

No. 70
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2013

Senate Chamber, Lansing, Tuesday, September 17, 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—excused
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—excused
Pavlov—present
Proos—present
Richardville—present
Robertson—present
Rocca—present
Schuitmaker—present
Smith—present
Walker—present
Warren—present
Whitmer—present
Young—present

Senator Howard C. Walker of the 37th District offered the following invocation:

Heavenly Father, we are so grateful and thankful that You have joined us today. We ask that You would inspire our thoughts and our deeds so that we might walk with You and convey our message in our deeds to the citizens of Michigan. Please provide us with the wisdom to do what is best for these citizens. Heal our state economically. Bring prosperity to our state and those who may suffer. I also ask that You bring Your blessing, Your word, and Your comfort to those who are affected by the recent shootings in Washington, D.C.

We ask all of these things in Your name. Amen.

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

Motions and Communications

Senators Caswell, Jansen and Smith entered the Senate Chamber.

The following communication was received and read:
Office of the Auditor General

September 11, 2013

Enclosed is a copy of the following audit report:
Performance audit of Mental Health Services, Department of Corrections.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communication was referred to the Secretary for record.

The following communications were received:
Department of State

Administrative Rules Notices of Filing

August 27, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2013-046 EQ (Secretary of State Filing #13-08-01) on this date at 3:16 p.m. for the Department of Environmental Quality, entitled "Water Quality Trading."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6) or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

August 27, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-082 LR (Secretary of State Filing #13-08-02) on this date at 3:18 p.m. for the Department of Licensing and Regulatory Affairs, entitled "GI Part 19. Crawler, Locomotive, and Truck Cranes."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

September 6, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2013-0866 AC (Secretary of State Filing #13-09-01) on this date at 2:00 p.m. for the Department of Agriculture and Rural Development, entitled "Animal Industry."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 34, 45a(6) or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Ruth Johnson
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, September 12:
House Bill Nos. 4786 4787 4961

The Secretary announced that the following bills were printed and filed on Thursday, September 12, and are available at the Michigan Legislature website:

Senate Bill Nos. 476 477 478 479 480 481 482 483 484 485 486

The Secretary announced that the following bills were printed and filed on Friday, September 13, and are available at the Michigan Legislature website:

Senate Bill Nos. 487 488 489 490 491 492
House Bill Nos. 4965 4966 4967 4968 4969 4970 4971 4972 4973

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

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

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senator Colbeck 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 10:06 a.m.

10:16 a.m.

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

During the recess, Senator Colbeck introduced Jim Palermo, World War II veteran and crew member of the *USS Thorn*, and his family, and presented him with a Special Tribute.

Mr. Palermo responded briefly.

During the recess, Senators Young and Johnson entered the Senate Chamber.

Messages from the House

Senate Bill No. 50, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81101, 81115, 81122, 81129, and 81133 (MCL 324.81101, 324.81115, 324.81122, 324.81129, and 324.81133), section 81101 as

amended by 2012 PA 246, sections 81115 and 81129 as amended by 2008 PA 240, section 81122 as added by 1995 PA 58, and section 81133 as amended by 2012 PA 340; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1994 PA 451, entitled "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," by amending sections 81101, 81115, 81122, 81129, 81133, and 81147 (MCL 324.81101, 324.81115, 324.81122, 324.81129, 324.81133, and 324.81147), section 81101 as amended by 2012 PA 246, sections 81115, 81129, and 81147 as amended by 2008 PA 240, section 81122 as added by 1995 PA 58, and section 81133 as amended by 2012 PA 340; and to repeal acts and parts of acts.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 237, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 9208 (MCL 333.9208), as amended by 2000 PA 90.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Meekhof moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 350

Yeas—36

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

Nays—0

Excused—2

Brandenburg Pappageorge

Not Voting—0

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was concurred in, 2/3 of the members serving voting therefor.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 238, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1177 (MCL 380.1177), as amended by 2000 PA 91.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was concurred in, 2/3 of the members serving voting therefor.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 239, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 167 (MCL 388.1767), as amended by 2006 PA 342.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was concurred in, 2/3 of the members serving voting therefor.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 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 House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.
 Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 347, entitled

A bill to amend 1966 PA 346, entitled “State housing development authority act of 1966,” (MCL 125.1401 to 125.1499c) by adding section 22d.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Meekhof moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 351

Yeas—35

Ananich
 Anderson
 Bieda

Gregory
 Hansen
 Hildenbrand

Kahn
 Kowall
 Marleau

Robertson
 Rocca
 Schuitmaker

Booher	Hood	Meekhof	Smith
Casperson	Hopgood	Moolenaar	Walker
Caswell	Hunter	Nofs	Warren
Colbeck	Jansen	Pavlov	Whitmer
Emmons	Johnson	Proos	Young
Green	Jones	Richardville	

Nays—1

Hune

Excused—2

Brandenburg

Pappageorge

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.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 357, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 778 (MCL 450.1778), as amended by 1993 PA 91.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

House Bill No. 4299, entitled

A bill to amend 1994 PA 451, entitled "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," by amending section 81131 (MCL 324.81131), as amended by 2011 PA 107.

The House of Representatives has amended the Senate substitute (S-2) as follows:

1. Amend page 2, line 10, after "on" by striking out "the maintained portion of".
2. Amend page 3, line 3, after "(3)" by striking out the balance of the line through "safety." on line 5 and inserting a period.
3. Amend page 3, line 15, after "(3)." by inserting "**A COUNTY ROAD MAY BE CLOSED TO THE OPERATION OF ORVS UNDER THIS SUBSECTION ONLY TO PROTECT THE ENVIRONMENT OR IF THE OPERATION OF ORVS POSES A PARTICULAR AND DEMONSTRABLE THREAT TO PUBLIC SAFETY.**".
4. Amend page 5, line 20, by striking out "**SEGMENT OF**".
5. Amend page 7, line 7, after "maintain" by inserting "**THE MAINTAINED PORTION OR UNMAINTAINED PORTION OF**".

6. Amend page 7, line 9, after “**IN**” by striking out “**A CONDITION**” and inserting “**REASONABLE REPAIR SO THAT IT IS**”.

7. Amend page 7, line 10, after “**ORVS**” by inserting “**EXCEPT ORVS REGISTERED AND OPERATED AS MOTOR VEHICLES AS PROVIDED IN THE CODE**”.

8. Amend page 7, line 12, after “maintain” by inserting “**THE MAINTAINED PORTION OR UNMAINTAINED PORTION OF**”.

9. Amend page 7, line 15, after “registered” by inserting “**AND OPERATED**”.

10. Amend page 7, line 18, after “**(15)**” by striking out “**THIS**” and inserting “**SUBJECT TO SECTION 5 OF 1964 PA 170, MCL 691.1405, THIS**”.

11. Amend page 7, line 19, after the second “commissioners,” by striking out the balance of the line through line 20 and inserting “and a **LOCAL UNIT OF GOVERNMENT**”.

12. Amend page 7, line 22, after “use” by inserting a comma and “**ON THE MAINTAINED PORTION OR UNMAINTAINED PORTION OF A HIGHWAY, ROAD, OR STREET,**”.

13. Amend page 8, line 2, after “actions” by inserting “**OF AN EMPLOYEE OF THIS STATE, AN EMPLOYEE OF A BOARD OF COUNTY ROAD COMMISSIONERS, AN EMPLOYEE OF A COUNTY BOARD OF COMMISSIONERS, OR AN EMPLOYEE OF A LOCAL UNIT OF GOVERNMENT**”.

The House of Representatives has concurred in the Senate substitute (S-2) as amended and agreed to the full title.

Pursuant to rule 3.202, the bill was laid over one day.

