

**No. 15**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**97th Legislature**  
**REGULAR SESSION OF 2013**

---

---

Senate Chamber, Lansing, Wednesday, February 20, 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—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

Pastor Jon Huizenga of River Rock Church of Rockford offered the following invocation:

Lord, I thank You for these women and men who are representing their districts as Senators in the state of Michigan. We are thinking at this moment of their personal needs, and some of those are relational, spouses or children, parents or significant others, or friends or work relationships. Some of those concerns are emotional—grief, fear, anger, joy; some of those are spiritual, questions about where You are or who You are. Some of those are physical—maybe a need for healing themselves or in somebody.

We ask that You would come in Your love and in Your provision and meet those needs in order to set them free today because they know You have cared for their needs. In order to do the more noble thing, we ask that You put in their hearts that which is to make Your world a better place. We acknowledge that You are the Lord of every sphere: politics, economy, agriculture, education, law enforcement, the judiciary. You are the Lord of the weakest citizens in our country: the poor, the vulnerable, the elderly. You are the Lord of the strongest citizens, and You are the source of prosperity.

We ask that You would help these Senators and their staffs today to do their work with hearts to love You with all their heart, soul, strength, and mind and with hearts to love their neighbors as themselves. In Jesus' name we pray. Amen.

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

### Motions and Communications

Senators Richardville and Kahn entered the Senate Chamber.

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

Senators Johnson, Smith, Young and Brandenburg 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 Pappageorge as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Schuitmaker, having assumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 135, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520d and 520e (MCL 750.520d and 750.520e), as amended by 2012 PA 372.

Substitute (S-2).

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**

The President, Lieutenant Governor Calley, resumed the Chair.

The following bill was read a third time:

**Senate Bill No. 19, entitled**

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 33 (MCL 445.1683), as amended by 2009 PA 76.

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. 26****Yeas—36**

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

**Nays—0****Excused—1**

Hunter

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 97, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 2011 PA 159.

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. 27****Yeas—35**

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

**Nays—1**

Caswell

**Excused—1**

Hunter

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

**Protest**

Senator Caswell, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 97 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.” The motion prevailed.

Senator Caswell’s statement is as follows:

I think that folks should probably receive one chance at not having the car seat. There might be financial situations. It could be through ignorance if they don’t have it. They should be given the opportunity to correct it, and then, after that, go ahead and do what the sponsor of the bill has indicated. I do think we’re all entitled to one mistake.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators Proos, Jansen, Booher, Nofs, Brandenburg, Hansen, Green, Pappageorge and Casperson introduced  
**Senate Bill No. 207, entitled**

A bill to amend 1976 PA 295, entitled “State transportation preservation act of 1976,” by amending section 17 (MCL 474.67), as amended by 1998 PA 235.

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

Senators Caswell, Colbeck, Nofs, Marleau, Booher, Jansen, Hansen, Robertson and Jones introduced

**Senate Bill No. 208, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 20 (MCL 421.20), as amended by 2011 PA 269.

The bill was read a first and second time by title and referred to the Committee on Reforms, Restructuring and Re-inventing.

Senators Green, Jones, Robertson, Caswell, Rocca, Proos, Hansen, Colbeck, Jansen, Meekhof, Brandenburg and Gregory introduced

**Senate Bill No. 209, entitled**

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 4o (MCL 205.54o), as amended by 2004 PA 173.

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

Senators Green, Caswell, Jones, Robertson, Rocca, Proos, Hansen, Colbeck, Jansen, Meekhof, Brandenburg and Gregory introduced

**Senate Bill No. 210, entitled**

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 4o (MCL 205.54o), as amended by 2004 PA 173.

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

Senators Rocca, Hood, Jones, Nofs, Hopgood, Anderson and Bieda introduced

**Senate Bill No. 211, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 405 (MCL 418.405), as amended by 1980 PA 457.

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

Senator Green introduced

**Senate Bill No. 212, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2012 PA 124.

The bill was read a first and second time by title and referred to the Committee on Natural Resources, Environment and Great Lakes.

Senator Green introduced

**Senate Bill No. 213, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 1, 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5j, 5k, 5l, 5m, 5o, and 8 (MCL 28.421, 28.424, 28.425, 28.425a, 28.425b, 28.425c, 28.425d, 28.425e, 28.425f, 28.425j, 28.425k, 28.425l, 28.425m, 28.425o, and 28.428), section 1 as amended by 2012 PA 243, section 4 as added by 1992 PA 219, sections 5, 5a, 5e, and 5m as added by 2000 PA 381, sections 5b and 8 as amended by 2008 PA 406, sections 5c and 5d as amended by 2002 PA 719, sections 5f, 5k, and 5o as amended by 2012 PA 123, section 5j as amended by 2004 PA 254, and section 5l as amended by 2012 PA 32, and by adding section 5x; 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 Natural Resources, Environment and Great Lakes.

Senators Casperson, Colbeck and Robertson introduced

**Senate Bill No. 214, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1902 and 1903 (MCL 324.1902 and 324.1903), section 1902 as amended by 2012 PA 619 and section 1903 as amended by 2011 PA 117; 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 Natural Resources, Environment and Great Lakes.

### Statements

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

The motion prevailed.

Senator Kahn's statement is as follows:

Mr. President, nationally, we are coming close to our decision date on a plan for securing America's future; what we are going to do about the sequestration; what we are going to do about our debt; what we are going to do about our deficit. The failure to reach agreement on a long-term plan to put the country on a fiscally-sustainable path during the negotiations that occurred, up to January 1 or so, was a tremendous missed opportunity. It was actually an indictment of the fiscal brinkmanship currently in Washington. Despite public demand that our leaders get serious about the fiscal health of our country, the prospect for a grand bargain, at least today, seems dismal, with Republicans and Democrats once again resigned to another year of partisan fighting and trench warfare.

In short order, in the coming weeks, we're going to see a number of partisan proposals that reflect the ideal solution from each party's perspective. This approach may make good politics, but it will do nothing to move the ball forward to reach a real and comprehensive solution to our long-term national and structural problems; problems that we as colleagues addressed here in Michigan in the last two years. We cannot afford another year of fiscal brinksmanship with no reasonable solution being offered by either side. There's no way around it; Democrats or Republicans are going to have to—they need to—come together to find common ground if there is to be any hope of bringing our country back on a fiscally-sustainable path.

Erskine Bowles, a Democrat, and Al Simpson, a Republican, have put forth a set of principles and a framework for deficit reduction that builds on the work and the negotiations that have occurred over the past two years, in order to put the ideas of comprehensive solutions back into the discussion. The framework that they have constructed demonstrates that it is possible to reach an agreement on a plan if both sides are willing to go beyond their comfort zones and come to a principled compromise. This plan begins where the President and the Speaker left off January 1. It doesn't move to the right or to the left. It moves the discussion forward, building on all the hard work and negotiations that have occurred over the last two years, and it puts forth the idea of a comprehensive solution to be discussed.

What are the specifics? No. 1, make major reductions to federal health spending, including provider and beneficiary changes. No. 2, we need to raise revenue in excess of what was agreed to in the fiscal cliff deal, and offer both sides an opportunity to come to an agreement on how best to reform the tax code. No. 3, you need to cut mandatory spending on everything from farm subsidies to federal retirement. No. 4, we need to use a chained CPI measure of inflation to more accurately make changes in governments. No. 5, we need to make additional defense and nondefense spending cuts beyond what is already required.

Based on the significant proposals that were made during negotiations last year, it is clear that it is possible to reach agreement on a plan if both sides are willing, and it can be a principled discussion. There's no one solution to this problem, and the plan and ideas that I have outlined are by no means perfect, but it is a place that we can begin discussion. I urge our national leaders to have the political courage to come together to find common ground for the good of their country, and, of course, it is reflected back here in Michigan in our budgetary negotiations soon to come.

### **Committee Reports**

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Natural Resources submitted the following:  
Meeting held on Tuesday, February 19, 2013, at 12:00 noon, Room 110, Farnum Building  
Present: Senators Green (C), Walker, Booher and Hopgood

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Environmental Quality submitted the following:  
Meeting held on Tuesday, February 19, 2013, at 12:30 p.m., Room 110, Farnum Building  
Present: Senators Green (C), Walker, Booher and Hopgood

#### COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:  
Meeting held on Tuesday, February 19, 2013, at 12:30 p.m., Room 100, Farnum Building  
Present: Senators Casperson (C), Kowall, Brandenburg, Pavlov, Hansen, Hood and Warren

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:  
Meeting held on Tuesday, February 19, 2013, at 2:00 p.m., Room 405, Capitol Building  
Present: Senators Caswell (C), Jansen, Proos and Gregory

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:  
 Meeting held on Tuesday, February 19, 2013, at 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building  
 Present: Senators Pappageorge (C), Jansen, Colbeck and Johnson

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture and Rural Development submitted the following:  
 Meeting held on Tuesday, February 19, 2013, at 3:00 p.m., Room 100, Farnum Building  
 Present: Senators Green (C) and Hopgood  
 Excused: Senator Moolenaar

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Corrections submitted the following:  
 Joint meeting held on Tuesday, February 19, 2013, at 3:00 p.m., House Appropriations Room, 3rd Floor, Capitol Building  
 Present: Senators Proos (C), Walker and Anderson

## COMMITTEE ATTENDANCE REPORT

The Committee on Infrastructure Modernization submitted the following:  
 Joint meeting held on Tuesday, February 19, 2013, at 3:33 p.m., Senate Hearing Room, Ground Floor, Boji Tower  
 Present: Senators Kahn (C), Pappageorge, Booher, Jansen, Hood and Warren  
 Excused: Senator Brandenburg

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

**Agriculture and Rural Development** - Tuesdays, February 26 (CANCELED) and March 5, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**Community Colleges and House Community Colleges Appropriations Subcommittee** - Thursday, February 28, 11:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building; and Friday, March 8, 1:00 p.m., Schoolcraft Community College, VisTaTech Center, Sutherland Room, 18600 Haggerty Road, Livonia (373-2768)

**Community Health Department** - Thursday, February 21, 1:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower; and Thursday, February 28, 1:30 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**Corrections Department and House Corrections Appropriations Subcommittee** - Tuesday, February 26, 3:00 p.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**General Government** - Tuesdays, February 26, March 5, March 12, March 19, and April 9, 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**K-12, School Aid, Education and House School Aid Appropriations Subcommittee** - Tuesday, February 26, 8:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**State Police and Military Affairs** - Thursdays, February 21, February 28, and March 7, 3:00 p.m., Room 405, Capitol Building (373-2768)

**Transportation** - Thursday, February 21, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Economic Development** - Thursday, February 21, 1:30 p.m., Room 100, Farnum Building (373-5323)

**Infrastructure Modernization and House Transportation and Infrastructure** - Thursday, February 21, 2:00 p.m., Room 519, South Tower, House Office Building (373-1760)

**Legislative Council** - Thursday, February 21, 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

**Michigan Law Revision Commission** - Thursday, February 21, 11:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

**Natural Resources, Environment and Great Lakes** - Thursday, February 21, 8:30 a.m., Room 210, Farnum Building (373-5323)

**Outdoor Recreation and Tourism** - Thursday, February 21, 12:30 p.m., Room 110, Farnum Building (373-5323)

Senator Meekhof moved that the Senate adjourn.  
The motion prevailed, the time being 10:28 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, February 21, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate