

**No. 41**  
**STATE OF MICHIGAN**  
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**REGULAR SESSION OF 2014**

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Senate Chamber, Lansing, Wednesday, May 7, 2014.

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—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—excused  
Moolenaar—present  
Nofs—present

Pappageorge—present  
Pavlov—present  
Proos—present  
Richardville—present  
Robertson—present  
Rocca—present  
Schuitmaker—present  
Smith—excused  
Walker—present  
Warren—present  
Whitmer—present  
Young—present

Pastor Andrew Hill of Greater Faith for Deliverance Church of Detroit offered the following invocation:

Dear heavenly Father, thank You for today. Thank You for our great nation. Thank You for our great state, and thank You for every person at the sound of my voice. Bless our President and bless our Governor as they lead this nation and this state.

Father, we thank You for every State Senator, every Representative, every worker, aide, administrator, and all law enforcement. As a proud veteran of the armed services, myself, I pray that God protect our troops and all the men and women across the world. Let us be the light of wisdom as we make decisions on issues. Let us continue to show compassion to the poor.

God, You have made us a great nation. We accept the higher calling of dignity, integrity, fairness, and equal justice for this state and around the world. Be there in every major and minor bill, agreement, assignment, and all legislation. Michigan is in our hands.

In Your Son's name, I 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 Johnson entered the Senate Chamber.

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

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

Senator Pavlov moved that Senator Green be temporarily excused from today's session. The motion prevailed.

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 6:  
**House Bill Nos. 4923 5400 5401 5402 5447**

### Messages from the House

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

**House Bill No. 4369**

The motion prevailed.

Senator Green entered the Senate Chamber.

#### **Senate Bill No. 562, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 87b (MCL 211.87b), as amended by 2002 PA 198.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money

by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts," by amending section 87b (MCL 211.87b), as amended by 2014 PA 33.

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

**Senate Bill No. 628, entitled**

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending section 2 (MCL 780.752), as amended by 2009 PA 28.

The House of Representatives has amended the bill as follows:

1. Amend page 4, following line 25, by inserting:

"Enacting section 1. This amendatory act takes effect July 1, 2014."

The House of Representatives has passed the bill as amended, 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.

**Senate Bill No. 671, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," (MCL 338.2201 to 338.2277) by adding section 4.

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.

**Senate Bill No. 672, entitled**

A bill to amend 1968 PA 330, entitled "Private security business and security alarm act," by amending sections 6 and 9 (MCL 338.1056 and 338.1059), section 6 as amended by 2012 PA 419 and section 9 as amended by 2010 PA 68.

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.

By unanimous consent the Senate proceeded to the order of

**General Orders**

Senator Pavlov 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 without amendment, the following bill:

**Senate Bill No. 904, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13n of chapter XVII (MCL 777.13n), as amended by 2012 PA 513.

The bill was placed on the order of Third Reading of Bills.

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

**Senate Bill No. 788, entitled**

A bill to codify the liability of possessors of land for injuries to trespassers.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 704, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16233, 16241, 17702, 17706, 17707, 17709, 17742, and 17748 (MCL 333.16233, 333.16241, 333.17702, 333.17706, 333.17707, 333.17709, 333.17742, and 333.17748), section 16233 as amended by 2010 PA 382, section 16241 as amended by 1993 PA 87, section 17702 as amended by 2012 PA 209, section 17706 as amended by 1986 PA 304, section 17707 as amended by 1990 PA 333, section 17709 as amended by 2006 PA 672, section 17742 as added by 1987 PA 250, and section 17748 as amended by 1988 PA 462, and by adding sections 17748a, 17748b, 17748c, and 17748d.

Substitute (S-3).

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.

Senator Ananich entered the Senate Chamber.

Senator Pavlov moved that rule 3.902 be suspended to allow the guests of Senator Hansen admittance to the Senate floor. The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the Senate proceeded to the order of

### Statements

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

The motion prevailed.

Senator Hansen's statement is as follows:

Each year, the National Asparagus Festival hosts a pageant in Hart, Michigan, and crowns the only Asparagus Queen in the country. The Asparagus Queen travels the state of Michigan promoting the asparagus industry for Oceana County and encouraging Michiganders to support our local agriculture industry.

Today, I wish I would have brought one in with me, but these folks are going to be bringing to your offices some asparagus products. The bad news is it's not up yet. The good news is that we have some products that are going to be coming to your offices so you can enjoy some Michigan asparagus products.

Please join me in welcoming to the Capitol the 2013 Asparagus Queen, Amanda Dodge—she's the one with the crown on—and Christine Rickard, secretary of the National Asparagus Festival.

Senator Caswell's statement is as follows:

I want to bring this issue to the attention of the Senate, and if you have the ability or the desire to contact your Congressman or your U.S. Senators over this issue, it might be worthwhile. We have in the DHS budget for next year a line item that amounts to, depending on the budget, somewhere between \$1 million and \$2 million in General Fund money to cover the Internal Revenue Service's mistakes.

I will explain it to you: Child support programs in Michigan and around the country have to report past-due child support to the IRS for assistance in collections through federal tax refund offsets. So the IRS claims the money and then refunds to the state past-due child support. Unfortunately, because of poor procedures on the part of the IRS, a lot of fraudulent returns are being filed, and the money is being issued. When this happens and that child support has been fraudulently taken, the federal government is holding the state of Michigan responsible for making up that loss. As I said, it amounts to \$1 million to \$2 million that we are going to have to come up with next year and every year thereafter.

Even though Michigan has no role in approving the federal income tax refunds, the government, through the IRS, is trying to hold us responsible for paying for it. The question really becomes: Who should bear the financial loss when fraud occurs? Because the fraud was committed against the federal government, it is my suggestion that they be the ones responsible for paying for their mistake.

I also want the members to know that since this has come to the attention of DHS here in Michigan, the Office of Child Support has authorized states to delay distribution of all potentially fraudulent offsets until an IRS investigation is completed. We have withheld \$7.6 million while we wait for the federal government, through the IRS, to actually determine whether or not what they have done is correct. Now the IRS has improved their controls somewhat, but Michigan is still incurring substantial losses. So as this goes forward, these debts are only going to grow, and unless the federal government changes its policies in the IRS, we are going to continue to have an increasing amount of money that we are going to have to pay for their mistakes.

If you would like more information on this, I would be glad to give you a copy of the letter we have sent to the feds. I also think it would be helpful, if you know your Congressman or U.S. Senator well, to mention to them since they made the mistake, they should stand the cost, not us.

By unanimous consent the Senate returned to the order of  
**Introduction and Referral of Bills**

Senators Bieda and Kowall introduced

**Senate Bill No. 929, entitled**

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 705a (MCL 450.4705a), as amended by 2002 PA 686.

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

Senators Warren, Johnson, Ananich and Hune introduced

**Senate Bill No. 930, entitled**

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending section 205 (MCL 125.3205), as amended by 2012 PA 389.

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

Senators Jones, Hansen, Nofs and Proos introduced

**Senate Bill No. 931, entitled**

A bill to amend 1966 PA 189, entitled "An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts," by amending sections 1, 3, and 5 (MCL 780.651, 780.653, and 780.655), section 1 as amended by 2009 PA 11, section 3 as amended by 1988 PA 80, and section 5 as amended by 2002 PA 112.

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

Senators Jones, Hansen, Nofs and Proos introduced

**Senate Bill No. 932, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8511, 8512, 8512a, and 8513 (MCL 600.8511, 600.8512, 600.8512a, and 600.8513), sections 8511 and 8513 as amended by 2008 PA 95, section 8512 as amended by 1995 PA 54, and section 8512a as added by 1984 PA 278.

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

**House Bill No. 4923, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1062.

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 Transportation.

**House Bill No. 5400, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8504, 8505, 8513, 11502, 11503, 11504, 11505, 11506, 11542, 20101, 20114e, and 20115 (MCL 324.8504, 324.8505, 324.8513, 324.11502, 324.11503, 324.11504, 324.11505, 324.11506, 324.11542, 324.20101, 324.20114e, and 324.20115), sections 8504 and 11542 as amended by 2004 PA 325, section 8505 as amended by 2006 PA 503, section 8513 as added by 1995 PA 60, section 11502 as amended by 2007 PA 212, sections 11503, 11505, and 11506 as amended by 2014 PA 24, section 11504 as amended by 2013 PA 250, section 20101 as amended by 2013 PA 141, section 20114e as amended by 2012 PA 446, and section 20115 as amended by 1995 PA 117, and by adding sections 3112e, 11551, 11551a, 11552, 11553, and 11554.

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 Natural Resources, Environment and Great Lakes.

**House Bill No. 5401, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20126 (MCL 324.20126), as amended by 2012 PA 446.

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 Natural Resources, Environment and Great Lakes.

**House Bill No. 5402, entitled**

A bill to amend 1955 PA 162, entitled "An act to provide for the licensing and inspection of agricultural liming material and to regulate the sale thereof; and to prescribe penalties for the violations of the provisions of this act," by amending section 2 (MCL 290.532).

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 Natural Resources, Environment and Great Lakes.

**House Bill No. 5447, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 81.

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 Transportation.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Pavlov moved that when the Senate adjourns today, it stand adjourned until Thursday, May 8, at 12:00 noon. The motion prevailed.

**Committee Reports**

The Committee on Finance reported

**Senate Bill No. 645, entitled**

A bill to amend 2010 PA 347, entitled "Girl scouts of Michigan fund act," by amending the title and sections 1, 2, 3, and 4 (MCL 206.921, 206.922, 206.923, and 206.924).

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Jack M. Brandenburg  
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**Senate Bill No. 646, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2013 PA 92.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Jack M. Brandenburg  
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**Senate Bill No. 831, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2013 PA 140.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Jack M. Brandenburg  
Chairperson

## To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Finance reported

**House Bill No. 4135, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2014 PA 40.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Jack M. Brandenburg  
Chairperson

## To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Bieda and Warren

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, April 30, 2014, at 12:30 p.m., Room 210, Farnum Building

Present: Senators Brandenburg (C), Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

**Scheduled Meetings**

**Administrative Rules** - Wednesday, May 14, 3:30 p.m. or later after committees are given leave to meet, Rooms 402 and 403, Capitol Building (373-5773)

**Agriculture** - Thursday, May 15, 8:30 a.m., Room 110, Farnum Building (373-5323)

**Appropriations** - Thursday, May 8, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

**Subcommittee -**

**State Police and Military Affairs** - Tuesday, May 13, 3:00 p.m., Room 405, Capitol Building (373-2768)

**Banking and Financial Institutions** - Thursday, May 8, 10:30 a.m., Room 100, Farnum Building (373-5314)

**Families, Seniors and Human Services** - Thursday, May 8, 10:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5323)

**Health Policy** - Thursday, May 8, 9:30 a.m., Room 110, Farnum Building (373-5323)

**Michigan Law Revision Commission** - Tuesday, May 13, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0212)

**Natural Resources, Environment and Great Lakes** - Thursday, May 8, 9:00 a.m., Room 210, Farnum Building (373-5314)

**Reforms, Restructuring and Reinventing** - Wednesday, May 14, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-5307)

**Regulatory Reform** - Thursday, May 8, 10:30 a.m., Room 210, Farnum Building (373-5307)

Senator Pavlov moved that the Senate adjourn.

The motion prevailed, the time being 10:29 a.m.

In pursuance of the order previously made, the President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, May 8, 2014, at 12:00 noon.

CAROL MOREY VIVENTI  
Secretary of the Senate