority. We pray that You receive this act itself of our humble recognition of our place before Your heavenly authority. While we have dedicated this moment to seeking Your wisdom in the governing of Your people, we pray that it is this moment that characterizes every other moment of this day's significant work.

As we invite Your presence into these proceedings, we pray that the civility of our discourse, the absence of our pride, the witness of our servanthood, the wealth of our honesty, and the conspicuousness of our collaboration would be the proof of Your having been among us.

As we begin, we confess our tendency to go it alone; to listen neither to You nor to each other. We see those with different opinions and different solutions as obstacles to be eliminated, as nonpeople to be ignored. Let this be a new day, O God; a day that the Michigan Legislature shows the rest of the Union what it means to value one another as those created in the image of God; to consider each Senator, staff member, advisor, and clerk as being someone of infinite worth. Before You call us to the making of any law, You call us to this work—the work of reflecting Your mind and Your purposes on this earth.

May our plans succeed only as we perpetuate the intentionality of this moment—this moment of humble recognition as to where our true authority lies—and as we reflect the nature of Your Son, our Lord, Jesus Christ, in whose name we pray. Amen.

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

Motions and Communications

Senators Casperson, Marleau and Hansen entered the Senate Chamber.

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

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

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senator Kahn admittance to the Senate floor. The motion prevailed, a majority of the members serving voting therefor.

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

House Bill Nos. 5223 5224 5375 5376 5377 5389 5451
House Joint Resolutions M N

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

Senate Bill Nos. 936 937 938 939
House Bill No. 5576

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:05 a.m.

11:09 a.m.

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

During the recess, Senators Kahn, Green and Johnson entered the Senate Chamber.

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

The motion prevailed.

Senator Moolenaar's statement is as follows:

I'd like to invite Representative Pettalia to join me. We have a Special Tribute for Erinn Kane. Erinn has been working in the Michigan Legislature for these past three and a half years and is now going to be pursuing a different opportunity in her career. We're just grateful for all the work she's done for Representative Pettalia's office, our office, and the people of Northern Michigan.

Erinn is a graduate of Michigan State University and has done tremendous work in relating to constituents and solving problems for our citizens in the state of Michigan. She has a great love of the Constitution. We appreciate her very much and wanted to honor her here today on the floor of the Senate.

Senator Meekhof moved that rule 2.106 be suspended to allow committees to meet during Senate session.

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

Senators Young and Hunter entered the Senate Chamber.

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

The motion prevailed.

Senator Kahn's statement is as follows:

Mr. President, I have the high honor and the great pleasure today of having with me Martin Manna from the Chaldean Chamber of Commerce, representing his flock up in the Gallery. Today, we have the honor of celebrating with the Chaldean community Chaldean Day here. There are 130,000 Chaldeans residing in Michigan. Today, therefore, we commemorate the Fifth Annual Michigan Chaldean American Legislative Day.

This community, the Chaldean community, emigrated to America in the 1920s and has contributed to the flourishing of innumerable businesses. Their influence has impacted over 15,000 businesses across the state. Over half of Chaldean-American households in Michigan own at least one business, and many others own two or more businesses. Without a doubt, the growth of our great state has been and will be—continues to be—positively affected by this wonderful community.

The community also has numerous established members in their chamber who represent many businesses throughout the state. These leaders promote community ties and membership values within the businesses and ties with citizens that generate increases in and value to agriculture, education, and, of course, their wonderful cuisine and the example that the Chaldeans provide to us all through their religion.

The chamber established a foundation in 2006 which was named the Chaldean Community Foundation. This foundation provides social services to many Chaldean refugees every year, particularly with the unsettled Mideast region. There have been many pressures to help these Chaldean-Iraqis and Syrian Chaldeans as refugees here in Michigan.

With that, please join me in welcoming our special guests and recognizing today as the Fifth Annual Michigan Chaldean American Legislative Day.

Messages from the Governor

The following messages from the Governor were received and read:

May 9, 2014

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

Michigan State Capitol Commission

Kerry K. Chartkoff of 852 Lantern Hill Drive, East Lansing, Michigan 48823, county of Ingham, representing individuals with expertise and experience in historical preservation, is appointed for a term expiring at the pleasure of the Governor.

Sally Durfee of 6240 Valley Trail, Dimondale, Michigan 48821, county of Eaton, a representative of the Governor, is appointed for a term expiring at the pleasure of the Governor.

May 9, 2014

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

Michigan Strategic Fund Board of Directors

Paul E. Anderson of 6386 Red Fox Drive, Perry, Michigan 48872, county of Shiawassee, succeeding William H. Morris, is appointed for a term expiring at the pleasure of the Governor.

May 9, 2014

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

Michigan Wheat Promotion Committee

Sally M. McConnachie of 2820 Forester Road, Deckerville, Michigan 48427, county of Sanilac, representing District 5 growers, succeeding Scott Heussner, is appointed for a term expiring May 31, 2017.

Carl F. Sparks of 59085 Gards Prairie Road, Cassapolis, Michigan 49031, county of Cass, representing District 2 growers, succeeding himself, is reappointed for a term expiring May 31, 2017.

David J. Milligan of 6226 Bay City Forestville Road, Cass City, Michigan 48726, county of Tuscola, representing District 7 growers, succeeding himself, is reappointed for a term expiring May 31, 2017.

May 12, 2014

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

Michigan Historical Commission

John M. Dempsey of 9400 Northampton Drive, Plymouth, Michigan 48170, county of Wayne, representing the general public, succeeding himself, is reappointed for a term expiring May 21, 2018.

May 13, 2014

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

Mental Health Diversion Council

Soleil A. Campbell of 2027 Pawnee Trail, Okemos, Michigan 48864, county of Ingham, a designee of the Department of Human Services, is appointed for a term expiring January 30, 2018.

Michele M. Bell of 517 Scenic Drive, Midland, Michigan 48642, county of Midland, representing advocates or consumers representative on juvenile justice issues, is appointed for a term expiring January 30, 2018.

John M. Searles of 8430 N. Mason Road, Wheeler, Michigan 48662, county of Gratiot, representing school systems, being someone from an intermediate school district or local school district, is appointed for a term expiring January 30, 2018.

Ronald Derrer of 1860 Luce Street, S.W., Grand Rapids, Michigan 49534, county of Kent, representing juvenile mental health treatment practitioners, is appointed for a term expiring January 30, 2018.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

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, Lieutenant Governor Calley, designated Senator Hopgood as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Calley, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 4656, entitled

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 16 (MCL 409.116).

Senate Bill No. 846, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 521a (MCL 436.1521a), as amended by 2010 PA 369.

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. 900, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending sections 352 and 391 (MCL 418.352 and 418.391), as amended by 2007 PA 190.

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.

During the Committee of the Whole, Senator Jansen entered the Senate Chamber.

By unanimous consent the Senate returned to the order of
Messages from the House

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

House Bill No. 4369

The motion prevailed.

Senate Bill No. 574, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 78 (MCL 211.78), as amended by 2008 PA 512.

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

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

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

Senate Bill No. 612, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending section 1108 (MCL 339.1108), as amended by 1988 PA 463.

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 2, after “**INSTRUCTION**” by striking out the balance of the subdivision and inserting “**CONCERNING SAFETY AND SANITATION, OR CONCERNING LAWS, RULES, AND REGULATIONS, REQUIRED BY THE DEPARTMENT BY RULES PROMULGATED UNDER THIS ARTICLE.**”.

2. Amend page 3, following line 3, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5396 of the 97th Legislature is enacted into law.”.

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

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Meekhof moved that the rule be suspended.

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

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

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 273

Yeas—35

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

Nays—3

Bieda	Booher	Casperson
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Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate proceeded to the order of
Third Reading of Bills

Senator Meekhof moved that the following bills be placed at the head of the Third Reading of Bills calendar:
House Bill No. 5191
Senate Bill No. 685
Senate Bill No. 803
The motion prevailed.

The following bill was read a third time:

House Bill No. 5191, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81133 and 81147 (MCL 324.81133 and 324.81147), section 81133 as amended by 2013 PA 249 and section 81147 as amended by 2013 PA 119.

The question being on the passage of the bill,
Senator Hansen offered the following substitute:
Substitute (S-3).

The substitute was adopted, a majority of the members serving voting therefor.
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. 274**Yeas—35**

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

Nays—3

Bieda	Hood	Warren
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Excused—0**Not Voting—0**

In The Chair: President

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:

Senate Bill No. 685, entitled

A bill to amend 1964 PA 283, entitled “Weights and measures act,” by amending section 28c (MCL 290.628c), as amended by 2012 PA 254.

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. 275

Yeas—37

Ananich	Gregory	Jones	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			

Nays—0

Excused—0

Not Voting—1

Kahn

In The Chair: President

The Senate agreed to the title of the bill.

Senator Meekhof moved that Senator Kahn be temporarily excused from the balance of today’s session. The motion prevailed.

Senator Kahn entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 803, entitled

A bill to provide for the management, operations, maintenance, restoration, and improvement of the official governor’s residence of this state; and to prescribe the powers and duties of certain state agencies and officials.

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. 276**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: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Kahn's statement is as follows:

Mr. President, on General Orders yesterday, I spoke on Senate Bill No. 803. Through you, I'd like to remind our colleagues that it is the Official Residence Act that involves the Governor's residence in Lansing and establishes a commission to oversee its needs.

I ask, colleagues, that you support this bill.

By unanimous consent the Senate proceeded to the order of

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.

Senator Casperson offered the following resolution:

Senate Resolution No. 147.

A resolution to call on the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers to withdraw their proposed rule expanding the definition of "waters of the United States" under the Clean Water Act.

Whereas, The definition of "waters of the United States" under the Clean Water Act establishes the fundamental scope of federal authority to regulate activities in U.S. waters and wetlands. The U.S. Supreme Court has found on multiple occasions that the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Army Corps) have exceeded their authority in defining these waters beyond the intended scope of federal regulation; and

Whereas, In response to the Supreme Court decisions, the EPA and Army Corps have recently proposed an amended definition to clarify federal jurisdiction. Unfortunately, the EPA and Army Corps have once again missed the mark and continue to ignore the limits on their authority, usurping powers reserved to the states under the Tenth Amendment to the U.S. Constitution; and

Whereas, The proposed rule would create greater uncertainty for businesses and homeowners rather than providing clarity. The proposed rule will add new definitions for key technical terms that introduce ambiguities and vagaries into federal regulation. Confusion will inevitably lead to further litigation, tying up our courts, delaying economic development, and wasting taxpayer money; and

Whereas, High-quality scientific input must be the basis for environmental regulations, and the end result of scientific review should never be presumed. The EPA and Army Corps have failed to allow scientific review to be completed before moving forward with the proposed rule. In the rush to promulgate rules, the primary scientific report remains in draft form and has only recently been submitted to the EPA's Science Advisory Board for peer review; and

Whereas, The proposed rule would actually expand federal jurisdiction to more waters and wetlands rather than limiting or simply clarifying jurisdiction as outlined by the U.S. Supreme Court. The EPA's economic analysis estimates that the proposed rule would increase jurisdiction by 3 percent, potentially leading to 1,400 more permits required and nearly \$220 million in additional costs to farmers, businesses, and homeowners. Furthermore, the economic analysis' assumptions and methodology significantly underestimate the potential jurisdictional expansion; and

Whereas, Any increases in federal jurisdiction will infringe upon state authority to regulate state waters. The state waters and wetlands affected by the proposed rule have minimal, if any, connection to federally navigable waters. Expanded federal jurisdiction limits the flexibility of Michigan and other states to create a regulatory environment that meets the needs and addresses the priorities of state residents. Michigan has been a national leader in creating proactive, voluntary programs like the Michigan Agriculture Environmental Assurance Program (MAEAP) that provide equal, if not greater, protection of the environment in a collaborative, nonadversarial manner. Michigan must have the freedom to protect state waters and to pursue innovative approaches without being handcuffed by rigid federal requirements; and

Whereas, This flawed proposal demonstrates again that core decisions, such as the scope of federal authority, must be left to our elected Representatives and Senators in the U.S. Congress, not to relatively unaccountable federal agencies; now, therefore, be it

Resolved by the Senate, That we call on the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers to withdraw their proposed rule expanding the definition of "waters of the United States" under the Clean Water Act; and be it further

Resolved, That copies of this resolution be transmitted to the Administrator of the U.S. Environmental Protection Agency, the Commanding General of the U.S. Army Corps of Engineers, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Meekhof moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Meekhof moved that the resolution be referred to the Committee on Natural Resources, Environment and Great Lakes.

The motion prevailed.

Senators Booher, Brandenburg, Colbeck, Green, Kowall, Nofs, Pappageorge, Pavlov and Robertson were named co-sponsors of the resolution.

Senator Casperson offered the following concurrent resolution:

Senate Concurrent Resolution No. 15.

A concurrent resolution to call on the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers to withdraw their proposed rule expanding the definition of "waters of the United States" under the Clean Water Act.

Whereas, The definition of "waters of the United States" under the Clean Water Act establishes the fundamental scope of federal authority to regulate activities in U.S. waters and wetlands. The U.S. Supreme Court has found on multiple occasions that the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Army Corps) have exceeded their authority in defining these waters beyond the intended scope of federal regulation; and

Whereas, In response to the Supreme Court decisions, the EPA and Army Corps have recently proposed an amended definition to clarify federal jurisdiction. Unfortunately, the EPA and Army Corps have once again missed the mark and continue to ignore the limits on their authority, usurping powers reserved to the states under the Tenth Amendment to the U.S. Constitution; and

Whereas, The proposed rule would create greater uncertainty for businesses and homeowners rather than providing clarity. The proposed rule will add new definitions for key technical terms that introduce ambiguities and vagaries into federal regulation. Confusion will inevitably lead to further litigation, tying up our courts, delaying economic development, and wasting taxpayer money; and

Whereas, High-quality scientific input must be the basis for environmental regulations, and the end result of scientific review should never be presumed. The EPA and Army Corps have failed to allow scientific review to be completed before moving forward with the proposed rule. In the rush to promulgate rules, the primary scientific report remains in draft form and has only recently been submitted to the EPA's Science Advisory Board for peer review; and

Whereas, The proposed rule would actually expand federal jurisdiction to more waters and wetlands rather than limiting or simply clarifying jurisdiction as outlined by the U.S. Supreme Court. The EPA's economic analysis estimates that the proposed rule would increase jurisdiction by 3 percent, potentially leading to 1,400 more permits required and nearly \$220 million in additional costs to farmers, businesses, and homeowners. Furthermore, the economic analysis' assumptions and methodology significantly underestimate the potential jurisdictional expansion; and

Whereas, Any increases in federal jurisdiction will infringe upon state authority to regulate state waters. The state waters and wetlands affected by the proposed rule have minimal, if any, connection to federally navigable waters. Expanded federal jurisdiction limits the flexibility of Michigan and other states to create a regulatory environment that meets the needs and addresses the priorities of state residents. Michigan has been a national leader in creating proactive, voluntary programs like the Michigan Agriculture Environmental Assurance Program (MAEAP) that provide equal, if not greater, protection of the environment in a collaborative, nonadversarial manner. Michigan must have the freedom to protect state waters and to pursue innovative approaches without being handcuffed by rigid federal requirements; and

Whereas, This flawed proposal demonstrates again that core decisions, such as the scope of federal authority, must be left to our elected Representatives and Senators in the U.S. Congress, not to relatively unaccountable federal agencies; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we call on the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers to withdraw their proposed rule expanding the definition of "waters of the United States" under the Clean Water Act; and be it further

Resolved, That copies of this resolution be transmitted to the Administrator of the U.S. Environmental Protection Agency, the Commanding General of the U.S. Army Corps of Engineers, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations, Senator Meekhof moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Meekhof moved that the concurrent resolution be referred to the Committee on Natural Resources, Environment and Great Lakes.

The motion prevailed.

Senators Booher, Brandenburg, Colbeck, Green, Kowall, Nofs, Pappageorge, Pavlov and Robertson were named co-sponsors of the resolution.

House Concurrent Resolution No. 28.

A concurrent resolution to appoint Doug A. Ringler, C.P.A., C.I.A., as Auditor General.

Whereas, Article 4, Section 53 of the *Constitution of the State of Michigan of 1963* requires the legislature by a majority vote of the members elected to and serving in each house to appoint an auditor general, who shall be a certified public accountant licensed to practice in this state to serve for a term of eight years; and

Whereas, Under the provisions of Article 4, Section 53, the Auditor General of the state of Michigan shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities, and institutions established by the state constitution or by law, and performance post audits; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of the Michigan Legislature, pursuant to Article 4, Section 53 of the *Constitution of the State of Michigan of 1963*, hereby appoint Doug A. Ringler, C.P.A., C.I.A., as Auditor General of the state of Michigan, to serve for a term of eight years, effective June 9, 2014.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations, Senator Meekhof moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Meekhof moved that further consideration of the concurrent resolution be postponed for today.

The motion prevailed.

Introduction and Referral of Bills

Senators Ananich, Casperson, Robertson and Pavlov introduced

Senate Bill No. 940, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 717 (MCL 257.717), as amended by 2008 PA 539.

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

Senators Kowall and Casperson introduced

Senate Bill No. 941, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16901, 16902, 16903, 16903b, 16903c, 16904, 16905, 16906, 16908, 16909, 16909a, and 16911 (MCL 324.16901, 324.16902, 324.16903, 324.16903b, 324.16903c, 324.16904, 324.16905, 324.16906, 324.16908, 324.16909, 324.16909a, and 324.16911), sections 16901 and 16909 as amended by 2006 PA 520, section 16902 as amended by 2006 PA 521, section 16903 as amended by 2006 PA 522, section 16903b as amended by 2006 PA 523, section 16903c as added by 2002 PA 496, sections 16904 and 16905 as amended by 2006 PA 527, section 16906 as amended by 2006 PA 529, section 16908 as amended by 2006 PA 524, section 16909a as added by 2006 PA 530, and section 16911 as added by 2006 PA 525, and by adding sections 16904b, 16908c, and 16912.

The bill was read a first and second time by title and referred to the Committee on Natural Resources, Environment and Great Lakes.

Senators Casperson and Kowall introduced

Senate Bill No. 942, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13c of chapter XVII (MCL 777.13c), as amended by 2006 PA 59.

The bill was read a first and second time by title and referred to the Committee on Natural Resources, Environment and Great Lakes.

Senators Jansen, Brandenburg, Walker, Robertson and Proos introduced

Senate Bill No. 943, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding sections 4ff, 4gg, and 4hh.

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

Senator Hood introduced

Senate Bill No. 944, entitled

A bill to amend 1999 PA 212, entitled "An act to restrict certain governmental entities from requiring individuals to reside within certain geographic areas or specified distances or travel times from their place of employment as a condition of employment or promotion," by amending section 2 (MCL 15.602).

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

House Joint Resolution M, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 7 of article VIII, to require each public community and junior college to consider active duty members and honorably discharged veterans of the armed forces as residents of that college's district for determining their tuition rates.

The House of Representatives has adopted the joint resolution by a 2/3 vote.

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

House Joint Resolution N, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 5 and 6 of article VIII, to require public universities to consider certain veterans of the armed forces residents of this state for determining their tuition rates.

The House of Representatives has adopted the joint resolution by a 2/3 vote.

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

House Bill No. 5375, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20109 and 21715 (MCL 333.20109 and 333.21715), section 20109 as amended by 1996 PA 224.

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 Health Policy.

House Bill No. 5376, entitled

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 102 (MCL 450.4102), as amended by 2012 PA 568.

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 Health Policy.

House Bill No. 5377, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 109 (MCL 450.1109), as amended by 2012 PA 569.

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 Health Policy.

House Bill No. 5389, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21794.

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 Health Policy.

House Bill No. 5451, entitled

A bill to provide for tuition assistance at certain educational institutions for Michigan national guard members; and to prescribe duties for certain state officials.

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 Appropriations.

Recess

Senator Meekhof moved that the Senate recess until 1:00 p.m.

The motion prevailed, the time being 11:47 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Schuitmaker.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 1:01 p.m.

1:32 p.m.

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

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 Hopgood 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 with a substitute therefor, the following bill:

Senate Bill No. 934, entitled

A bill to fix minimum wages for employees within this state; to prohibit wage discrimination; to provide for a wage deviation board; to provide for the administration and enforcement of this act; to prescribe penalties for the violation of this act; and to repeal acts and parts of acts.

Substitute (S-7).

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.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Senator Meekhof moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

Senate Bill No. 934

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

The following bill was read a third time:

Senate Bill No. 934, entitled

A bill to fix minimum wages for employees within this state; to prohibit wage discrimination; to provide for a wage deviation board; to provide for the administration and enforcement of this act; to prescribe penalties for the violation of this act; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
 The motion prevailed, the time being 1:36 p.m.

1:57 p.m.

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

Senator Meekhof offered the following amendments:

1. Amend page 2, line 19, by striking out all of subsection (2) and renumbering the remaining subsection.
2. Amend page 3, line 4, after “subsection (1)” by striking out “or (2)”.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Meekhof offered the following amendment:

1. Amend page 2, line 27, after “available” by inserting a comma and “not to exceed 4%”.

The amendment was adopted, a majority of the members serving voting therefor.

Senator Whitmer offered the following amendment:

1. Amend page 9, line 27, after “than” by striking out the balance of the line and inserting “18 years of age is 85% of the general minimum hourly wage established in section 4.”.

The amendment was adopted, a majority of the members serving voting therefor.

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. 277

Yeas—24

Ananich	Caswell	Kahn	Robertson
Anderson	Gregory	Kowall	Rocca
Bieda	Hopgood	Meekhof	Smith
Booher	Hunter	Nofs	Walker
Brandenburg	Johnson	Pappageorge	Warren
Casperson	Jones	Richardville	Whitmer

Nays—14

Colbeck	Hildenbrand	Marleau	Proos
Emmons	Hood	Moolenaar	Schuitmaker

Green
HansenHune
Jansen

Pavlov

Young

Excused—0**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

Protests

Senators Colbeck, Moolenaar, Marleau, Hood and Young, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 934.

Senator Colbeck's statement, in which Senators Moolenaar and Marleau concurred, is as follows:

When I was elected to office, I was elected to office for more job growth. The data is very clear that every time you jack up the minimum wage, you decrease the rate of employment, and it especially hurts those who are the youth, which the last amendment that we just added on here hurts more than anything.

I'm disappointed that we passed this bill, and the good news is that these unemployment rates hopefully will stabilize, but this is bad news for the state of Michigan.

Senator Hood's statement, in which Senator Young concurred, is as follows:

Quite simply, even though this is a raise in the minimum wage that we sorely need for our citizens, this legislation still tramples on the rights of the people by taking away their ability to have a ballot initiative brought forth. I support the increase, but for the simple matter of not having the people be able to do a ballot initiative, I voted "no."

Statements

Senators Johnson and Jones asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Johnson's statement is as follows:

I wish to take a brief moment to clarify my support of the bill that we just passed, and place, I think, a few important things on the record as well. I have long been a vocal proponent for raising the minimum wage because I believe that it's about more than dollars and cents. It's simply, in my estimation, about minimum dignity. An increase is necessary to ensure that Michigan workers can attain a quality of life that will help them provide stability for their families.

Earlier this week, I stood with workers here at the Capitol and expressed my frustration with the inner machinations of what I believe is a chamber sometimes gone wrong. I had serious concerns with the manner in which it was introduced, and above everything else, I didn't think it reflected the voices of the tens of thousands of Michiganders who have spoken out on this issue over the last several months.

I still have some of those great concerns, but after some hard work and my Democratic colleagues' insistence, I think we have secured some crucial improvements. We won a cost-of-living adjustment to help ensure that workers are not left behind down the road, and we got closer to a dollar amount that is necessary for basic stability and to lift people from poverty.

While some of my colleagues on the other side of the aisle have taken a sudden interest in raising the minimum wage, I can't help but think that they are still more interested in thwarting a ballot drive than they are in actually helping workers. However, thanks to the efforts of the Raise Michigan coalition and some collaboration in this chamber, today, we have a piece of legislation that gets Michigan workers closer to the kind of wage increase that is so long overdue in this state.

While the bill that we have voted on is not perfect, I believe it will give a meaningful increase in the minimum wage to Michigan's workers. I am grateful to Raise Michigan for their hard work in educating the public on the importance of this issue and all those who have stood in the gap for raising the wage, because if it weren't for their advocacy, all of us know that we probably wouldn't be voting on this bill today. My hat is off to them.

This bill may not go as far as a lot of us would have wanted it to, but after the improvements that my Democratic colleagues and I have secured, I am confident that its passage will mean real relief for Michigan's families in the short term and the long term. In case I haven't said it, I also thank those Republicans who have deliberated on this in a meaningful way. I'm also confident that the terms that we have reached come much closer to reflecting the voices of the thousands of Michiganders who have called for real action on the Michigan wage.

For those reasons, I was able to support this bill today. It's not the exact solution I was looking for or that I had wanted when I introduced a bill over two years ago, but given the circumstances and the politics, I feel that my "yes" vote is, in fact, in the interest of Michigan workers who literally just can't afford to wait.

I'd like to thank the tireless advocates again from Raise Michigan and the associated groups for leading the charge on this issue.

Senator Jones' statement is as follows:

I'd like to explain my "yes" vote on this important legislation. It became very obvious to me that my constituents wanted an increase in the minimum wage, and that's what we have provided. But we have retained the difference in wages for waitstaff. If we hadn't done that, thousands across the state would've lost their jobs and probably hundreds of restaurants would've closed. What else did we retain? The youth training difference—this is going to allow thousands and thousands of high school students and college students to get their first job.

By the way, that was my first job at age 16, in a restaurant, mopping the floor, cleaning the toilets. Eventually, I became a cashier. Finally, I worked my way up to cook. That's the American Dream; start small, work up.

You passed a good bill today.

Committee Reports

The Committee on Education reported

House Bill No. 4341, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2652 (MCL 333.2652), as amended by 2006 PA 301.

With the recommendation that the bill be referred to the Committee on Health Policy.

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons, Colbeck, Hopgood and Young

Nays: None

The bill was referred to the Committee on Health Policy.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Wednesday, May 14, 2014, at 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Pavlov (C), Emmons, Colbeck, Hopgood and Young

The Committee on Economic Development reported

Senate Bill No. 623, entitled

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending sections 103, 104, 105, 106, 107, 108, 109, 110, 121, 122, 123, 131, 132, 133, 141, 143, 151, 202, 209, 212, 215, 217, 221, 241, 242, 243, 246, 251, 261, 275, 301, 303, 304, 305, 307, 308, 309, 313, 317, 331, 332, 338, 402, 403, 404, 405, 407, 413, 415, 421, 422, 423, 441, 442, 444, 446, 451, 455, 461, 485, 487, 501, 505, 506, 511, 521, 523, 527, 528, 531, 541, 548, 551, 552, 553, 561, 562, 563, 565, 567, 569, 601, 602, 611, 615, 631, 641, 642, 643, 701, 707, 741, 753, 801, 804, 805, 811, 815, 817, 821, 823, 851, 855, 901, 911, 913, 922, 923, 925, 932, 1001, 1002, 1012, 1015, 1016, 1021, 1032, 1035, 1041, 1042, 1051, 1060, 1104, 1107, 1145, and 1162 (MCL 450.2103, 450.2104, 450.2105, 450.2106, 450.2107, 450.2108, 450.2109, 450.2110, 450.2121, 450.2122, 450.2123, 450.2131, 450.2132, 450.2133, 450.2141, 450.2143, 450.2151, 450.2202, 450.2209, 450.2212, 450.2215, 450.2217, 450.2221, 450.2241, 450.2242, 450.2243, 450.2246, 450.2251, 450.2261, 450.2275, 450.2301, 450.2303, 450.2304, 450.2305, 450.2307, 450.2308, 450.2309, 450.2313, 450.2317, 450.2331, 450.2332, 450.2338, 450.2402, 450.2403, 450.2404, 450.2405, 450.2407, 450.2413, 450.2415, 450.2421, 450.2422, 450.2423, 450.2441, 450.2442, 450.2444, 450.2446, 450.2451, 450.2455, 450.2461, 450.2485, 450.2487, 450.2501, 450.2505,

450.2506, 450.2511, 450.2521, 450.2523, 450.2527, 450.2528, 450.2531, 450.2541, 450.2548, 450.2551, 450.2552, 450.2553, 450.2561, 450.2562, 450.2563, 450.2565, 450.2567, 450.2569, 450.2601, 450.2602, 450.2611, 450.2615, 450.2631, 450.2641, 450.2642, 450.2643, 450.2701, 450.2707, 450.2741, 450.2753, 450.2801, 450.2804, 450.2805, 450.2811, 450.2815, 450.2817, 450.2821, 450.2823, 450.2851, 450.2855, 450.2901, 450.2911, 450.2913, 450.2922, 450.2923, 450.2925, 450.2932, 450.3001, 450.3002, 450.3012, 450.3015, 450.3016, 450.3021, 450.3032, 450.3035, 450.3041, 450.3042, 450.3051, 450.3060, 450.3104, 450.3107, 450.3145, and 450.3162), sections 106, 404, 505, 548, 611, 901, and 922 as amended by 2008 PA 222, sections 108, 561, 562, 563, 565, 567, and 569 as amended by 1993 PA 129, section 110 as amended by 1990 PA 39, section 123 as amended by 2008 PA 482, section 131 as amended by 2005 PA 219, sections 133, 141, 143, 151, 405, 407, 413, 421, 441, 446, 451, and 521 as amended by 2008 PA 9, section 209 as amended by 1996 PA 397, sections 261, 501, and 541 as amended by 2009 PA 88, section 911 as amended by 1996 PA 84, section 1060 as amended by 2012 PA 309, and sections 1104, 1107, 1145, and 1162 as added by 1984 PA 209, and by adding sections 303a, 303b, 303c, 303d, 314, 336, 341a, 343, 344, 345, 392, 406, 408, 409, 412, 432, 447a, 466, 467, 468, 472, 473, 488, 489, 491a, 492a, 493a, 494, 495, 496, 497, 514, 515a, 529, 545a, 564a, 564b, 564c, 571, 703a, 706, 711, 712, 713, 724, 735, 736a, 745, 746, 751, 754, 841a, 842a, 1013, and 1056; and to repeal acts and parts of acts.

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.

Michael W. Kowall
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Economic Development reported

Senate Bill No. 624, entitled

A bill to amend 1965 PA 169, entitled "An act to require court proceedings for dissolution of domestic charitable purpose corporations; and to require the filing of notice of intention to withdraw with the attorney general by foreign charitable purpose corporations attempting to withdraw from this state," by amending the title and sections 1 and 2 (MCL 450.251 and 450.252), and by adding sections 1a and 2a.

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.

Michael W. Kowall
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Economic Development reported

Senate Bill No. 929, entitled

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 705a (MCL 450.4705a), as amended by 2002 PA 686.

With the recommendation that the bill pass.

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

Michael W. Kowall
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Wednesday, May 14, 2014, at 1:30 p.m., Room 110, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture submitted the following:

Meeting held on Thursday, May 15, 2014, at 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Hune (C), Booher, Emmons, Hansen and Smith

Scheduled Meetings

Insurance - Tuesday, May 20, 2:30 p.m., Room 100, Farnum Building (373-5312)

Michigan State Capitol Commission - Monday, May 19, 1:00 p.m., Room H-65, Capitol Building (373-2400)

Senator Pavlov moved that the Senate adjourn.

The motion prevailed, the time being 2:10 p.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Tuesday, May 20, 2014, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

