

No. 5
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2014

Senate Chamber, Lansing, Tuesday, January 21, 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—present
Jansen—present
Johnson—excused
Jones—present
Kahn—present
Kowall—present
Marleau—present
Meekhof—present
Moolenaar—present
Nofs—present

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

Senator Coleman A. Young II of the 1st District offered the following invocation:

Heavenly Father, we come before You today to say thank You, Jesus, for allowing us the honor of being here to serve the public and to be able to use power to uplift, advance, and help uplift others. We know that these are difficult times. We know that even though things are getting better, people are still losing their houses to foreclosure and struggling with unemployment going job to job. People who are homeless, helpless are looking for an answer; downtrodden, poor, and wondering how it is that they are in these difficult times, feeling like there is no way out.

But, Jesus, we thank You that we have someone like You whom we can pray to. You have said in Your word that the thief may come to steal, kill, and destroy, but with You, we may have life and have it more abundantly. We know that if we believe in Your will and Your word, Father God, that this great state, this pleasant peninsula, we can be exceptional, and we know that our famine will be over. We know that weeping may endure for a night, but joy will come in the morning.

So we band together right here—Republican, Democrats, and Independents—and we celebrate with a joyous ovation. Thank You, Jesus, for ending our famine, for ending our trials, and letting us see triumph. Thank You, Jesus, for helping us get through our struggles and having the greatest success and prosperity we have ever had.

When it is all said and done, we will say that because we had the faith of a mustard seed, we were able to move mountains and live in the Promised Land that You have held for us. Amen.

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

Motions and Communications

Senator Hopgood moved that Senator Johnson be excused from today's session.
The motion prevailed.

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

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

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.

11:00 a.m.

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

During the recess, Senator Pappageorge entered the Senate Chamber.

The following communication was received and read:
Office of the Auditor General

January 15, 2014

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Finance Authority, a discretely presented component unit of the State of Michigan, for the fiscal year ended September 30, 2013.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The audit report was referred to the Committee on Government Operations.

The Secretary announced that the following bills and joint resolution were printed and filed on Thursday, January 16, and are available at the Michigan Legislature website:

Senate Bill Nos. 736 737
House Bill Nos. 5221 5222 5223 5224
House Joint Resolution CC

Messages from the House

Senate Bill No. 337, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending sections 27a and 30 (MCL 205.27a and 205.30), section 27a as amended by 2012 PA 211 and section 30 as amended by 1993 PA 14.

Substitute (H-4).

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

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 2

Yeas—36

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

Nays—0

Excused—2

Brandenburg Johnson

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 title as amended.

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

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 Young 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 bill:

Senate Bill No. 705, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 17a of chapter XIII (MCL 712A.17a). The bill 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

Senators Caswell, Jones, Green, Booher, Jansen, Marleau, Pappageorge and Emmons introduced

Senate Bill No. 738, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3101a (MCL 500.3101a), as amended by 2011 PA 91.

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

Senator Smith introduced

Senate Bill No. 739, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 5 (MCL 125.2155), as amended by 2010 PA 276.

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

Senator Smith introduced

Senate Bill No. 740, entitled

A bill to amend 2005 PA 280, entitled "Corridor improvement authority act," by amending section 8 (MCL 125.2878), as amended by 2012 PA 229.

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

Committee Reports

The Committee on Finance reported

House Bill No. 4703, entitled

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," (MCL 567.221 to 567.265) by adding section 31a. With the recommendation that the bill pass.

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

Jack M. Brandenburg
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 4760, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 30 (MCL 205.30), as amended by 1993 PA 14.

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.

Jack M. Brandenburg
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Finance reported

House Bill No. 5008, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 623, 665, and 671 (MCL 206.623, 206.665, and 206.671), section 623 as amended by 2012 PA 414, section 665 as added by 2011 PA 38, and section 671 as amended by 2011 PA 313.

With the recommendation that the bill pass.

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

Jack M. Brandenburg
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5009, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 691 (MCL 206.691), as amended by 2012 PA 70.

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.

Jack M. Brandenburg
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Finance reported

House Bill No. 5010, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 625 and 663 (MCL 206.625 and 206.663), section 625 as amended by 2011 PA 175 and section 663 as amended by 2011 PA 308.

With the recommendation that the bill pass.

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

Jack M. Brandenburg
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5011, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 673 (MCL 206.673), as added by 2011 PA 181.

With the recommendation that the bill pass.

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

Jack M. Brandenburg
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, January 15, 2014, at 12:30 p.m., Room 210, Farnum Building

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

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)

Community Colleges - Wednesday, February 19, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (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)

K-12, School Aid, Education, Education Committee, House Education Committee, House Education Appropriations Subcommittee and House School Aid Appropriations Subcommittee - Wednesday, February 5, 2:30 p.m. or later after committees are given leave by the House to meet, Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

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)

Education, K-12, School Aid, Education Appropriations Subcommittee, House Education Committee, House Education Appropriations Subcommittee and House School Aid Appropriations Subcommittee - Wednesday, February 5, 2:30 p.m. or later after committees are given leave by the House to meet, Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

Health Policy - Thursday, January 23, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5312)

Michigan Law Revision Commission - Thursday, February 13, 12:00 noon, Rooms 402 and 403, Capitol Building (373-0212)

Natural Resources, Environment and Great Lakes - Thursday, January 23, 9:00 a.m., Room 210, Farnum Building (373-5312)

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 11:10 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, January 22, 2014, at 10:00 a.m.