

No. 9
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2014

Senate Chamber, Lansing, Wednesday, January 29, 2014.

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.

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—excused
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 Gregory Veneklasé of St. Agnes and St. Cecilia Catholic Churches of Iron River and Caspian offered the following invocation:

Dear heavenly Father, we thank You for this opportunity to gather in freedom to do good and not evil. For all Your people in this Great Lakes state of Michigan, we thank You for the life, health, talents, and rationality which You have given us. May we use them in accordance with Your will to do only good and not evil. May our actions, inactions, words, and silences show that we are good stewards of the people and resources entrusted to us. May we always show proper respect for the citizens and natural resources entrusted to our care, promoting and preserving the good of all in this winter, water wonderland, both now and for generations to come.

We ask this through our Lord Jesus Christ, Your only begotten Son and co-creator of this world, who Himself delights in the citizens and beauty of this earth. In the name of the Father and of the Son and of the Holy Spirit. Amen.

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

Motions and Communications

Senators Caspersen, Brandenburg, Green, Whitmer and Richardville entered the Senate Chamber.

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

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

Senator Meekhof moved that Senators Nofs, Pavlov and Robertson be temporarily excused from today's session. The motion prevailed.

The following communication was received:
Unemployment Insurance Agency

January 24, 2014

In accordance with Section 8 of the *Michigan Employment Security Act*, being Section 421.8 of the *Michigan Compiled Laws*, the Unemployment Insurance Agency is required to report annually to the Governor and the Legislature any amount, in excess of \$1.00, that the maximum weekly unemployment benefit rate would increase if the annual increase in the United States Department of Labor's Consumer Price Index (CPI) were applied to the maximum weekly benefit rate.

I am therefore transmitting to the Governor, and to the House and Senate for publication along with this letter in the *Journals* of their respective bodies, the enclosed report showing that since the last increase in the maximum weekly benefit rate to \$362.00, the increase in the CPI would result in an increase in the maximum weekly unemployment benefit rate to \$464.30.

Respectfully submitted,
Shaun Thomas
Director

The communication was referred to the Secretary for record.

The Secretary announced that the following bill was printed and filed on Tuesday, January 28, and is available at the Michigan Legislature website:

Senate Bill No. 744

Messages from the Governor

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

Senate Bill No. 64

The motion prevailed.

The following messages from the Governor were received and read:

January 24, 2014

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

Certificate of Need Commission

Jessica A. Salinas Kochin of 7832 Forrest Street, Dexter, Michigan 48130, county of Washtenaw, representing companies who are self-insured for health coverage and Republicans, succeeding Brian Klott, is appointed for a term expiring January 1, 2016.

January 27, 2014

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

State Historic Preservation Review Board

Thoedore J. Ligibel of 4291 Little Streams Trail, Lambertville, Michigan 48144, county of Monroe, representing architectural history, succeeding himself, is reappointed for a term expiring December 31, 2017.

Rhonda L. Baker of 434 108th Street, S.E., Caledonia, Michigan 49356, county of Kent, representing historic preservation, succeeding Janese Chapman, is appointed for a term expiring December 31, 2017.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

Senators Robertson, Nofs and Pavlov entered the Senate Chamber.

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.

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. 32, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," (MCL 700.1101 to 700.8206) by adding section 7114.

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. 255, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending section 28 (MCL 125.1528), as amended by 1996 PA 48.

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.

House Bill No. 4629, entitled

A bill to amend 1972 PA 106, entitled “An act to provide for the licensing, regulation, control, and prohibition of outdoor advertising adjacent to certain roads and highways; to prescribe powers and duties of certain state agencies and officials; to promulgate rules; to provide remedies and prescribe penalties for violations; and to repeal acts and parts of acts,” by amending sections 2, 4, 6, 7, 7a, 11, 11a, 15, 17, and 18 (MCL 252.302, 252.304, 252.306, 252.307, 252.307a, 252.311, 252.311a, 252.315, 252.317, and 252.318), sections 2, 7, 11a, and 18 as amended by 2009 PA 86, section 4 as amended by 2008 PA 93, sections 6, 11, and 15 as amended by 2006 PA 448, and sections 7a and 17 as amended by 2011 PA 13, and by adding sections 7b, 17a, 17b, 18b, 18c, and 22a.

(For text of amendments, see Senate Journal No. 4, p. 31.)

The question being on concurring in the House amendments made to the Senate substitute,

Senator Pappageorge offered the following amendment to the House amendments:

1. Amend House Amendment No. 3, page 45, line 1, after “**ENDING**” by striking out “**6 MONTHS**” and inserting “**1 YEAR**”.

The amendment to the amendments was adopted.

The question being on concurring in the House amendments made to the Senate substitute as amended,

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

Roll Call No. 7**Yeas—21**

Ananich	Hildenbrand	Meekhof	Richardville
Booher	Jansen	Moolenaar	Robertson
Casperson	Jones	Pappageorge	Smith
Emmons	Kowall	Pavlov	Walker
Green	Marleau	Proos	Whitmer
Hansen			

Nays—14

Anderson	Colbeck	Hune	Rocca
Bieda	Gregory	Kahn	Schuitmaker
Brandenburg	Hood	Nofs	Warren
Caswell	Hopgood		

Excused—3

Hunter	Johnson	Young
--------	---------	-------

Not Voting—0

In The Chair: Schuitmaker

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

The motion prevailed.

