

No. 3
STATE OF MICHIGAN
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Senate Chamber, Lansing, Wednesday, January 15, 2014.

10:00 a.m.

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

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

Senator Howard C. Walker of the 37th District offered the following invocation:

Heavenly Father, we want to thank You so much for bringing us together safely today. We want to thank You for the opportunity to serve Michigan’s citizens and the system that was guided by Your hand, and we hope to serve in a manner that will serve You and serve Your will.

We ask that You guide us in these decisions. We ask that You lay Your blessings on the state of Michigan, and lay Your blessings on the people here who are serving this great state. We also ask that You be with our loved ones back home. Present Your blessings on them, because these folks here are serving the state, and it affects all the families.

We ask blessings on the families back home, and in all these things, in Jesus’ name we pray. Amen.

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

Motions and Communications

Senators Marleau, Green and Johnson entered the Senate Chamber.

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

Third Reading of Bills

Senator Meekhof moved that the following bill be placed at the head of the Third Reading of Bills calendar:

House Bill No. 4866

The motion prevailed.

Senator Hunter entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 4866, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 648 (MCL 257.648).

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. 1

Yeas—36

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

Nays—1

Colbeck

Excused—1

Ananich

Not Voting—0

In The Chair: Hansen

Senator Ananich entered the Senate Chamber.

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

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

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

The Senate agreed to the full title.

Senator Ananich stated that had he been present earlier today when the vote was taken on the passage of the following bill, he would have voted “yea”:

House Bill No. 4866

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 Hildenbrand 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 with a substitute therefor, the following bill:

Senate Bill No. 273, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 18201, 18211, 18223, 18233, and 18237 (MCL 333.18201, 333.18211, 333.18223, 333.18233, and 333.18237), section 18211 as amended by 2006 PA 395, section 18223 as amended by 2010 PA 121, section 18233 as amended by 1994 PA 234, and section 18237 as amended by 1998 PA 496.

Substitute (S-2).

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 proceeded to the order of
Introduction and Referral of Bills

Senator Jones introduced

Senate Bill No. 736, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 13a of chapter XIII (MCL 712A.13a), as amended by 2012 PA 163.

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

Statements

Senators Hood, Whitmer 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 Hood's statement is as follows:

I rise today with deep sadness to recognize the passing of a dedicated public servant who enriched many lives, former Dearborn State Representative Agnes Marie Dobronski. With respect for her legacy and many accomplishments, we join with the community in extending our condolences to her family and friends. She will be sincerely missed and long remembered.

Serving others was a well-established trait of Mrs. Dobronski, as she had spent a lifetime in service to the people and communities around her. She developed an early understanding of leadership when her father passed away when she was just a child. Immediately, she took charge of her family and continued to do so for many years. With a strong sense of service to others that she developed and her love for Dearborn, she successfully ran for elected office, serving first on the Dearborn School Board from 1980-1986 and then in the Michigan House of Representatives from 1987-1988 and again from 1991-1998.

As a legislator, she was a strong advocate for senior citizens, public education, and women's rights. She remained active in local politics until the end, lending her support, time, and energy to state and local candidates who shared her passion for good government whenever an opportunity presented itself.

The life of Mrs. Dobronski is a study in the power of hard work, dedication, and commitment to her values, family, and state. We are clearly grateful for her achievements, which will continue to help shape Michigan for years to come.

A moment of silence was observed in memory of former State Representative Agnes Dobronski.

Senator Whitmer's statement is as follows:

I rise today because it's time to clear the air, and we, not as Republicans or Democrats, but as Senators, must take action. Last week, multiple news stories raised serious questions about the hiring practices within the Department of Treasury. Between former Treasurer Andy Dillon still remaining on the payroll at his full salary, despite no longer working there, to reports of questionable hires and massive pay raises for the Governor's political staff, we cannot turn a blind eye to what is taking place there.

There are difficult questions that require honest and complete answers. The Governor is a lawyer, and we have strict rules on government service. Under Article 11, Section 5, there are classified and unclassified employees in each department. While the Constitution allows certain and very specific exemptions to take place, we don't even know where Mr. Dillon fits into those constitutional requirements.

My questions are very simple. What is Mr. Dillon's position? Is it classified or exempt? How was he hired for this new position, and were other applicants interviewed? Under what appropriation line item was this done? If he was hired under a contract, who approved it? Was it sent out for competitive bidding? Did the new treasurer request the Civil Service Commission to vote to approve this appointment? If so, when? Is there a metric for how effectively this taxpayer money was spent? Will it appear on the Governor's dashboard? Is there still a Governor's dashboard?

Many of those questions I just raised apply outside of Mr. Dillon's hire. I would ask the same of Mr. DiBartolomeo's hire as a former campaign aide to the Governor and treasurer of his secret NERD fund. Was his job posted? Did others apply? What qualifications did he have for it that made him the ideal candidate? Most importantly, whose decision was it to raise the salary of the position to \$180,000 per year upon his hire?

The drafters of our Constitution said it contained rigid limitations on political patronage and was designed to continue Michigan's national leadership among states in public personnel practice. Perhaps there are good answers for how what's taking place in the Department of Treasury fits into our Constitution and the budget that the Governor is going to brag about passing. If so, the people need to hear those answers. As stewards of their dollars, so do we.

I was glad to see my colleague from the 11th District agree last week that this deserves further investigation by this body, because this should not be a partisan issue. This should be an issue of good government and fiscal responsibility; something all of us profess to uphold.

Let's show the people of Michigan we can live up to that mantra, and give them the assurance that we are, in fact, ensuring their tax dollars are being spent appropriately. I'm asking all of you today to join me in calling for that investigation and to truly clear the air for the people in this state.

Senator Caswell's statement was as follows:

I'd like to speak today to the issue of funding in our K-12 schools over the last six years. As we know, the state's gone through a very difficult time. When President Obama came into office, he provided a lot of stimulus money to every state in the Union, some of which came to Michigan. A portion of that stimulus money was put into the foundation grant to keep it up where it was at, so that there would not need to be any cuts. At that time, it was made clear that that stimulus money would last for two years, and then that federal money would go away.

In the last term of Governor Granholm's administration, because of the difficulties in the General Fund, there was approximately \$200 million moved over to the community colleges out of the School Aid Fund—perfectly legal and approved under the Constitution. This movement of money out of the School Aid Fund into other education institutions has continued under Governor Snyder's administration. The first year of Governor Snyder's administration, the stimulus money which we had received from President Obama went away. There was a \$250 million cut in total monies going to the K-12 systems in the state from Lansing. The following year, approximately \$150 million of that was restored so that there was now a deficit of \$100 million. This year, the current fiscal year we're in, approximately 450 million additional dollars were added in total, on all line items, to the school systems. So they're approximately \$300 million ahead of where they were three years ago.

The other side of this coin is the effort we've made in Lansing to shore up the retirement system for school employees. Currently, between what we're putting in up here in Lansing and what the schools are required to return to Lansing to the retirement system, we are paying approximately \$2.4 billion to simply cover the hole, if you will, in the retirement system. This does not pay normal costs. There's more money on top of this for normal costs. That \$2.4 billion, if you look at the total amount of money going to the schools both locally and from Lansing, represents about 15 percent. So as we've moved forward, the schools are indeed getting more money than they were getting three years ago. However, much of that money is going into covering the unaccrued liabilities in the pension system.

The balancing act continues in terms of trying to get money into the classroom and making sure that the promise of the pension system is maintained for folks. I would also say that this Legislature has dramatically reformed the pension system, particularly for new employees coming in, and shifted many costs over to current employees, which has been very difficult for those employees. But it had to be done.

As we move forward, I simply want to point out that the schools are, in fact, getting more money today than they got three years ago, but much of that money is going into the pension system, which we have to maintain, as well as the money going into the classroom. It has not been easy. It's not been easy on our educators. As we move forward, we will continue to try to balance the two so that both are protected as well as we can with the money available.

Committee Reports

The Committee on Judiciary reported

House Bill No. 4808, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 16, 18, 200i, 204, 207, 209, 210, 211a, 316, 436, 520b, and 543f (MCL 750.16, 750.18, 750.200i, 750.204, 750.207, 750.209, 750.210, 750.211a, 750.316, 750.436, 750.520b, and 750.543f), sections 16 and 18 as amended by 2004 PA 213, sections 200i, 204, 207, 209, and 210 as amended by 2003 PA 257, section 211a as amended by 2004 PA 523, section 316 as amended by 2013 PA 39, section 436 as amended by 2002 PA 135, section 520b as amended by 2012 PA 372, and section 543f as added by 2002 PA 113.

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.

The Committee on Judiciary reported

House Bill No. 4895, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 535 (MCL 750.535), as amended by 2006 PA 374.

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, Rocca 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. 4896, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2007 PA 20.

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, Rocca 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. 5069, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2918, 5711, and 5714 (MCL 600.2918, 600.5711, and 600.5714), section 2918 as amended by 2013 PA 127 and section 5714 as amended by 2012 PA 139.

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 Rocca

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. 5070, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 553.

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 Rocca

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5071, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16bb of chapter XVII (MCL 777.16bb), as added by 2007 PA 20.

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 Rocca

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, January 14, 2014, at 2:30 p.m., Room 110, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Tuesday, January 14, 2014, at 2:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Caswell (C), Jansen and Proos

Excused: Senator Gregory

Scheduled Meetings**Appropriations -****Subcommittees -**

Agriculture and Rural Development - Tuesdays, February 11, February 18, February 25, March 11, March 18 and March 25, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Higher Education and House Higher Education Appropriations Subcommittee - Thursday, January 30, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police and Military Affairs - Thursdays, January 30, 1:30 p.m., Rooms 402 and 403; February 20, 3:00 p.m., Rooms 402 and 403; February 27, 3:00 p.m., Room 405; and March 6, March 13, March 27 and April 17, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Senate Fiscal Agency Board of Governors - Thursday, January 23, 9:00 a.m., Room S-324, Capitol Building (373-2768)

State Drug Treatment Court Advisory Committee - Tuesday, January 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 10:26 a.m.

The Assistant President pro tempore, Senator Hansen, declared the Senate adjourned until Thursday, January 16, 2014, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