Third Reading of Bills

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

Senate Bill No. 315

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 315, entitled

A bill to amend 1970 PA 29, entitled “An act relating to potatoes; to create a potato commission; to prescribe its powers and duties and authority; to impose an assessment on the privilege of introducing potatoes into the channels of trade and commerce; to provide for the collection of the assessment; to provide for penalties; and to repeal certain acts and parts of acts,” by amending sections 1, 2, 3, 4, 8, and 9a (MCL 290.421, 290.422, 290.423, 290.424, 290.428, and 290.429a), sections 1 and 3 as amended by 1980 PA 304, section 2 as amended by 2005 PA 59, and sections 4 and 8 as amended and section 9a as added by 1996 PA 99.

The question being on the passage of the bill,

Senator Smith offered the following amendments:

1. Amend page 10, line 7, after “(1)” by striking out “An” and inserting “**EXCEPT AS PROVIDED IN SUBSECTION (8), AN**”.

2. Amend page 12, following line 12, by inserting:

“(8) A GROWER OR SHIPPER WHO DOES NOT WISH TO PARTICIPATE IN THE PROGRAMS UNDER THIS ACT MAY OPT OUT OF PAYING THE ASSESSMENT UNDER THIS ACT BY NOTIFYING THE DEPARTMENT, IN WRITING, OF HIS OR HER DECISION TO OPT OUT.”.

The amendments were not adopted, a majority of members serving not voting therefor.

Senator Hunter requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 352

Yeas—12

Ananich
Anderson
Bieda

Gregory
Hood
Hopgood

Hunter
Johnson
Smith

Warren
Whitmer
Young

Nays—24

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

Excused—2

Brandenburg	Pappageorge
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Not Voting—0

In The Chair: President

Senator Hopgood offered the following amendment:

1. Amend page 15, following line 4, by inserting:

“Enacting section 1. This amendatory act does not take effect unless the following bills of the 97th Legislature are enacted into law:

(a) Senate Bill No. 95.

(b) Senate Bill No. 96.”.

The amendment was not adopted, a majority of members serving not voting therefor.

Senator Hunter requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 353**Yeas—12**

Ananich	Gregory	Hunter	Warren
Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young

Nays—24

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

Excused—2

Brandenburg	Pappageorge
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Not Voting—0

In The Chair: President

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. 354**Yeas—36**

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

Nays—0**Excused—2**

Brandenburg Pappageorge

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Smith's statement is as follows:

I rise today to offer my right-to-farm amendment, or if some of my colleagues prefer, freedom to farm. Michigan potato growers are currently being forced to pay their hard-earned money into the Michigan Potato Commission in a system that is very much like workers being required to pay union dues. The Potato Commission engages in activities that not all of these farmers support, but they are still forced to contribute to it financially. Potato growers should have the freedom to opt out of paying these dues.

If the commission is offering a service that is truly of value to the farmers and one that benefits them directly, let the commission prove their worth on the free market. Of course, the commission will still be expected to represent the best interest of all potato farmers here in Michigan, whether those farmers are paying dues or not.

Mr. President, this is simply an issue of fairness and letting the potato growers decide how to best spend their own money and what activities that money supports. Just as Michigan workers now have a choice to not contribute to the unions that fight to protect them, potato growers would also have the right not to pay into the Potato Commission. I would expect that all my colleagues on the other side of the aisle who supported right to work will now just as readily support the freedom to farm. Shouldn't farmers have the same rights as men and women working in the factories?

Senator Hopgood's statement is as follows:

I rise to speak to my amendment to the legislation before us. If my colleagues on the other side of the aisle have decided that potato farmers should be required to pay dues to an umbrella organization that works to protect their best interest, it's clear that they've rethought their position on misguided right-to-work legislation. My amendment would tie-bar this bill to my legislation to repeal so-called right to work. What's good enough for potato growers should be good enough for auto workers, school employees, and other hardworking citizens across the state of Michigan.

As you know, in 2010, of the 10 states with the lowest per capita income in the U.S., 7 were right-to-work states. In that same year, only 1 of 10 states with the highest per capita income was a right-to-work state. In addition, 11 of the 15 states with the highest poverty rates are worker-friendly.