Senator Hood’s statement is as follows:

I rise before this body today, again, to speak on an individual who most of us have served with, Mr. Gino Polidori. It’s unfortunate that over the past ten months, this is my third time; from George Hart to Agnes Dobronski to Gino Polidori, all from Dearborn. I want to say a few words and read a little bit about Gino, who passed away Sunday. Like I said, a lot of you have served with Gino and know what type of individual Gino is and Gino was. I’ll read this:

“Gino Polidori, a man with a long history of leadership in Dearborn, including 22 years as fire chief, two terms on the Dearborn City Council, and three terms as a State Representative. He passed away Sunday afternoon, losing a 12-year battle with prostate cancer. He was 72.

Polidori attended Fordson High School, received his bachelor's degree from Wayne State University and served in the United States Army from 1964 to 1966. He was Dearborn's fire chief from 1974 to 1996, served on the City Council from 1997 to 2004, and served in the state House of Representatives as a Democrat from 2005 to 2010.

Polidori was also very active in several community organizations, including the Dearborn Allied War Veterans Council, Italian American Fraternal Club, Dearborn Pioneers Club, the Fordson Varsity Alumni Club, the American Legion Post 364, and the Dearborn Goodfellows, where he served as a former president.

Gino is survived by his wife, Betty; his children, Gino, Jr., Laura and Rita; five grandchildren; his mother, Natalina; and his brothers, Anthony and Raymond."

To give you a little information, his funeral will be at 11 a.m. on Friday at the St. Barbara Catholic Church, which is in Dearborn on Colson. The visitation hours—we will send out an e-mail with all this information on it.

To say a little personal piece about Gino, he was a very, very, very, very close friend of mine; me representing a portion of Dearborn while he represented the other portion of Dearborn. He always kept me abreast of what was going on in Dearborn and advised me on how to vote, when to vote, and he would always be there for me whenever I needed him.

There were several situations when we walked into a room where I would call Gino up and say, "Hey, Gino, I need you to go to this meeting with me." He would say, "Well, what's going on?" I'd say, "I don't know what's going to happen at this meeting, and I may need some backup." He'd say, "I've got your back and I'll be there. What time do you want me to be there?" He would be there, and he'd say, "If they screw with you, they screw with me, and I'll get them."

Just to tell you about the person that Gino was, as many of you know, he was always there for you. He was just a stand-up guy; as they say, top shelf. I lost a friend Sunday. I could go into my long talk about life, as I stand before you again. Life's not promised, once again. I'm going to keep telling you that, because I think that's my purpose here—maybe one of my purposes— to continue to tell you that and to tell it to everybody I come into contact with.

Gino was a good man, and if any of you can make it down to the funeral on Friday, I know his family would appreciate it; to show the impact that he had not only on Dearborn, not on the state of Michigan, but on the United States of America, as he served and protected us.

A moment of silence was observed in memory of former State Representative Gino Polidori.

Third Reading of Bills

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

Senate Bill No. 711

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 711, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4d (MCL 205.54d), as amended by 2008 PA 556.

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. 8

Yeas—34

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

Nays—1

Caswell

Excused—3

Hunter

Johnson

Young

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. 111

The resolution consent calendar was adopted.

Senators Proos, Green, Booher, Walker, Brandenburg, Hildenbrand, Moolenaar, Kowall, Jansen, Bieda, Colbeck, Hansen, Nofs and Pappageorge offered the following resolution:

Senate Resolution No. 111.

A resolution to declare January 26 - February 1, 2014, as Catholic Schools Week in the state of Michigan.

Whereas, There are 54,832 students attending 234 Catholic elementary and high schools throughout our great state; and

Whereas, The Constitution of Michigan states: "Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged"; and

Whereas, Catholic schools provide young people with a strong foundation of values and academic skills needed to become responsible citizens of our state and nation; and

Whereas, Catholic school parents pay tuition in addition to supporting public schools through their taxes; and

Whereas, Catholic schools comply with the same health, safety, and general welfare regulations required of public schools, but without compensation from the state government; and

Whereas, The viability of Catholic schools should be encouraged so that declines in Catholic school enrollment, which necessitate increases in public expenditures in the School Aid Fund, can be avoided; and

Whereas, Catholic schools educate many students who are non-Catholic and many students who are economically disadvantaged; and

Whereas, With their traditionally high academic standards and high graduation rates, all supported by strong moral values, Catholic schools and their graduates make a positive contribution to American society; and

Whereas, January 26 - February 1, 2014, has been designated as Catholic Schools Week, with the theme "Catholic Schools: Communities of Faith, Knowledge, and Service," as denoted by the National Catholic Educational Association and the United States Conference of Catholic Bishops; and

Whereas, The common good of the state of Michigan is strengthened through the continued existence of Catholic schools; now, therefore, be it

Resolved by the Senate, That the members of this legislative body declare January 26 - February 1, 2014, as Catholic Schools Week in the state of Michigan. We recognize the great accomplishments and contributions of Catholic schools in and to our state; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Catholic Conference with our highest esteem. Senators Hopgood, Jones, Marleau, Richardville and Rocca were named co-sponsors of the resolution.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Booher, Hansen, Jansen, Colbeck and Meekhof introduced

Senate Bill No. 745, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 1476 and 1477.

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

Senators Booher, Hansen, Jansen, Colbeck and Meekhof introduced

Senate Bill No. 746, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," (MCL 389.1 to 389.195) by adding section 132.

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

Senators Hansen, Booher, Jansen, Colbeck and Meekhof introduced

Senate Bill No. 747, entitled

A bill to authorize state universities to offer academic credit for concurrent enrollment courses provided by public high schools in this state; and to authorize lower tuition rates for those courses.

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

Senators Young and Johnson entered the Senate Chamber.

Statements

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

The motion prevailed.

Senator Gregory's statement is as follows:

I wanted to just make the chamber aware that we had a Michigan Supreme Court Justice, Patricia Boyle, who passed away a couple weeks ago, and I just wanted to say a few words. It is with great sadness that I rise today to recognize the recent passing of former Supreme Court Justice Patricia Boyle. A dedicated public servant with an emphatic passion for the law, Justice Boyle earned the title as "Legal Giant" by those who knew her best. Her legacy and outstanding accomplishments on behalf of the citizens of Michigan will long be remembered and sincerely missed.

A woman of humble beginning and positive attitude, Patricia Boyle was raised in Detroit and graduated first in her class from Wayne State University's Law School in 1963. She began her legal career as a clerk for a federal judge in Detroit, worked as assistant United States Attorney until 1970, and served as the director of research, training, and appeals in the Wayne County Prosecutor's Office from 1971 until 1976.

Mrs. Boyle was appointed to the Recorder's Court in Detroit by former Governor William G. Milliken, and in 1978, former President Jimmy Carter appointed her to the United States District Court for the Eastern District of Michigan in Detroit, a lifetime appointment. I met Mrs. Boyle when she was at the Detroit Recorder's Court, and that's where I got the chance to know her.

However, Mrs. Boyle stepped down after five years, and in 1983, she was appointed to the Michigan Supreme Court by former Governor Jim Blanchard. The decision, she said, was simple, because as a Supreme Court justice, she could do more for people in the state of Michigan than she could do as a federal judge. She admirably held the post for 15 years and retired in 1998.

Justice Boyle has been described as probably the finest appellate judge to be produced in the state of Michigan. Not surprising, her name was considered for United States Attorney General under former President Bill Clinton and for a possible appointment to the United States Supreme Court.

Clearly, serving others was a well-established trait of Justice Boyle, and her legal scholarship continues to influence the legal community today. We honorably join with the citizens of Michigan in extending our condolences to her family, friends, and associates. We are clearly grateful for her many contributions to our state and nation throughout her illustrious career.

A moment of silence was observed in memory of former Michigan Supreme Court Justice Patricia Boyle.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 729, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1f of chapter IX (MCL 769.1f), as amended by 2012 PA 331.

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.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, January 28, 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 28, 2014, at 2:30 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Caswell (C) and Jansen

Excused: Senators Proos and Gregory

Scheduled Meetings

Agriculture - Thursday, January 30, 8:30 a.m., Room 110, Farnum Building (373-5323)

Appropriations and House Appropriations Committee - Wednesday, February 5, 11:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-1760)

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)

Community Health Department - Thursday, February 13, 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Corrections Department - Thursday, January 30, 8:00 a.m., Rooms 402 and 403, Capitol Building (373-2768)

Higher Education - Thursday, February 6, 10:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building; Thursday, February 13, 1:00 p.m., Michigan State University, Union Building, Lake Huron Room, 49 Abbott Road, East Lansing; Thursday, February 20, 9:00 a.m., Rooms 402 and 403, Capitol Building; and Thursday, February 27, 1:30 p.m., Grand Valley State University, DeVos Center, Loosemore Auditorium, 401 Fulton Street West, Grand Rapids (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)

Human Services Department - Tuesday, February 4, 2:00 p.m., Room 405, Capitol Building; Wednesday, February 12, 8:00 a.m., Room 210, Farnum Building; Tuesdays, February 18 and February 25, 2:00 p.m., Room 405, Capitol Building (373-2768)

K-12, School Aid, Education - Thursday, February 6, 8:30 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)

Banking and Financial Institutions - Thursday, January 30, 1:30 p.m., Room 100, Farnum Building (373-5314)

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 and House Health Policy Committee - Tuesday, February 4, 2:30 p.m., House Appropriations Room, 3rd Floor, Capitol Building (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 30, 9:00 a.m., Room 210, Farnum Building (373-5312)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 10:30 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, January 30, 2014, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

