

No. 21
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2013

Senate Chamber, Lansing, Wednesday, March 6, 2013.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

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

Father Charles D. Hall of Our Lady of the Lake Catholic Church of Holland offered the following invocation:

Blessed are You, God of creation and source of life and all that is good and beautiful within it. We thank You for the great gift and responsibility of sharing with us the power to make decisions that will shape and guide the lives that belong ultimately to You.

We particularly ask Your guidance for those who are struggling to deliberate here. Help each of them to speak clearly and with courage that piece of Your truth to which their eyes have been opened and to which they need to open the eyes of others. Help each of them, as well, to listen attentively and with humility to that piece of Your truth to which their eyes need to be opened by others. Help each of them to breathe in deeply of Your love, which is both gentle and pure and never self-serving, before they serve the needs of others. Don't let their trust be naïve, but don't let a healthy skepticism be poisoned by the cynical. Help them to serve the ideals that led them to run for office, without being dismissive of the vision and values of others.

We boldly ask all of this with humility and confidence that You, even more than us, know what is best for all people who dwell within these pleasant peninsulas. If we can do no more at this moment than to sincerely share this prayer, then we have taken the first step in together serving Your purposes. So we ask: God help them; God help us. Amen.

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

Motions and Communications

Senators Green and Kahn entered the Senate Chamber.

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

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

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senators Schuitmaker and Robertson admittance to the Senate floor.

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, March 5:
House Bill Nos. 4054 4123

The Secretary announced that the following bills and joint resolution were printed and filed on Tuesday, March 5, and are available at the Michigan Legislature website:

Senate Bill Nos. 242 243 244 245
Senate Joint Resolution O

Messages from the Governor

The following message from the Governor was received and read:

February 20, 2013

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

Talent Investment Board

Michael J. Krushena of 3380 Morningview Terrace, Bloomfield Hills, Michigan 48301, county of Oakland, representing business in Michigan, succeeding Paul Saginaw, is appointed for a term expiring at the pleasure of the Governor.

Sincerely,
Rick Snyder
Governor

The appointment was referred to the Committee on Government Operations.

Senators Brandenburg and Young entered the Senate Chamber.

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.

10:10 a.m.

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

During the recess Senator Pappageorge entered the Senate Chamber.

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 154, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74126 (MCL 324.74126), as added by 2006 PA 248.

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. 38**Yeas—36**

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

Nays—0**Excused—1**

Hunter

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

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

Senate Bill No. 123**Senate Bill No. 94**

The motion prevailed.

Senator Hunter entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 123, entitled

A bill to amend 1999 PA 203, entitled "The convention facility authority act," by amending sections 3, 5, and 8 (MCL 141.1403, 141.1405, and 141.1408).

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. 39

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 94, entitled

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

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. 40

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 23

The resolution consent calendar was adopted.

Senators Pappageorge, Proos, Nofs, Anderson, Marleau, Booher and Brandenburg offered the following resolution:
Senate Resolution No. 23.

A resolution proclaiming March 24-30, 2013, as Michigan STEM Awareness Week.

Whereas, An education in science, technology, engineering, and mathematics (STEM) is critical to our children's future and the continued growth and prosperity of Michigan; and

Whereas, We look to deliver a world-class education that will determine Michigan's success in the 21st century; and

Whereas, If Michigan students become inspired by science, technology, engineering, and mathematics at an early age, there is a greater likelihood they will want to enter those growing career fields when they graduate; and

Whereas, Increased awareness in our community of STEM education and STEM-related careers will advance Michigan's workforce; and

Whereas, STEM-related careers will be pivotal in the 21st century economy; and

Whereas, A STEM education will ensure our state's workforce will be better equipped for the jobs of tomorrow; now, therefore, be it

Resolved by the Senate, That we hereby proclaim the week of March 24-30, 2013, as Michigan STEM Awareness Week. We call upon parents, educators, community organizations, businesses, governments, and the people of Michigan to observe the week with appropriate programs and activities.

Senators Bieda, Colbeck, Hopgood, Kowall and Pavlov were named co-sponsors of the resolution.

Senate Concurrent Resolution No. 5.

A concurrent resolution to urge the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste.

(For text of resolution, see Senate Journal No. 3, p. 40.)

The House of Representatives has adopted the concurrent resolution and named Rep. Lori as co-sponsor of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 6.

A concurrent resolution to memorialize the President and the Congress of the United States to support the continued and increased development and importation of oil derived from North American reserves and to urge the United States Secretary of State to approve the newly-routed Keystone XL pipeline application from TransCanada.

(For text of resolution, see Senate Journal No. 11, p. 154.)

The House of Representatives has adopted the concurrent resolution and named Reps. Crawford, Heise, Howrylak, Jacobsen and Lori as co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Bieda, Anderson, Young, Hunter, Hopgood, Gregory and Hood introduced

Senate Joint Resolution P, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 11 to article II, to provide for the election of presidential electors.

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

Senator Kahn introduced

Senate Bill No. 246, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2013; and to provide for the expenditure of the appropriations.