The facts on this issue speak for themselves, and I'm thrilled to see that my colleagues on the other side of the aisle, apparently understand the importance of repealing right-to-work legislation, which never should have been enacted in the first place.

I look forward to your support on this amendment, which ties two like-minded bills together.

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 Casperson offered the following resolution:

Senate Resolution No. 85.

A resolution honoring Carl "Buck" Nystrom, a native and resident of Marquette, for his distinguished accomplishments in athletics, teaching, coaching, and community service.

Whereas, Born in Marquette in 1933, Buck Nystrom built an impressive athletic career at Marquette High School, where he still holds the record for varsity letters, having earned 13 in five sports, including football, basketball, baseball, tennis, and track; and

Whereas, As a walk-on for the Michigan State University (MSU) Football Team, Buck was named First Team All-American and Academic All-American on the legendary Biggie Munn/Duffy Daugherty MSU Rose Bowl teams of the 1950s and also earned a letter in hockey at MSU; and

Whereas, After becoming distinguished as a legendary football player, Buck coached at numerous universities, including MSU and Northern Michigan University (NMU), being most known for his skills as an offensive line coach who was part of five national championship and 15 bowl teams either as a player or coach, including two national championships at MSU in the 1950s and the 1975 Division II National Championship at NMU; and

Whereas, Former Oklahoma, Colorado, and New England Patriots Head Coach Chuck Fairbanks called Buck the greatest college offensive line coach of all time. Buck is nationally famous within coaching circles for his intensity, motivational techniques, and colorful manner of speech as recognized in publications such as *Sports Illustrated*; and

Whereas, Buck is well-known as the creator of the "Fourth Quarter" off-season conditioning program as outlined in a book he authored in 1983. The program has been adopted with great success at multiple schools, most notably at the University of Alabama by national championship coach Nick Saban, who once coached with Nystrom at MSU; and

Whereas, He has published multiple books and videos on the fundamentals of run and pass blocking and been recognized in the North Dakota State University Athletic Hall of Fame, the Upper Peninsula Sports Hall of Fame, the NMU Sports Hall of Fame, and the Marquette Area Public Schools A. Felch Pendill Wall of Excellence; and

Whereas, Buck has been a tremendous coach and mentor to many, including his son Kyle who has followed Buck into the college coaching ranks, currently serving as the assistant head coach and linebackers coach at CMU; and

Whereas, He has been very active in his community with youth football programs, the Bishop Baraga Fund, and Special Olympics of the Upper Peninsula; and

Whereas, Through illness and the fact that he is at an age when most men have long since retired, Buck has continued to participate in multiple summer football camps, sponsor blocking clinics for high school players, and serve as a volunteer coach for the Gwinn Modeltowners; and

Whereas, Buck Nystrom is an inspirational role model, mentor, and friend to many; now, therefore, be it

Resolved by the Senate, That we offer this expression of highest tribute to honor Carl "Buck" Nystrom for his achievements on and off the athletic field and as a token of our appreciation for representing the state of Michigan so proudly; and be it further

Resolved, That a copy of this resolution be transmitted to Buck Nystrom as evidence of our highest 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, Booher, Green, Hansen, Hood, Jones, Marleau, Proos and Richardville were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Casperson's statement is as follows:

I rise in support of this resolution. Just a quick note on Carl "Buck" Nystrom. He is a native and resident of Marquette and has many distinguished accomplishments in not only athletics, but in teaching, coaching, and community service. Carl walked on for the Michigan State University Football Team. He was also a First Team All-American for academics. He was member of the Rose Bowl team in the 1950s. He also lettered in hockey at Michigan State.

Former Oklahoma, Colorado, and New England Patriots head coach Chuck Fairbanks called Buck the greatest offensive line coach of all time. He is in the North Dakota State University Athletic Hall of Fame, the Upper Peninsula Sports Hall of Fame, the Northern Michigan University Sports Hall of Fame, and the Marquette Area Public Schools A. Felch Pendill Wall of Excellence. I think an accomplishment that really shows the character of Buck is the fact that as he has gotten up into age, at his age most people would have been long retired, but he struggled through some illnesses and still continued to participate in football camps, sponsors, and blocking clinics for high school players and has served as a volunteer coach for the Gwinn Modeltowners.

Buck Nystrom is well-deserving of this resolution, and he is an example and a role model for all of us to follow.

Introduction and Referral of Bills

Senator Pappageorge introduced

Senate Joint Resolution BB, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 54 of article IV, to modify term limits for certain elected state offices.

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

Senators Jones and Robertson introduced

Senate Bill No. 493, entitled

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," (MCL 125.3101 to 125.3702) by adding section 205a.

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

Senators Caswell, Hune and Kahn introduced

Senate Bill No. 494, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by repealing section 23 (MCL 338.2223).

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

Senators Casperson, Pappageorge, Green, Proos, Colbeck, Marleau, Emmons and Jansen introduced

Senate Bill No. 495, entitled

A bill to implement section 29 of article IX of the state constitution of 1963; to provide a process for state compliance with its obligation to finance the costs incurred by local units of government to provide, administer, and implement certain activities or services required by this state; to prescribe the powers and duties of certain state agencies and public officers; to prescribe certain powers and duties of the legislative branch; to provide for the administration of this act; 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 Local Government and Elections.

Senators Jansen, Pappageorge, Green, Proos, Colbeck, Marleau and Emmons introduced
Senate Bill No. 496, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 3, 5, 7a, 40, 44, 45, 45a, and 45b (MCL 24.203, 24.205, 24.207a, 24.240, 24.244, 24.245, 24.245a, and 24.245b), section 3 as amended by 2011 PA 239, section 5 as amended by 2006 PA 460, section 7a as amended by 1999 PA 262, section 40 as amended by 2011 PA 243, section 44 as amended by 2004 PA 23, section 45 as amended by 2011 PA 242, section 45a as amended by 2011 PA 245, and section 45b as added by 2011 PA 247, and by adding section 9.

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

Senators Meekhof, Pappageorge, Green, Proos, Colbeck, Marleau, Emmons and Jansen introduced
Senate Bill No. 497, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding chapter 7C.

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

Senators Robertson, Pappageorge, Green, Proos, Colbeck, Marleau, Emmons and Jansen introduced
Senate Bill No. 498, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 308a (MCL 600.308a), as added by 1980 PA 110, and by adding sections 308b, 308c, 308d, 308e, 308f, and 308g.

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

Senators Anderson, Hopgood, Ananich, Jones, Bieda, Johnson, Whitmer, Hunter, Gregory, Hood and Young introduced
Senate Bill No. 499, entitled

A bill to create the human trafficking reporting act; to provide a means of receiving confidential reports of human trafficking; to prescribe the powers and duties of certain state agencies; to require the maintenance of certain records; to provide for confidentiality; to create the human trafficking prevention fund; to provide for disbursements from the fund; and to provide remedies and penalties.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors and Human Services.

Senators Anderson, Hopgood, Ananich, Jones, Bieda, Johnson, Whitmer, Hunter, Gregory and Young introduced
Senate Bill No. 500, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4708 (MCL 600.4708), as amended by 2006 PA 128.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors and Human Services.

Senators Anderson, Hopgood, Ananich, Jones, Bieda, Johnson, Whitmer, Hunter, Gregory, Hood and Young introduced
Senate Bill No. 501, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 462k.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors and Human Services.

Senators Anderson, Hopgood, Ananich, Jones, Bieda, Johnson, Whitmer, Hunter, Gregory, Hood and Young introduced
Senate Bill No. 502, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 2 (MCL 28.722), as amended by 2011 PA 17.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors and Human Services.

Senators Anderson, Hopgood, Ananich, Jones, Bieda, Johnson, Whitmer, Hunter, Gregory, Hood and Young introduced
Senate Bill No. 503, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 462l.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors and Human Services.

Senator Hune introduced

Senate Bill No. 504, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 925 (MCL 436.1925).

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

Senator Hune introduced

Senate Bill No. 505, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 609 (MCL 436.1609), as amended by 2010 PA 175.

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

Senator Hune introduced

Senate Bill No. 506, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 409 (MCL 436.1409), as amended by 2000 PA 395.

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

Senator Hune introduced

Senate Bill No. 507, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 301 (MCL 436.1301).

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

Senator Booher introduced

Senate Bill No. 508, entitled

A bill to amend 2012 PA 299, entitled "An act to amend 1937 PA 94, entitled "An act to provide for the levy, assessment, and collection of a specific excise tax on the storage, use, or consumption in this state of tangible personal property and certain services; to appropriate the proceeds of that tax; to prescribe penalties; and to make appropriations," by amending section 3a (MCL 205.93a), as amended by 2008 PA 439," by amending enacting section 1.

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

Senator Richardville introduced

Senate Bill No. 509, entitled

A bill to authorize the conveyance of certain state-owned property in Ingham county; to prescribe conditions for the conveyance; to provide for certain powers and duties of certain state departments in regard to the conveyance; and to provide for appropriation of revenue derived from the conveyance.

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

House Bill No. 4786, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2891 (MCL 333.2891), as amended by 2004 PA 467, and by adding section 2892.

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 Appropriations.

House Bill No. 4787, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20161 (MCL 333.20161), as amended by 2011 PA 144.

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 Appropriations.

House Bill No. 4961, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 117a (MCL 400.117a), as amended by 1998 PA 516.

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 Appropriations.

Statements

Senators Young, Colbeck, Hood and Casperson asked and were granted unanimous consent to make statements and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Young’s statement is as follows:

I would like to start with a quote by a great man who once said: “Power corrupts and absolute power corrupts absolutely.” Unfortunately, there is no greater example of that than what happened with Mr. Gary Brown who, I think excuse my French—has lost his damn mind. He basically decides that because he said there were issues with the power grid sent out a message to some departments telling them to turn the power off. Then he said that because they didn’t listen to him fast enough, he is going to arbitrarily turn off the power. You had a pregnant woman stuck in an elevator on the 9th floor of City Hall and another young man stuck in the elevator at the Frank Murphy Hall of Justice who had to use a service elevator to climb up out of the elevator. That is Bruce Willis in *Die Hard* style. What would have happened if that young man would have fallen, hurt himself, or, worse, die? What would have happened to that young woman, nine months pregnant in the elevator? This is outrageous.

Then this man says that they did everything they could while he was smiling. I don’t know if I have ever seen a more clear sign of *schadenfreude*—pleasure at someone else’s pain. I don’t know if I have ever seen a more sadistic or sinister response to treating the citizens any kind of way. We are better than that; we deserve better than that; and the fact that this Governor’s viceroy to the Governor who is the emperor, but the fact that this man feels that he can do this with impunity and immunity is wrong. It is a clear example of why we have checks and balances in Government. It is a clear example of why we have elected leadership, and it is a clear example of why the emergency manager law is wrong and must be repealed.

I am disgusted and I am outraged at the fact that this man thought he could do this to individuals in City Hall. Never mind that the day before we had someone escape from the Frank Murphy Hall of Justice. He was caught, but anyway, he escaped. It is outrageous, it is wrong to treat people like that. He put people’s lives at risk unnecessarily. Not only that, he made the city of Detroit riot. I don’t know what Kevyn Orr is doing. I don’t know if he is incompetent or indifferent. Whatever it is, you need to go up there and talk to him, Mr. President, because they are all acting real brand-new. It is wrong. Someone could have lost their life.

We have to repeal the emergency manager law, Mr. President, because this stuff cannot happen. Now you know as well as I know, if this would have happened in the private sector, Gary Brown would have been chewed up and spit out. You know I am right about that. This is about as wrong as two left shoes. That man is drunk with power, and he needs to go and Kevyn Orr needs to go as well.

Senator Colbeck’s statement is as follows:

Today is September 17; that’s Constitution Day. Two hundred and twenty-six years ago, on September 17, 1787, 39 delegates of the United States Constitutional Convention in Philadelphia signed the United States Constitution. This governing document would later be officially ratified by We the People on September 13, 1788. Governance of our nation under this Constitution officially began on March 4, 1789.

As a Michigan State Senator, I swore the following oath prior to taking office: “I do solemnly swear that I will support the Constitution of the United States and the Constitution of this state, and that I will faithfully discharge the duties of the office of State Senator according to the best of my ability.”

We live in a truly exceptional nation, but our nation is not exceptional because elected officials discharge the duties of their office to the best of their abilities. Our nation is not exceptional because of any of our works or deeds or words or any of those of our fellow citizens. Our nation is exceptional because of the principles upon which we’re founded. Our nation is exceptional because these principles were the exception, not the rule. They still are exceptional.

One of the key principles that is often neglected by elected officials today is that our government officials have been granted limited powers by We the People. These limited powers are defined in our Constitution. We the People have granted the federal legislature limited powers as enumerated in Article I, Section 8. We the People have granted the executive branch limited powers as enumerated in Article II, Section 2. We the People have granted the judicial branch limited powers as enumerated in Article III, Section 2. Just in case our government officials were not paying attention to the idea that we the people provided them with limited powers in Articles I through III, our Founding Fathers also adopted the 10th Amendment found in the Bill of Rights, which reads, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

While the U.S. Constitution can be thought of as a guidebook on how we run our country, it is the Declaration of Independence that provides us with the answers to the important question: Why? I ask that you reflect upon the following words in the Declaration of Independence for insights as to why our nation was founded: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.”

Prior to our Declaration of Independence, the establishment of rights and the power to enforce these rights was the dominion of kings, dictators, czars, and elite members of the ruling class. We the People in all of the other nations around the world were told by the ruling class what rights they could or could not have. Our nation, however, was founded on the principle that we are all created equal. This principle was and continues to be truly exceptional.

It is, therefore, in keeping with our remembrance of the 226th anniversary of the signing of the United States Constitution that, with firm reliance on Divine Providence, I pledge my life, my fortune, and my sacred honor to ensure that we honor our founding principles and the sacrifices of those before us to which we are in debt for living in such an exceptional nation.

Senator Hood’s statement is as follows:

Last week, it was brought before the body the passing of one of our state troopers. Unfortunately, I come before you today to tell you about the passing of another one of our law enforcement officers in the city of Detroit. Officer Rodney Jones was a 29-year veteran of the Detroit Police Department and was also my cousin. He was always there for me. He was there when I met and started to date my wife, and I just wanted to stand before you today and say thank you and give condolences to his wife Mone and their children.

He was up in Flint, and he was a traffic enforcement officer in the city of Detroit. They ride their Harley’s to perform that duty and have their little training seminars where everyone from across the state comes together to do their tricks and get judged. Once again, up in Flint at Bikes on the Bricks, he had a cardiac arrest while there and passed away at the event.

I just want to stand before you and recognize his commitment and dedication not only to the citizens of the city of Detroit, but also the citizens of the state of Michigan and this great country that we live in. It goes back to my point last week talking about police officers and our families. Everyone in ear’s reach of my voice, please take care of each other, go see the doctor, and enjoy your family every day.

I would like to recognize him as not only a police officer, but also my cousin. May he rest in peace.

A moment of silence was observed in memory of Detroit Police Officer Rodney Jones.

Senator Casperson’s statement is as follows:

I rise today to talk a little bit about some past activities. I would like to educate folks on what has been happening in my district. We are not getting a lot of attention on it, and I think it needs to be shared with all of you.

Recently, we had several incidents in the last three weeks over in the Rudyard area. We had some individuals who came from southern Michigan and Ohio to visit the Upper Peninsula and bring their beagles to go hunting. They released their animals out into the woods and in the Rudyard area, and in about ten minutes lost five of their beagles to a pack of vicious wolves. Four of them were not found immediately; two since have been found, and two have never been found. I would like folks to know that the wolf issue has not gone away, and for those downstate or outside of this problem who believe that the wolves are managed and everything is working just fine, that is simply not true.

A week to two weeks later after that incident, we shift gears and go to the west end of the U.P. A farmer reported that he had just lost two of his livestock, and it was confirmed by the Department of Natural Resources that they were wolf kills. That really isn’t the story, though, because a night later, that same individual was awakened at 3 a.m. by a pack of wolves running in his fields after his livestock. So he did as those in the anti-camp suggest we have the right to shoot the wolves when attacking our livestock. He was out of bed, in his pickup, and away he went. As he drove into the field, sure enough, they were after his livestock, and by the time he arrived, he did take one shot and missed the wolf. So what he did was stay up all night and circled his property to protect his livestock.

That individual is a hardworking, middle-class American just trying to etch out a living, and because of policies driven by people outside of this state, they suggest that somehow he should accept this and put up with this. I would suggest that they are wrong. By them telling citizens of the state of Michigan half-truths about how fuzzy and warm this thing is, they are putting people in danger, people’s livelihood in danger, and it is time we stand up for the middle class and tell them we will be there to protect them.

I hope that the citizens of Michigan read into this and don’t just listen to the 30-second sound bite they are getting from the National Humane Society that would suggest that it is really under control and that the people in the U.P. just want to annihilate wolves. This has real effects on people’s lives and livelihoods. When we start putting wolves ahead of a person’s ability to raise and take care of animals for the purpose of a business to take care of his family, we have problems.

The last speaker talked about unalienable rights, and when you look at that part of it, those rights were given to us as human beings. When we start treating animals equally to human beings in what their needs are, we have real problems. That is what has been happening here.

I want to just suggest something. We had a farm in question in the U.P. highlighted over all of this, and the antis keep focusing on that one. This farm that did the calling, totally different farm, I asked the individual how many animals he had lost. In the last three years minimum, they have lost 50 animals on their farm. He said that number is more like 70, but he said when they pull a calf out, we don't find the carcass and can't identify it.

In three years, that is what they are dealing with. This is out of control. Senate Bill No. 354 was passed last week, ladies and gentlemen, and it was to assist our local humane societies that are doing a great job helping our animals to be humane and put animals down in a humane way. I and everyone else in this chamber supported it. So did the National Humane Society, yet they are out there proposing that we leave these wolves alone. By the way, over 60 domestic animals have been taken in my district by wolves. When they take them, they put them down by viciously tearing them to shreds while they are still living.

So I find it a little ironic that we need to support putting animals down in a humane way, yet we support this kind of stuff. This must stop, and I will keep talking about it until the rest of the Michiganders understand what my district is dealing with.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, and Education submitted the following:

Joint meeting held on Thursday, September 12, 2013, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Walker (C), Caswell, Pappageorge and Hopgood

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:

Joint meeting held on Thursday, September 12, 2013, at 2:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Colbeck (C) and Gregory

Excused: Senator Pappageorge

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Friday, September 13, 2013, at 10:00 a.m., St. Luke's New Life Center, 3115 Lawndale Avenue, Flint

Present: Senators Kowall (C), Smith and Ananich

Excused: Senators Hildenbrand, Nofs, Emmons and Hansen

Scheduled Meetings

Appropriations - Wednesday, September 18, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Subcommittees -

Corrections Department, House Criminal Justice Committee and House Judiciary Committee - Thursday, September 26, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

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)

Banking and Financial Institutions - Thursday, September 19, 1:30 p.m., Room 100, Farnum Building (373-5312)

Economic Development - Wednesday, September 18, 1:30 p.m., Room 110, Farnum Building (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 11:09 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, September 18, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate