

No. 31
STATE OF MICHIGAN
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Senate Chamber, Lansing, Thursday, April 11, 2013.

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.

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 Virgil K. Smith, Jr., of the 4th District offered the following invocation:

“God grant me the serenity to accept the things I cannot change; courage to change the things I can; and wisdom to know the difference.” And let Your will, not mine, be done. Amen.

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

Motions and Communications

Senators Schuitmaker, Booher, Richardville, Kahn, Pavlov, Rocca, Hunter, Marleau, Meekhof, Kowall and Warren entered the Senate Chamber.

The following communication was received and read:
Office of the Senate Majority Leader

April 10, 2013

Pursuant to Senate Rule 3.203, I am hereby re-referring Senate Bill 302 from the Senate Committee on Government Operations to the Senate Committee on Veterans, Military Affairs and Homeland Security.

Please do not hesitate to contact me should you have any questions regarding this matter.

Sincerely,
Randy Richardville
Senate Majority Leader

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, April 10:

House Bill Nos. 4026 4081 4082 4084 4085 4166 4167

The Secretary announced that the following bills and joint resolutions were printed and filed on Wednesday, April 10, and are available at the Michigan Legislature website:

Senate Bill Nos. 287 288 289

House Bill Nos. 4494 4495 4496 4497 4498 4499 4500 4501 4502 4503 4504 4505 4506 4507

4508 4509 4510 4511 4512 4513 4514 4515 4516 4517 4518 4519 4520 4521

4522 4523

House Joint Resolutions Q R

Senator Bieda moved that the Committee on Finance be discharged from further consideration of the following bills:

Senate Bill No. 145, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 30 (MCL 206.30), as amended by 2012 PA 597.

Senate Bill No. 280, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending sections 30, 520, and 522 (MCL 206.30, 206.520, and 206.522), section 30 as amended by 2012 PA 597, section 520 as amended by 2011 PA 273, and section 522 as amended by 2011 PA 180.

The question being on the motion to discharge,

Senator Meekhof moved that further consideration of the motion be postponed until Saturday, December 28.

The motion did not prevail.

Senator Hunter requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 73

Yeas—21

Booher
Brandenburg

Hildenbrand
Jansen

Meekhof
Moolenaar

Proos
Richardville

Caswell
Colbeck
Emmons
Hansen

Kahn
Kowall
Marleau

Nofs
Pappageorge
Pavlov

Robertson
Schuitmaker
Walker

Nays—12

Anderson
Bieda
Gregory

Hopgood
Hune
Hunter

Johnson
Jones
Rocca

Smith
Warren
Whitmer

Excused—0

Not Voting—4

Casperson

Green

Hood

Young

In The Chair: President

Protest

Senator Johnson, under his constitutional right of protest (Art. 4, Sec. 18), protested against the motion to postpone until December 28 the motion to discharge the Committee on Finance from further consideration of Senate Bill Nos. 145 and 280.

Senator Johnson's statement is as follows:

I find it incredibly concerning that, in the instance that so many of my GOP colleagues on the other side of the aisle have decided by virtue of introducing a bill that they very simply could have lined up behind the others, that was introduced by myself and other Democratic colleagues, to get rid of what we're all agreeing is a very onerous pension tax, just found its way to the back of the line.

If, in fact, those of you on the other side of the aisle are really genuine or sincere about providing much-needed tax relief to folks who have been vilified over the past couple of years and taken advantage of by this very body, then I just can't understand. It's not qualified in my mind yet, and I certainly would appreciate a public explanation as to why these bills and that motion are being buried. I find it equally concerning that, at a moment like this, where just before we really get ramped up for elections, it appears to me that what the GOP has done is taken very important issues and made political hay out of them.

So if the idea by those five Republican Senators was to mimic a very good piece of public policy that was to repeal the pension tax, and then use it politically back in their districts to say that we tried to do the right thing, then somehow forgot to explain to those very constituents that they could have done the right thing and had the numbers to do it. Yet not one of them got up and posted on the record an objection to the motion that was just passed. I have to say that I think the truth is really there for the citizens to see.

So, Mr. President, I guess I'm going to ask you, as I take my seat, if you think that what is happening here in this body today is sincere; if you think citizens are not being taken advantage of; if you think that we're not playing politics in the worse way, and that the citizens who need relief just got messed over?

Senators Green, Young and Casperson entered the Senate Chamber.

Senator Hunter moved that Senator Hood 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 Hopgood admittance to the Senate floor, including the center aisle.

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

Senator Meekhof moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor. The motion prevailed, a majority of the members serving voting therefor.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:16 a.m.

10:26 a.m.

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

During the recess, Senator Hopgood introduced the Wayne Memorial Junior Reserve Officers' Training Corps (JROTC) Competitive Teams, Battalion Leader Cadet Lieutenant Colonel Dionte Burton, and instructors First Sergeant Steven LaHaine and Sergeant First Class Stanley Lewis; and presented them with Special Tributes.

Cadet Burton responded briefly.

During the recess, Senator Hood entered the Senate Chamber.

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 Jansen 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 with a substitute therefor, the following bill:

Senate Bill No. 243, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 78108 and 78110 (MCL 324.78108 and 324.78110), section 78108 as amended by 2003 PA 19 and section 78110 as amended by 2010 PA 302.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 113, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2012 PA 497.

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.

By unanimous consent the Senate returned 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:

Senate Bill No. 257

House Bill No. 4052

House Bill No. 4053

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 257, entitled

A bill to amend 1961 PA 120, entitled “An act to authorize the development or redevelopment of principal shopping districts and business improvement districts; to permit the creation of certain boards; to provide for the operation of principal shopping districts and business improvement districts; to provide for the creation, operation, and dissolution of business improvement zones; and to authorize the collection of revenue and the bonding of certain local governmental units for the development or redevelopment projects,” by amending sections 10, 10a, 10b, 10c, 10e, 10f, 10g, 10h, 10i, 10k, and 10l (MCL 125.990, 125.990a, 125.990b, 125.990c, 125.990e, 125.990f, 125.990g, 125.990h, 125.990i, 125.990k, and 125.990l), as added by 2001 PA 260, and by adding section 10n; and to repeal acts and parts of acts.

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. 74

Yeas—35

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

Nays—2

Caswell	Colbeck
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Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Hood stated that had he been present earlier today when the vote was taken on the motion to postpone until December 28 the motion to discharge the Committee on Finance from further consideration of Senate Bill Nos. 145 and 280, he would have voted “nay.”

The following bill was read a third time:

House Bill No. 4052, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled “Motor vehicle sales finance act,” by amending section 2 (MCL 492.102), as amended by 1995 PA 166.

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. 75**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	Proos	Young
Gregory			

Nays—0**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 defining and regulating certain installment sales of motor vehicles; prescribing the conditions under which such sales may be made and regulating the financing thereof; regulating and licensing persons engaged in the business of making or financing such sales; prescribing the form, contents and effect of instruments used in connection with such sales and the financing thereof; prescribing certain rights and obligations of buyers, sellers, persons financing such sales and others; limiting charges in connection with such instruments and fixing maximum interest rates for delinquencies, extensions and loans; regulating insurance in connection with such sales; regulating reposessions, redemptions, resales and deficiency judgments and the rights of parties with respect thereto; authorizing extensions, loans and forbearances related to such sales; authorizing investigations and examinations of persons engaged in the business of making or financing such sales; transferring certain powers and duties with respect to finance companies to the commissioner of the financial institutions bureau; and prescribing penalties.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4053, entitled

A bill to amend 1966 PA 224, entitled “Retail installment sales act,” by amending section 2 (MCL 445.852), as amended by 1995 PA 167.

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. 76**Yeas—37**

Anderson	Hansen	Kahn	Richardville
Bieda	Hildenbrand	Kowall	Robertson
Booher	Hood	Marleau	Rocca
Brandenburg	Hopgood	Meekhof	Schuitmaker
Casperson	Hune	Moolenaar	Smith

Caswell
Colbeck
Emmons
Green
Gregory

Hunter
Jansen
Johnson
Jones

Nofs
Pappageorge
Pavlov
Proos

Walker
Warren
Whitmer
Young

Nays—0

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 regulate retail installment sales transactions, agreements, charges and disclosures; and to provide for the enforcement thereof and penalties for violations;”.

The Senate agreed to the full title.

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. 32

The resolution consent calendar was adopted.

Senator Walker offered the following resolution:

Senate Resolution No. 32.

A resolution of tribute for the Honorable Dennis O. Cawthorne.

Whereas, It is with deep appreciation and regard for his dedication, leadership, and outstanding service to the Mackinac Island State Park Commission that we take time to recognize Dennis O. Cawthorne; and

Whereas, His commitment and devotion to a continued balanced approach of development and preservation has greatly benefited Mackinac Island residents and visitors alike; and

Whereas, It is because of people like Dennis Cawthorne that Mackinac Island stands as a symbol of history and outdoor beauty; and

Whereas, Dennis Cawthorne, a former state legislator, holds the record as the longest-serving chairman in the 118-year history of the Mackinac Island State Park Commission. This has culminated to a 22-year service record with several outstanding projects completed; and

Whereas, Dennis is directly responsible for securing nearly a mile of shoreline from being developed as well as several trail systems throughout the island; and

Whereas, The creation of the Historic Mill Creek Discovery Park, the Richard and Jane Manoogian Mackinac Art Museum, the reopening of Old Mackinac Point Lighthouse, and restoration of the buildings and walls of historic Fort Mackinac were all completed under his leadership; and

Whereas, Dennis also led the commission during several significant improvements to the infrastructure and municipal facilities of Mackinac Island, including a total renovation of Mackinac Island Airport, repair and extension of roads and trail systems, the overhaul of the resource recovery plant and water treatment plant, and upgrades for transmission and telecommunication systems; and

Whereas, Dennis Cawthorne has also served the Mackinac Island community through several other leadership roles, including as manager of the Mackinac Island Chamber of Commerce, founder and owner of Cawthorne's Village Inn, developer of The Victorians Condominiums, and organizer of the Annual Mackinac Island Steak and Suds Society Reception; and

Whereas, During his tenure, the Mackinac Island State Park Commission and island residents have celebrated several historical milestones, including the 250th anniversary of the 1763 attack on Fort Michilimackinac, the 200th anniversary of the War of 1812, the 100th anniversary of Mackinac Island and Michilimackinac State Parks, and the 50th anniversary of the Mackinac State Historic Parks historical archaeology program; now, therefore, be it

Resolved by the Senate, That we hereby commend and thank Dennis O. Cawthorne for his service and dedication to the Mackinac Island State Park Commission and the residents of Mackinac Island; and be it further

Resolved, That a copy of this resolution be transmitted to Dennis Cawthorne as a reflection of our gratitude and best wishes.

Senators Anderson, Bieda, Booher, Brandenburg, Casperson, Caswell, Emmons, Green, Hansen, Hildenbrand, Jones, Kowall, Marleau, Pappageorge, Proos and Richardville were named co-sponsors of the resolution.

Senators Nofs, Brandenburg and Moolenaar offered the following resolution:

Senate Resolution No. 31.

A resolution to memorialize the President and the United States Congress to support continued funding of the United States Department of Defense STARBASE youth science and technology program.

Whereas, Early childhood access to science, technology, engineering, and mathematics (STEM) education opportunities are critical to the future of the United States as an economic and technological leader of the global marketplace; and

Whereas, The STARBASE program utilizes military resources and technology not otherwise available to Michigan school districts to support STEM education; and

Whereas, The program strives to motivate children to explore STEM-related opportunities and provides vital exposure for traditionally underrepresented communities to technology professions; and

Whereas, Michigan is home to three successful STARBASE program locations based in Alpena, Battle Creek, and Mt. Clemens that annually serve more than 3,500 students; and

Whereas, The value of Michigan STARBASE education programs significantly exceeds the costs, as the fiscal year 2013 STARBASE budget requires as little as \$200 per student in spending; and

Whereas, The STARBASE concept and pilot program originated in Michigan and now has a presence in 40 states through 76 program locations, with a waiting list of more than 35 qualified facilities nationwide; now, therefore, be it

Resolved by the Senate, That we urge the President and the United States Congress to preserve full funding and support for the United States Department of Defense STARBASE youth science and technology program; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of Defense, 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 resolution was adopted.

Senators Casperson, Colbeck, Emmons, Hansen, Hildenbrand, Hopgood, Jones, Kowall, Marleau, Meekhof, Pappageorge, Pavlov, Proos, Robertson, Rocca, Schuitmaker, Walker, Anderson, Bieda, Booher, Green and Richardville were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Nofs' statement is as follows:

I rise today to encourage all of my colleagues to join me in supporting Senate Resolution No. 31. Many of you may not be familiar with a small U.S. Department of Defense education program known as STARBASE. However, STARBASE is an invaluable youth science and technology program that allows our school districts that are located in close proximity to military installations to partner with the local base to provide STEM learning opportunities for elementary-aged students.

STARBASE was created in Michigan at the Selfridge Air National Guard Base in 1991 and is now utilized in 40 states at 76 locations throughout the United States. Michigan currently has some 3,500 students in this program. It includes three Michigan programs based in Harrison Township, Battle Creek, Michigan, and Alpena. By allowing school districts to utilize otherwise unattainable military resources, students receive early exposure to science and technology career opportunities that are vital to our nation's future in this global economy.

Although it was eventually restored, STARBASE funding was initially eliminated in the most recent continuing resolution, and its future remains uncertain in the federal budget. Please join me in expressing our support for this Michigan-made education opportunity, and send a clear message to Washington, D.C., that we support this type of investment in the future.

Senators Richardville and Kahn offered the following resolution:

Senate Resolution No. 33.

A resolution in remembrance of the Holocaust.

Whereas, It is with a deep sense of respect for the memory of the millions of men, women, and children who perished during the Holocaust at the hands of the Nazis and for the men and women who have been touched by this horror throughout their lives that we offer this expression of tribute; and

Whereas, We also honor the valor of non-Jews who fought against tyranny and evil and those who exposed themselves and their families to danger while saving many Jews from concentration camps and death. We are proud, humbled, and honored to memorialize their amazing courage and their enormous sacrifices; and

Whereas, Many decades have passed since the Holocaust came to an end, yet the trauma of this horrible event is still experienced by all who survived. Their numbers dwindle with each passing year, and it is up to others to keep the world aware and to firmly avow that the atrocities of the Holocaust will never be repeated; and

Whereas, Today, April 11, 2013, we will recognize the Holocaust Commemoration Ceremony, *The Importance of Remembering the Holocaust*, in memory of the liberation of Nazi concentration camps and the subsequent prosecution under international law of the major Nazi war criminals; and

Whereas, In keeping with the theme of *The Importance of Remembering the Holocaust*, we urge the citizens of this state to strengthen the resolve that this nightmare may never be forgotten; now, therefore, be it

Resolved by the Senate, That the members of this legislative body remember the Holocaust and its many survivors and the bravery of those who fought to help the persecuted; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Jewish Conference as evidence of our profound respect and esteem.

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 resolution was adopted.

Senators Anderson, Bieda, Casperson, Emmons, Gregory, Hansen, Hildenbrand, Hopgood, Hunter, Jansen, Johnson, Jones, Kowall, Marleau, Meekhof, Moolenaar, Nofs, Pappageorge, Pavlov, Proos, Robertson, Rocca, Schuitmaker and Walker were named co-sponsors of the resolution.

Senators Pappageorge, Jansen, Brandenburg, Nofs, Anderson, Green, Proos, Colbeck, Kowall, Gregory and Kahn offered the following resolution:

Senate Resolution No. 34.

A resolution to declare any statement or comment by the Governor on legislative intent or enforceability that is expressed in a veto message that applies to a portion of law that is not vetoed to have no legal effect.

Whereas, The people of the state of Michigan have consistently incorporated separation of powers between the executive, legislative, and judicial branches into the State Constitution; and

Whereas, The separation of powers doctrine is both necessary and significant to the preservation of the representative form of government on which both this state and nation are founded; and

Whereas, Article 3, Section 2 of the Michigan Constitution of 1963 states: "The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution"; and

Whereas, The legislative power of the state of Michigan is vested in the Senate and House of Representatives, and the legislative branch is granted explicit authority to appropriate revenues of the state and control how they are allocated; and

Whereas, In accordance with the Michigan Constitution, the Legislature enacted House Bill No. 5365 of 2012 to direct appropriations for fiscal year 2013; and

Whereas, Governor Snyder's June 26, 2012, veto letter declared boilerplate sections 803 (Article I), 925(2), section 925a (Article VIII), section 341 (Article XII), section 703(1) (Article XIII), and section 384 (Article XVII) to be unenforceable; and

Whereas, Governor Snyder's June 26, 2012, veto letter declared boilerplate sections that express legislative intent to be unbinding; now, therefore, be it

Resolved by the Senate, That we hereby declare any statement or comment by the Governor on legislative intent or enforceability that is expressed in a veto message that applies to a portion of law that is not vetoed to have no legal effect; and be it further

Resolved, That a copy of this resolution be transmitted to Governor Snyder and each member of the 2013-2014 Michigan Legislature.

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 Appropriations.

The motion prevailed.

Introduction and Referral of Bills

Senator Bieda introduced

Senate Bill No. 307, entitled

A bill to amend 1951 PA 33, entitled “An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and certain cities; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal acts and parts of acts,” by amending section 10 (MCL 41.810), as amended by 2004 PA 463.

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

Senator Jones introduced

Senate Bill No. 308, entitled

A bill to amend 2000 PA 146, entitled “Obsolete property rehabilitation act,” by amending section 8 (MCL 125.2788), as amended by 2008 PA 504.

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

Senator Brandenburg introduced

Senate Bill No. 309, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 2912i.

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

Senators Bieda, Nofs, Hood and Rocca introduced

Senate Bill No. 310, 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 416f.

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

Senators Bieda, Anderson, Nofs, Hood and Rocca introduced

Senate Bill No. 311, entitled

A bill to amend 1915 PA 31, entitled “Youth tobacco act,” by amending sections 1 and 2 (MCL 722.641 and 722.642), as amended by 2006 PA 236.

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

Senator Hansen introduced

Senate Bill No. 312, entitled

A bill to amend 2008 PA 549, entitled “Michigan promise zone authority act,” by amending sections 3, 5, 7, 11, 15, and 17 (MCL 390.1663, 390.1665, 390.1667, 390.1671, 390.1675, and 390.1677).

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

Senator Robertson introduced

Senate Bill No. 313, entitled

A bill to amend 1917 PA 167, entitled “Housing law of Michigan,” by amending sections 1, 125, and 126 (MCL 125.401, 125.525, and 125.526), sections 1 and 126 as amended by 2008 PA 408.

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

House Bill No. 4026, entitled

A bill to amend 1846 RS 12, entitled “Of certain state officers,” (MCL 14.28 to 14.35) by adding section 32a. 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 Government Operations.

House Bill No. 4081, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 435 (MCL 206.435), as amended by 2012 PA 154.

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 Government Operations.

House Bill No. 4082, entitled

A bill to establish the Michigan Alzheimer’s association fund in the department of treasury; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

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 Government Operations.

House Bill No. 4084, entitled

A bill to establish the ALS of Michigan (“Lou Gehrig’s disease”) fund in the department of treasury; to provide for the distribution of the money from the funds; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

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 Government Operations.

House Bill No. 4085, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 435 (MCL 206.435), as amended by 2012 PA 154.

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 Government Operations.

House Bill No. 4166, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2010 PA 317.

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 Regulatory Reform.

House Bill No. 4167, entitled

A bill to regulate amateur mixed martial arts; to establish the powers and duties of the Michigan unarmed combat commission under this act; to provide certain powers and duties for certain state agencies and departments; to license and regulate promoters of amateur mixed martial arts contests and events; to assess certain fees and fines; to establish the amateur mixed martial arts fund and provide for the use of the money in the fund; to authorize the promulgation of rules; and to provide penalties and remedies.

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 Regulatory Reform.

Statements

Senators Gregory, Hopgood, Young, Johnson, Kahn and Hood asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Gregory's statement is as follows:

I rise to note that Tax Day is this Monday, April 15, and will note the end to the worst tax season in history for Michigan residents. The 23 percent increase in individual tax increases constitutes the largest tax increase on individuals in Michigan's history. More than half of all taxpayers in the state have seen their taxes go up this year, some by thousands of dollars, thanks to Governor Snyder and the legislative Republicans.

Some of my colleagues have also spoken to this today, and that is because it is affecting people around the state in each and every district. I'm sure all of your offices have been flooded with e-mails and phone calls from angry and concerned citizens, the same as I have heard. These Republican tax increases have severely hurt Michigan's workers, parents, and retirees. Even worse, they continue the Republican playbook of taking more away from those who have the least to give. Over the last two years, Republicans have increased taxes on seniors and retirees with the elimination of the \$2,300 senior exemption and pension tax.

You have raised taxes on the unemployed. You have raised taxes on parents by eliminating the \$600 child deduction. You have raised taxes on low-income working families by cutting the homestead property tax credit and reducing the Michigan earned income tax credit from 20 percent of the federal EITC to 6 percent. This means the average Michigan EITC will drop 70 percent from \$439 to \$132 per family. These tax increases are not only hurting Michigan residents, but our local businesses and communities as well.

In my Senate district alone, in Oakland County, it is estimated that 16,152 households or 14.1 percent of the filers claimed the Michigan EITC in 2011, and it brought more than \$6.2 million into our community. With the reduction of the state EITC this year, our local economy will lose almost \$4.5 million and an estimated 9,000 children—9,000—will fall back into poverty statewide.

When Governor Snyder says he wants to cut taxes, he means for businesses, not people. When Governor Snyder is extending a helping hand, it is to the wealthy CEOs and the big corporations, not the unemployed or low-income workers. And when Governor Snyder says he has Michigan's best interest at heart, he means special interests.

The President pro tempore, Senator Schuitmaker, assumed the chair.

Senator Hopgood's statement is as follows:

Through you to my colleagues on the other side of the aisle, as you know, the deadline for filing tax returns is this Monday, April 15. With this deadline upon us, most Michiganders are now very painfully aware of the results of your tax hike on the middle class. It was no mistake that these policies went into effect almost two years after you passed them. You had to give the people time to forget who pulled the rug out from underneath them. Well, I have news for you; the people of Michigan have not forgotten. In fact, we have spoken with people all across the state who know exactly where this tax burden came from and are in disbelief that their elected representatives would favor corporations so blatantly over individuals.

For many, instead of a return from the state this year, they will owe hundreds or thousands of dollars. To you, this may seem like a drop in the bucket, but to seniors and middle-class families I have spoken with, this is rent, utilities, groceries, medicine, and more.

Governor Snyder recently said that accountants whom he has spoken with had spoken with seniors and that once they understood the new taxes, they didn't find them to be much of a burden. Perhaps, if the Governor would have talked directly to those seniors themselves, as I and my fellow Democratic colleagues have, he would see a clear picture of the reality our seniors face. The fact is seniors are distraught. They are devastated at the fact that the retirement they planned so carefully for is in jeopardy. I have spoken with families who truly don't know how they are going to make ends meet. How can Michigan's economy ever get back on track when our families are saddled with debt?

Colleagues, we can turn this horrible tide around. We can lessen the hardship on Michigan's families by repealing these unjust tax policies. I ask that we seriously reconsider these unjust policies.

Senator Young's statement is as follows:

Madam President, I would like to start with a quote: "There are no limits to our future if we don't put limits on our people." Jack Kemp said that.

Madam President, I rise today because Monday is Tax Day, and for the many Michigan families who are waiting until this weekend to file their taxes, they are in for a big surprise. They will find the self-proclaimed pro-family Republicans have slashed tax credits that many families will depend on to make ends meet. The tax increases will undoubtedly hurt children, with more of them living in poverty today than ever before; 57 percent in my city, the great city of Detroit—unbelievable, shameful.

These new taxes were unfairly targeted at our most vulnerable citizens. Republicans voted to raise taxes on low-income families, seniors living on fixed incomes, and the struggling middle class. Now you're going to have senior citizens who are going to have to make a decision: "Am I going to pay for groceries, or am I going to pay this pension tax? Am I going to pay for medicine I need, or am I going to pay this pension tax? Am I going to keep my lights and gas on, or am I going to pay this pension tax?"

Madam President, we can do better. We have to get rid of this tax. It has hurt too many of our vulnerable seniors. The greatest generation deserves better than this, Madam President. You know I'm right about it. When you passed this tax increase two years ago, you hoped you would get away with it by pushing off the collection date so far into the future that people would forget. Well, it isn't working. The people of Michigan know that Governor Snyder and his Republican majority are responsible for raising taxes.

Madam President, your tax increases are wrong. Soon, every Michigan citizen will know exactly how much you raised their taxes in order to slash taxes for CEOs and gave them corporate parachutes and engaged in corporate welfare. You can't do that; got to end that. Let's start today; let's start the revolution today. Let's start the end to corporate welfare now, Madam President. You know I'm right. You can't say it, but you know I'm right about it. Your tax policies have made the wallets of CEOs' friends, not a little bit, but a whole lot thicker at the expense of senior citizens and the middle class, and they are a whole lot thinner as a result. This is wrong. We have got to get our big, fat, decrepit boots off the backs of senior citizens. Let's repeal this pension tax, Madam President.

Senator Johnson's statement is as follows:

I would like to preface my comments by thanking the Senator from the 22nd District, the Senator from the 10th District, and the Senator from the 24th District for standing with Democrats in an earlier vote aimed at taking up a motion to discharge on the pension tax. I appreciate their fortitude in standing with us—with that—Madam President.

If anyone wondered why the general public disdains government so much, one need to look no further than what I believe is the Republican majority in this chamber. Last session, at the behest of Governor Snyder, this Legislature passed a laundry list of tax increases on Michigan citizens. Are you poor? Are you retired? Do you own a home? Do you have children? Do you give to charity? Do you donate to public colleges, universities, libraries, or museums? Do you donate to food banks or homeless shelters? Do you pay for college tuition or fees? Do you ever donate vehicles? Have you adopted a child? Have you ever experienced the tragedy of a stillborn? If anyone can answer "yes" to one or more of those questions, then your taxes have been raised by Rick Snyder and the Michigan Republican Party for the sole purpose of providing massive tax giveaways in our tax code to the big corporations and special interest groups who support them during election season.

Imagine my surprise when, before we adjourned for the spring recess, there were some who introduced a bill to repeal the onerous pension tax that their party put upon the retirees of this state last year. One might applaud this action, and I did until I found it to be so brazenly political and insincere by some.

For instance, in the Finance Committee, where my bill, Senate Bill No. 145 of 2013, has sat collecting dust for more than two months now, and I introduced the same legislation last year that did not get taken up. I find it curious that we have not had a hearing on this bill. If there were genuine necessity in the hearts of those and their desire to repeal this tax was real, then I think they would have co-sponsored my bill initially, given it a hearing and a vote, and we would have gotten this done already. But I believe the intent is to showboat for their constituents, who are rightly criticizing them back home in their districts for raising taxes on Michigan citizens.

Democrats, looking out for our senior citizens and retirees, attempted multiple times to discharge my bill from committee or to tie-bar it to other tax-related legislation or to amend other bills to include the pension tax repeal. No less than ten separate times, the GOP majority defeated those endeavors and kept the ill-conceived pension tax in place.

The closer we get to next year's election season, the more political games and tricks we will see, I am sure. It just strikes me as wrong to give our senior citizen retirees on fixed incomes, struggling to get by in this economy, the false hope that maybe, just maybe, now the Republican majority has seen the error in its ways and will repeal this draconian tax. At last, we here inside the Capitol know this is nothing more than election season-related grandstanding.

There is room in my party for Senators who, aside from campaign rhetoric, truly believe in keeping taxes low on individual citizens. I welcome them to join the Democratic Party—the party of fairness, equality, and now the party of low taxes and investment in our future.

Senator Kahn's statement is as follows:

I rise today to speak for a moment about health care costs, but I would like to say that although earlier I was ruled out of order, I hope the comments aren't out of mind. In *Gongwer*, it is stated that Michigan's per capita health care costs are less than the U.S. average and, in fact, are the lowest in any of the Great Lakes states, according to the federal Centers for Medicare and Medicaid Services. They go on to give the numbers, and for those of us on the Appropriations Committee, they may not be very appealing in general, but, nonetheless, they are the things we do look at.

The national average per capital health care cost in 2009 was \$6,815. Michigan that year came in \$200 below it at \$6,618. The highest state was Massachusetts at \$9,200. What about us in the Great Lakes area? Frequently, we look at Indiana as a state that has the governance that might be modeled. What is Indiana? Indiana is a non-CON state, and they came in significantly above Michigan and other non-CON states in our region. Yes, Minnesota came in at \$7,400 per capita.

So as we go through the budgeting process this year, we have been efficient in the state of Michigan in the distribution of our health care spending at the state level and in the private sector as well. Also if we are to make reforms to the CON

law which is being considered, you need to bear in mind that the total spending is the product of two variables. No. 1 is the number, and No. 2 is the cost per unit. So if we change the CON law and are able to drive down the cost per unit—the cost of a CT scan from \$800, let's say, to \$400—we more than double the number that get done because there's no longer a limit on who can do them and who can refer to them or how often that can be done. There is no savings. As a matter of fact, there's an increase because there's the cost of the equipment, the damage to the other hospitals or centers that lose volume, and therefore, lose jobs and lose the ability to make their overheads.

So while we have things to be proud of in our state regarding or health care spending, we need to be careful that we protect the things that would lead to that spending, in fact, increasing.

Senator Hood's statement is as follows:

I'm going to switch gears a little bit. We all know that Tax Day is coming, and we see a lot of expensive taxes that are beginning. Since Monday, down in the metropolitan Detroit area, we have had three murder-suicides. Some preliminary reports by some psychologists are saying that some of it was domestic; that some of it could be brought on by the economic times that we're under, the lack of jobs, and the stress of not being able to pay bills, etc. With that being said, there's not a lot of help out there for folks who are running into these issues—be it just for those matters or for matters of potential mental illness and just counseling for that matter.

Insofar as we go and begin this budget year and putting our budgets together in the next couple weeks, it is my hope that we begin to look at these things and why some of these things are happening, and begin to put resources in our budget for those who are dealing with some tough, stressful times not only in their lives, but in their spouses' lives as well and their families because they are vulnerable at this time. We do not—I do not—want to see another death due to that fact; not to say that that is the fact, but it could be a contributing factor. I'm sure that it is a contributing factor to some.

Once again, as we go through this budget process and looking at that, let's please look at putting some dollars back into the mental health portion of our budget and making sure that we have some outlets for the people of this state. So until we get to our recovery part—until we get the state to recover and come back—please give them the help that they need so that we do not lose another life because one life lost and if there's something that we could potentially do to maybe save one life, I think is well worth it. Once again, it's too much to be lost.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Wednesday, April 10, 2013, at 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Wednesday, April 10, 2013, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Schuitmaker (C), Walker and Hood

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Wednesday, April 10, 2013, at 1:45 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Pappageorge (C), Jansen, Colbeck and Johnson

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, April 10, 2013, at 3:13 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Kahn (C), Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

Scheduled Meetings

Appropriations -

Subcommittee -

State Police and Military Affairs - Thursday, May 2, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Judiciary - Tuesday, April 16, 2:30 p.m., Room 110, Farnum Building (373-5323)

Senator Meekhof moved that the Senate adjourn.

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

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Tuesday, April 16, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