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

Senators Smith, Richardville and Johnson introduced

Senate Bill No. 247, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 1114 (MCL 436.2114), as amended by 2011 PA 27, and by adding section 1116.

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

Senators Bieda, Jones, Pappageorge, Anderson, Warren and Gregory introduced

Senate Bill No. 248, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2010 PA 195.

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

Senators Hopgood, Anderson, Pappageorge and Bieda introduced

Senate Bill No. 249, entitled

A bill to amend 1991 PA 158, entitled "Aftermarket crash parts act," by amending section 3 (MCL 257.1363).

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

Senator Hansen introduced

Senate Bill No. 250, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 81d (MCL 750.81d), as amended by 2006 PA 517.

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

House Bill No. 4054, entitled

A bill to amend 1991 PA 46, entitled "Eligible domestic relations order act," by amending sections 2 and 10 (MCL 38.1702 and 38.1710), section 2 as amended by 2008 PA 348.

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 Judiciary.

House Bill No. 4123, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2977.

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 Judiciary.

Statements

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

The motion prevailed.

Senator Green's statement is as follows:

I rise today to offer some brief remarks regarding a number of proposals before the Michigan Senate today. We all know the phrase "lead by example." I believe that Michigan can serve as an example to the rest of the nation in many respects. *Site Selection* magazine recently ranked Michigan 4th in the nation for major new corporate facilities and expansions. That is good news. We didn't get there by following Washington's lead, and this chamber is currently considering proposals that do just that.

We're poised to drink their Kool-Aid and accept their funny money. From health care exchanges to the Medicaid expansion, that's all the great promise of federal aid is—funny money. It is funny money that is not free, that our taxpayers will have to pay back. Worst of all, it is a credit card bill we will be leaving to our kids and grandkids. With 20 grandkids, that kind of makes me sick. After what? The unprecedented expansion of the size and power of the federal government. I just won't play their shell game; I won't drink their Kool-Aid; I won't agree to take their funny money. It is nothing less than aiding and abetting Washington's drunken sailor spending habits.

The 10th Amendment to the United States Constitution reads: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." We either believe in it or we don't. We either believe in fiscal responsibility or we don't. I believe it is hypocritical to grandstand against Obamacare and then heavily extol the virtues of its very implementation. From exchanges to the growing size of the federal government, to 2nd Amendment rights, to auto control regulators, this madness in Washington has got to stop. It is time that this chamber, that this Legislature, take a stand on the 10th Amendment in defense of our state. Our taxpayers and our future generation can say: "Enough is enough."

I do not have all the answers to every problem, but Michigan can do better. Washington, keep your funny money.

Senator Jones' statement is as follows:

I want to thank the Senators today for the unanimous vote on Senate Bill No. 94. Senate Bill No. 94 asserts our 10th Amendment states' rights that we will not allow the federal government to grab a U.S. citizen and hold them without charges.

Today you stand with the Michigan Senators of 1855 who defied the federal government's Fugitive Slave Act and then granted escaped slaves habeas corpus, trial by jury. We stand with them in history telling the federal government: "Do not imprison U.S. citizens without charges."

Senator Kahn's statement is as follows:

My dear friend and seatmate, the Senator from the 13th District, is his usual eloquent self. There are some other issues that we in this chamber need to bear in mind as we go forth with this decision. One of these is that there are budget consequences if we fail to implement this exchange; we will have to come up with the dollars for that. They're fairly substantial, \$20 million or so. The second is the characterization of the options that would be available to us with a state-federal exchange. While it is true that we in this chamber favor a state exchange, I do not believe that it is an all-or-nothing choice. A state-federal partnership still allows us to have a say on the choice of plans that will be included. It allows us to promote a state plan. It is the choice to support our own businesses here in Michigan. If we reject this, it is a federal-only exchange. We, of course, lose that opportunity. We lose our seat at the table on making decisions going forward.

My other point, that my good friend did not bring up, is that we in general need to remember about these exchanges is that this isn't a decision that is cast in stone forever. This could be rethought going forward and not in a year or two or three or four. You could rethink your participation in this in fairly short order. You might not want to rethink it because the federal government, at least over the short haul, is going to be picking up most of the costs; actually, 100 percent of the costs. That, too, needs to be borne in mind.

Our side of the aisle will be hearing tomorrow from Director Headen. I would urge members to listen to him tomorrow with an open mind.

Senator Colbeck's statement is as follows:

There has been a lot of discussion around the health exchange today, and I would like to frame it for my colleagues what the alternatives and options before us are. The federal government, the HHS has come out with a blueprint. This came out after the passage of the Affordable Care Act. This blueprint specifies three different options for people and the state to pursue. One is a state-based exchange, another is a partnership exchange, and the third is a federally-facilitated exchange. The common ingredient on all of these different exchanges beside the word "exchange" is the fact that the state has no control over the policies associated with each of those exchanges where they matter most—which is around the actual health care that is offered to the citizens of Michigan.

I don't care about bureaucratic policies or how you run your call center or anything like that. What I care about is what happens to the people who are supposed to be cared for as a result of this health insurance. There is no difference in any

three of the options in that regard. So I want to highlight and agree with my colleague from the 13th District that we should not be running the complaint department for the Affordable Care Act at all.

The supplemental that will be discussed here has three different components to it. There is a plan manager component, a minor portion of it. There is also a \$19 million allocation for the consumer assistance personnel, which, by the way, is a one-time grant, and we pick up the bill afterward. These are people hired to man the complaint desks. The last part is for an IT fix, which I would submit that we have \$47 million worth of IT project funds in the budget from last year, and also we are looking at doing a similar budget this year. We have projects in the queue that can help manage a lot of those interfaces right now if you just adjust the specs to synch up, so we don't need this supplemental that is coming down the train.

It is a bad deal for Michigan, and I would welcome a talk about exchange options that actually do benefit the citizens of Michigan. I think there is some room within state-based exchanges if we went back to proposals that were taken off the table when we talked about the MIHealth Marketplace, something that we preserve a degree of free-market accountability. That wasn't discussed; it was left on the table, so we are left with what we have right now.

I encourage everyone to be wary. When you read the fine print on this, we get to do all the puppet work, but the puppeteer back in D.C. is making all the rules.

Committee Reports

The Committee on Transportation reported

Senate Bill No. 108, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 69.

With the recommendation that the bill pass.

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

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Kowall, Brandenburg, Pavlov, Hansen, Hood and Warren

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

Senate Bill No. 169, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending the title, a division heading, and section 244 (MCL 257.244), the title as amended by 2010 PA 10 and section 244 as amended by 2008 PA 539, and by adding sections 2b, 663, 664, 665, 666, and 817.

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.

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Kowall, Brandenburg, Pavlov, Hansen, Hood and Warren

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 Transportation submitted the following:

Meeting held on Tuesday, March 5, 2013, at 12:30 p.m., Room 100, Farnum Building

Present: Senators Casperson (C), Kowall, Brandenburg, Pavlov, Hansen, Hood and Warren

The Committee on Insurance reported

Senate Bill No. 31, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2210a.

With the recommendation that the bill be referred to the Committee on Judiciary.

Joe Hune
Chairperson

To Report Out:

Yeas: Senators Hune, Marleau, Brandenburg, Hansen, Robertson, Smith and Bieda

Nays: None

The bill was referred to the Committee on Judiciary.

The Committee on Insurance reported

Senate Bill No. 178, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2212c.

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.

Joe Hune

Chairperson

To Report Out:

Yeas: Senators Hune, Marleau, Brandenburg, Hansen, Robertson, Smith and Bieda

Nays: None

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

The Committee on Insurance reported

Senate Bill No. 179, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 402d.

With the recommendation that the bill pass.

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

Joe Hune

Chairperson

To Report Out:

Yeas: Senators Hune, Marleau, Brandenburg, Hansen, Robertson, Smith and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Insurance submitted the following:

Meeting held on Tuesday, March 5, 2013, at 2:30 p.m., Room 100, Farnum Building

Present: Senators Hune (C), Marleau, Brandenburg, Hansen, Robertson, Smith and Bieda

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Tuesday, March 5, 2013, at 2:00 p.m., Room 405, Capitol Building

Present: Senators Caswell (C), Jansen, Proos and Gregory

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Tuesday, March 5, 2013, at 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Pappageorge (C), Jansen and Colbeck

Excused: Senator Johnson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture and Rural Development submitted the following:

Meeting held on Tuesday, March 5, 2013, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Green (C), Moolenaar and Hopgood

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Corrections submitted the following:

Joint meeting held on Tuesday, March 5, 2013, at 3:00 p.m., House Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Proos (C), Anderson and Walker

COMMITTEE ATTENDANCE REPORT

The Committee on Outdoor Recreation and Tourism submitted the following:

Meeting held on Wednesday, March 6, 2013, at 8:30 a.m., Room 110, Farnum Building
Present: Senators Hansen (C), Hildenbrand, Meekhof, Casperson, Moolenaar, Young and Hopgood

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

Community Colleges and House Community Colleges Appropriations Subcommittee - Friday, March 8, 1:00 p.m., Schoolcraft Community College, VisTaTech Center, Sutherland Room, 18600 Haggerty Road, Livonia; and Monday, March 11, 1:00 p.m., St. Clair County Community College, Michigan Technical Education Center, Room 150, 323 Erie Street, Port Huron (373-2768)

General Government - Tuesdays, March 12, March 19, and April 9, 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Human Services Department - Tuesday, March 12, 2:00 p.m., Room 405, Capitol Building (373-2768)

K-12, School Aid, Education - Wednesdays, March 13 and March 20, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Licensing and Regulatory Affairs Department - Thursday, March 7, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-2768)

State Police and Military Affairs - Thursday, March 7, 3:00 p.m., Room 405, Capitol Building (373-2768)

Health Policy - Thursday, March 7, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

Natural Resources, Environment and Great Lakes - Thursday, March 7, 9:00 a.m., Room 210, Farnum Building (373-5323)

Outdoor Recreation and Tourism - Thursday, March 7, 12:30 p.m., Room 110, Farnum Building (373-5323)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 10:36 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, March 7, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate