

No. 69
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2013

Senate Chamber, Lansing, Thursday, September 12, 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.

Ananich—present
Anderson—present
Bieda—present
Booher—present
Brandenburg—present
Casperson—present
Caswell—present
Colbeck—excused
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

Pastor Gregory Guice of Detroit Unity Church of Detroit offered the following invocation:

Let us first give honor to God. As we take this moment, let us say thank You as we extend this blessing, asking God, the benevolent leader and guidance for all of us, to bless this great state of Michigan; to bless our leaders as it begins from our Governor, onto our Lieutenant Governor, and each of you as Senators in this entire legislative body.

We know that right now Divine Providence is here in the state of Michigan; that the divine touch of God is reaching out to each and every one. We know that this is a God—regardless of the names we may say or call this divine presence—we know it is a divine presence that captures and touches all of us. As we go forth, we know that right now we are asking that this wonderful, divine presence guide us in our effort to deliver and provide service to every citizen of the state of Michigan.

We know that right now we open our hearts to this divine presence, this wonderful energy, this wonderful divine servant that guides us in life on each and every day. We know that right now we are being called to a greater duty. We are being called to uplift this state. We are being called to uplift the children. We're being called to uplift every city and every divine place that exists in this state and for this country. We know truly as the state of Michigan goes, so does the United States of America.

So we say thank You, God, for the leadership that You are providing through these men and women. We thank You right now that You're allowing them to see Your glory and Your grace. Now, as we open our hearts, we know that right now everything they do and say will be guided by Your wisdom and Your understanding, as You teach them and open them up to realize there is only one presence and one power active in this universe, and allow that presence to be at the head of this wonderful State Capitol.

With this, we say thank You, God. Thank You, God, and so it is. Amen.

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

Motions and Communications

Senators Young and Green entered the Senate Chamber.

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

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

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

Senator Meekhof moved that rule 3.902 be suspended to allow his guests admittance to the Senate floor.
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.

The Secretary announced that the following bills were printed and filed on Wednesday, September 11, and are available at the Michigan Legislature website:

Senate Bill Nos.	464	465	466	467	468	469	470	471	472	473	474	475
House Bill Nos.	4962	4963	4964									

Messages from the Governor

The following messages from the Governor were received and read:

August 10, 2013

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

Michigan Statewide Independent Living Council

Rebecca W. Parten of 25316 Fairway Drive, Dearborn, Michigan 48124, county of Wayne, representing advocates for, or of, individuals with disabilities, succeeding Sheila Ashcraft, is appointed for a term expiring December 31, 2014.

September 10, 2013

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

Michigan Council for Arts and Cultural Affairs

Ritschard P. Homberg of 753 Woodchester Drive, Bloomfield Hills, Michigan 48304, county of Oakland, succeeding Amanda Van Dusen, is appointed for a term expiring September 1, 2016.

Sharnita C. Johnson of 8200 E. Jefferson Avenue, Apt. 302, Detroit, Michigan 48214, county of Wayne, succeeding David Egner, is appointed for a term expiring September 1, 2016.

Nicole L. Nason of 315 E. Crescent Street, Apt. 3, Marquette, Michigan 49855, county of Marquette, succeeding Nheena Ittner, is appointed for a term expiring September 1, 2016.

Susannah C. Goodman of 280 W. Grand Boulevard, Detroit, Michigan 48216, county of Wayne, succeeding George Bayard, III, is appointed for a term expiring September 1, 2016.

Kim Dabbs of 246 Shore Haven Drive, Grand Rapids, Michigan 49546, county of Kent, succeeding Barbara Kratchman, is appointed for a term expiring September 1, 2016.

Christian E. Gaines of 535 Fountain Street, N.E., Grand Rapids, Michigan 49503, county of Kent, succeeding Julia Taubman, is appointed for a term expiring September 1, 2014.

September 10, 2013

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

Michigan Truck Safety Commission

Robert W. Ramels of W8085 Collins Road, Iron Mountain, Michigan 49801, county of Dickinson, representing the general public, succeeding himself, is reappointed for a term expiring August 4, 2015.

Walter G. Heinritzi of 1520 Lotipac Place, Lansing, Michigan 48917, county of Eaton, representing the Michigan Trucking Association, succeeding himself, is reappointed for a term expiring August 4, 2015.

Daniel F. Blower of 1112 Grant Street, Ypsilanti, Michigan 48197, county of Washtenaw, representing four-year colleges, succeeding himself, is reappointed for a term expiring August 4, 2015.

David S. Goller of 7301 Northland Drive, Rockford, Michigan 49341, county of Kent, representing organized labor, succeeding himself, is reappointed for a term expiring August 4, 2015.

Thomas W. O'Brien of 6748 Lake Drive, Fremont, Michigan 49412, county of Newaygo, representing community colleges, succeeding himself, is reappointed for a term expiring August 4, 2015.

Sharon J. Conklin of 5425 Easthill Court, N.E., Comstock Park, Michigan 49321, county of Kent, representing private motor carriers, succeeding Ken Houck, is appointed for a term expiring August 4, 2015.

Timothy J. Yungfer of 15374 Classic Drive, Bath, Michigan 48808, county of Clinton, representing the general public, succeeding Keith Ferris, is appointed for a term expiring August 4, 2015.

Sincerely,
Brian Calley
Acting and Lieutenant Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 34

The motion prevailed.

Senator Richardville offered the following resolution:

Senate Resolution No. 84.

A resolution of tribute offered as a memorial for David A. Plawecki, former member of the Senate.

Whereas, This legislative body was saddened to learn of the passing of David A. Plawecki. A native of the Detroit area, he represented for twelve years the people of Dearborn Heights and nearby communities in the 12th Senate District. His legacy as an advocate for workers and good government remains strong today and will not soon be forgotten; and

Whereas, David Plawecki was first elected to the Senate in 1970 at the age of 22, the youngest person ever elected to this legislative body. For the next twelve years, he would be a champion for the average worker and a strong advocate for open government. Notably, he sponsored Michigan's Open Meetings Act and co-sponsored the Employee Right to Know Act that still bears his name. Recognized during his tenure as one of Michigan's best legislators, he served as the chair of the Senate Committee on Labor for eight years and rose to the position of Senate Majority Floor Leader. His time in this legislative body ended after his unsuccessful gubernatorial bid in 1982; and

Whereas, Senator Plawecki's years in the Senate were only the beginning of a long and distinguished career. For the next 24 years, he worked for the state of Michigan on unemployment issues, eventually becoming the deputy director of the Department of Labor and Economic Growth. Upon his retirement in 2006, he could proudly look back on his achievements battling business employment tax evasion, preventing unemployment insurance fraud, and empowering unemployed workers; now, therefore, be it

Resolved by the Senate, That we offer this expression of our highest tribute to honor the memory of David A. Plawecki, a member of this legislative body from 1971 to 1982; and be it further

Resolved, That copies of this resolution be transmitted to the Plawecki family as evidence of our lasting regard for his memory.

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 by a unanimous standing vote of the Senate.

Senator Meekhof moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators Richardville and Anderson asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Richardville's statement is as follows:

Colleagues, staff, guests in the Gallery, we're honored today to have with us Senator Plawecki's wife Linda. Joining her are their two sons, Kirk and Brent, daughter-in-law Nicole, and two granddaughters Avery and Kendall. Please help me welcome them and also show our appreciation for the bulk of work of Senator Plawecki's contributions to this body and to the state of Michigan.

Senator Anderson's statement is as follows:

It was very sad for me to learn of Dave's passing. I just wanted to share some personal notes, if I could. I think his accomplishments have been pretty well covered by the resolution, but I wanted to extend to Linda, Brent, and Kirk—as I have already at the services and again this morning—my deepest sympathy for their loss.

Dave was a great leader in this state. I know thirty years ago is an eternity in the area of term limits. The sad fact is that there's probably no one sitting here who served with him, certainly, and I know that the Secretary of the Senate knew Dave. I had the pleasure of knowing Dave also. I remember Dave when he became a State Senator, as has been mentioned before, at age 22. We should stop and think about what an accomplishment that is to go straight to the State Senate at 22, not stopping at the State House, but running for State Senate and being elected at 22 years old. What an accomplishment. Dave, with all his accomplishments, the Open Meetings Act, the Freedom of Information Act, and protection for workers in this state are some of the most notable accomplishments he had.

I was only 16 when he got elected to the State Senate. To think about it, two years later, I got politically involved in Dearborn. We crossed paths many times, and I always had such a very high impression and high level of respect for Dave Plawecki. That family name down in Southeast Michigan—many of you may not know, but there's a judge, there's his father Ed whom I knew for many years, his brother Ed—it's just a testament, I think, to this family of what they stood for and what Dave stood for when he was here in the State Senate: about good government, about caring about the people he represented very deeply.

As I commented to the family, I remember so well, as a young man just getting into the political process, Dave coming to district meetings and other meetings down in his Senate district, and at this very young age—which today is probably not fashionable, but in those days, it was something that stood out in my mind; walking around smoking a pipe. I was probably an impressionable young man, but I was very impressed by him, as were everyone else. The Plawecki name—he could've ran for office down in that area as long as he wanted to and still be elected. He was a good man, he was a great man, and he was a great State Senator.

Those are just some personal comments I wanted to make, that I think he was someone whom I'm glad we're stopping and pausing to recognize in his passing. He was a good man, and my best wishes and my sympathy to his family.

A moment of silence was observed in memory of former State Senator David Plawecki.

Senator Schuitmaker entered the Senate Chamber.

By unanimous consent the Senate returned 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 Gregory 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. 276, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 57f (MCL 400.57f), as amended by 2011 PA 132.

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:

House Bill No. 4094

Senate Bill No. 332

Senate Bill No. 351

Senate Bill No. 354

Senate Bill No. 373

The motion prevailed.

The following bill was read a third time:

House Bill No. 4094, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 40109a.

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. 345

Yeas—36

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

Nays—0

Excused—2

Colbeck

Johnson

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

Senator Johnson entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 332, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 8501 and 8512b (MCL 324.8501 and 324.8512b), section 8501 as amended and section 8512b as added by 2010 PA 299.

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. 346

Yeas—37

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

Nays—0

Excused—1

Colbeck

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 351, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 20101 (MCL 324.20101), as amended by 2012 PA 446.

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. 347

Yeas—27

Anderson	Green	Kowall	Proos
Bieda	Hansen	Marleau	Richardville
Booher	Hildenbrand	Meekhof	Robertson
Brandenburg	Hune	Moolenaar	Rocca
Casperson	Jansen	Nofs	Schuitmaker
Caswell	Jones	Pappageorge	Walker
Emmons	Kahn	Pavlov	

Nays—10

Ananich	Hopgood	Smith	Whitmer
Gregory	Hunter	Warren	Young
Hood	Johnson		

Excused—1

Colbeck

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Warren, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 351 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Warren’s statement is as follows:

I rise in opposition to Senate Bill No. 351 for a couple of important reasons. We have to think about what the context of this legislation is. It’s within the context of a law regarding the cleanup of toxic chemicals. I get nervous when we’re talking about what materials we should allow on our farmland in the context of a law regarding the cleanup of toxic chemicals. Our laws should be promoting healthy soils, not using farmland as disposal sites for hazardous materials. I understand that we will be seeing further legislation on this topic soon. I’ll be monitoring that closely to make sure we are promoting healthy soils to grow high-quality crops in Michigan, what we’re known for—Pure Michigan.

This bill limits the liability to what is known at the time of application about the chemical applied. If you think that through to its logical conclusion, it transfers the risk of learning a chemical was more dangerous than expected, not to those who applied it, but to those who are eating the food that was grown, at some point in the future.

So I urge my colleagues to oppose this legislation. Let's wait and see what other bills are going to follow in this package, and make sure that we get the highest-quality bills that protect our farmland and protect the crops that our citizens will eat. Let's continue our legacy of Pure Michigan agriculture.

The following bill was read a third time:

Senate Bill No. 354, entitled

A bill to amend 1969 PA 287, entitled "An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies," (MCL 287.331 to 287.340) by adding section 8b.

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. 348

Yeas—37

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

Nays—0

Excused—1

Colbeck

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Ananich, Bieda, Brandenburg, Caspersion, Caswell, Emmons, Hansen, Hildenbrand, Hood, Hopgood, Hune, Kahn, Kowall, Moolenaar, Robertson, Schuitmaker, Smith and Warren were named co-sponsors of the bill.

The following bill was read a third time:

Senate Bill No. 373, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17723.

The question being on the passage of the bill,

Senator Hansen offered the following substitute:

Substitute (S-2).

The substitute was adopted, a majority of the members serving voting therefor.

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. 349**Yeas—37**

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

Nays—0**Excused—1**

Colbeck

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Hunter introduced

Senate Bill No. 487, entitled

A bill to amend 2008 PA 429, entitled “Nonferrous metal regulatory act,” by amending the title and sections 1, 3, 5, 7, 11, 13, and 17 (MCL 445.421, 445.423, 445.425, 445.427, 445.431, 445.433, and 445.437), and by adding section 10; and to repeal acts and parts of acts.

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

Senator Hunter introduced

Senate Bill No. 488, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 356 (MCL 750.356), as amended by 2008 PA 431.

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

Senators Brandenburg, Robertson, Caswell, Proos, Marleau, Colbeck and Booher introduced

Senate Bill No. 489, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending sections 9o, 19, 21, 22, 30, and 53b (MCL 211.9o, 211.19, 211.21, 211.22, 211.30, and 211.53b), section 9o as added by 2012 PA 402, section 19 as amended by 2002 PA 267, sections 21 and 22 as amended by 1996 PA 126, section 30 as amended by 2003 PA 194, and section 53b as amended by 2010 PA 24.

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

Senators Brandenburg, Robertson, Caswell, Proos, Marleau, Colbeck and Booher introduced

Senate Bill No. 490, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 9m and 9n (MCL 211.9m and 211.9n), section 9m as added by 2012 PA 401 and section 9n as added by 2012 PA 403.

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

Senators Brandenburg, Robertson, Green, Marleau, Caspersen and Booher introduced

Senate Bill No. 491, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 219 (MCL 257.219), as amended by 2010 PA 155.

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

Senators Caswell, Jones, Green, Booher, Nofs and Colbeck introduced

Senate Bill No. 492, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1147 (MCL 380.1147), as amended by 2012 PA 198.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Meekhof moved that the following bill, now on the order of General Orders, be referred to the Committee on Judiciary:

House Bill No. 4530, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16 of chapter XV (MCL 775.16), as amended by 1980 PA 506.

The motion prevailed.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Joint meeting held on Wednesday, September 11, 2013, at 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources, Environment and Great Lakes submitted the following:

Meeting held on Thursday, September 12, 2013, at 8:30 a.m., Room 210, Farnum Building

Present: Senators Caspersen (C), Pavlov, Kowall, Meekhof, Warren and Hood

Excused: Senator Green

Scheduled Meetings

Appropriations -

Subcommittee -

Human Services Department - Wednesday, October 2, 2:00 p.m., Rooms 402 and 403, and Tuesday, October 8, 2:00 p.m., Room 405, Capitol Building (373-2768)

Economic Development - Friday, September 13, 10:00 a.m., St. Luke's New Life Center, 3115 Lawndale Avenue, Flint (373-5312)

Finance - Wednesday, September 18, 12:30 p.m., Room 210, Farnum Building (373-5307)

Michigan Law Revision Commission - Tuesday, September 24, 12:00 noon, Room 405, Capitol Building (373-0212)

Reforms, Restructuring and Reinventing - Wednesday, September 18, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-5307)

Senate Fiscal Agency Board of Governors - Thursday, September 19, 9:00 a.m., Room S-324, Capitol Building (373-2768) (CANCELED)

State Drug Treatment Court Advisory Committee - Tuesday, September 24, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 10:43 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Tuesday, September 17, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

