

No. 54
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2014

Senate Chamber, Lansing, Thursday, June 5, 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—present
Jansen—present
Johnson—excused
Jones—present
Kahn—present
Kowall—present
Marleau—present
Meekhof—present
Moolenaar—present
Nofs—present

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

Senator Vincent Gregory of the 14th District offered the following invocation:

O God, from whom all power comes, by whose divine will all must abide, we thank You for our civil liberties and freedom, for our opportunities and our privileges. We beg of You to bless, assist, and enlighten the Senators from our state. May we prove worthy of the confidence placed in us by our fellow citizens. May we be just and upright in our thinking, honest in all our actions, and ever be guided by a true conscience in the legislation we propose or vote upon.

Forgive us of all our mistakes, remove our selfish tendencies, and prepare us with good deeds and kind words when dealing with our colleagues. Let us replace the word “partisanship” with “partnership” in our goal to build a better Michigan for the families we represent. Guide us, O Lord, so that all decisions that we make will be pleasing in Your sight. Let us be ever mindful that You alone are all-knowing and all-powerful.

Let us humble ourselves in prayer. We ask these and all 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

Senator Hopgood moved that Senator Hunter be temporarily excused from today’s session.
The motion prevailed.

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

Senator Pavlov moved that Senators Green, Meekhof, Kahn, Booher, Brandenburg and Pappageorge be temporarily excused from today’s session.
The motion prevailed.

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

June 4, 2014

Enclosed is the Oath of Office, dated June 4, 2014, relative to the appointment of the Auditor General Doug Ringler.
Please read it into the record.

Thank you for your consideration.

Sincerely,
Jill A. Bierstetel
Senior Executive Management Assistant

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, June 4:
House Bill Nos. 5270 5271 5272 5438

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, June 4, for his approval the following bills:

Enrolled Senate Bill No. 59 at 11:25 a.m.
Enrolled Senate Bill No. 446 at 11:27 a.m.
Enrolled Senate Bill No. 656 at 11:29 a.m.
Enrolled Senate Bill No. 680 at 11:31 a.m.
Enrolled Senate Bill No. 714 at 11:33 a.m.
Enrolled Senate Bill No. 741 at 11:35 a.m.
Enrolled Senate Bill No. 742 at 11:37 a.m.
Enrolled Senate Bill No. 759 at 11:39 a.m.
Enrolled Senate Bill No. 913 at 11:41 a.m.
Enrolled Senate Bill No. 893 at 11:43 a.m.
Enrolled Senate Bill No. 418 at 11:45 a.m.
Enrolled Senate Bill No. 472 at 11:47 a.m.
Enrolled Senate Bill No. 494 at 11:49 a.m.
Enrolled Senate Bill No. 607 at 11:51 a.m.

Enrolled Senate Bill No. 476 at 11:53 a.m.
Enrolled Senate Bill No. 477 at 11:55 a.m.
Enrolled Senate Bill No. 648 at 12:26 p.m.
Enrolled Senate Bill No. 649 at 12:28 p.m.
Enrolled Senate Bill No. 114 at 12:30 p.m.
Enrolled Senate Bill No. 409 at 12:32 p.m.

The Secretary announced that the following bill was printed and filed on Wednesday, June 4, and is available at the Michigan Legislature website:

House Bill No. 5615

Senator Pavlov moved that rule 2.106 be suspended to allow committees to meet during Senate session. The motion prevailed, a majority of the members serving voting therefor.

Senator Pavlov moved that rule 3.902 be suspended to allow the guests of Senator Richardville admittance to the Senate floor.

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

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

The motion prevailed.

Senator Richardville's statement is as follows:

Here with me on the floor today are the winners of the Monroe Rotary Club Service Above Self Award: Caitlynn Jones and Jeremy Hofler and Craig Ford from the Monroe County Fair Association; accompanied by Monroe Rotary Club members, Terry Beamsley and her husband Jeff; and Renee Mullendore and her husband Randy.

Caitlynn is the winner in the Individual Youth category. She has volunteered at the Monroe County Library System for the past five years, working with children and helping the library with projects and other tasks as needed. Her involvement in the former NJROTC program at Jefferson Schools has afforded her multiple opportunities, over the last three years, to volunteer while she was in the program, including the annual River Raisin Battle reenactment.

Jeremy Hofler, the board secretary, and Craig Ford, the board treasurer, are representing the Monroe County Fair Association. The Monroe County Fair Association has a 36-member board that donates over 90,000 hours of their time every year to provide outstanding educational services in addition to all the other events and services that the fair provides. Each year, the fair sees about 180,000 or more people over the one-week period of time.

Would the members, staff, and guests in the Gallery please join me in welcoming and congratulating the winners of the Monroe Rotary Club Service Above Self Award.

Senators Schuitmaker, Kahn and Green entered the Senate Chamber.

Messages from the House

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

House Bill No. 4369

Senate Bill No. 479

The motion prevailed.

The House of Representatives respectfully requests the return of the following:

House Bill No. 4958, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 43 (MCL 421.43), as amended by 2004 PA 243.

Senator Pavlov moved that the request of the House of Representatives be granted.

The motion prevailed.

Recess

Senator Pavlov moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:12 a.m.

11:02 a.m.

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

During the recess, Senators Booher, Brandenburg, Pappageorge, Meekhof and Hunter 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 Hansen 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 bills:

House Bill No. 5332, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," (MCL 330.1001 to 330.2106) by adding section 274a.

Senate Bill No. 906, entitled

A bill to amend 1967 PA 150, entitled "Michigan military act," by amending section 411 (MCL 32.811), as amended by 2000 PA 472.

The bills were 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. 105, entitled

A bill to amend 1990 PA 250, entitled "DNA identification profiling system act," by amending the title and sections 2, 3, 3a, and 6 (MCL 28.172, 28.173, 28.173a, and 28.176), the title and section 3 as amended by 1998 PA 522, sections 2 and 6 as amended by 2008 PA 535, and section 3a as amended by 2008 PA 533.

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.

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

Senate Bill No. 106, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 18k of chapter XIII (MCL 712A.18k), as amended by 2003 PA 77.

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.

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

Senate Bill No. 107, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520m (MCL 750.520m), as amended by 2008 PA 380.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4896, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2007 PA 20.

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:
House Bill No. 5131, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 5 (MCL 125.2655), as amended by 2000 PA 145.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5132, entitled

A bill to amend 1974 PA 338, entitled "Economic development corporations act," by amending section 4 (MCL 125.1604), as amended by 1987 PA 67.

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.

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

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 205, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 448 and 451 (MCL 750.448 and 750.451), section 448 as amended by 2002 PA 45 and section 451 as amended by 2002 PA 44.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 206, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16w of chapter XVII (MCL 777.16w), as amended by 2010 PA 361.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 589, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19b of chapter XIII A (MCL 712A.19b), as amended by 2012 PA 386.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 602, 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.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 879, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 13524. 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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4895, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 535 (MCL 750.535), as amended by 2006 PA 374.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Meekhof moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

Senate Bill No. 205

Senate Bill No. 206

Senate Bill No. 589

Senate Bill No. 602

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

The following bill was read a third time:

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 question being on the passage of the bill,

Senator Warren offered the following amendment:

1. Amend page 2, following line 13, by inserting:

"(D) A CONTRACTOR WHO USES A BENEFICIAL USE BY-PRODUCT WITHOUT THE PRIOR WRITTEN CONSENT OF THE PROPERTY OWNER." and relettering the remaining subdivisions.

The amendment was not adopted, a majority of the 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. 384

Yeas—16

Ananich
 Anderson
 Bieda
 Gregory

Hansen
 Hood
 Hopgood
 Hunter

Jones
 Nofs
 Rocca
 Schuitmaker

Smith
 Warren
 Whitmer
 Young

Nays—21

Booher	Green	Kowall	Pavlov
Brandenburg	Hildenbrand	Marleau	Proos
Casperson	Hune	Meekhof	Richardville
Caswell	Jansen	Moolenaar	Robertson
Colbeck	Kahn	Pappageorge	Walker
Emmons			

Excused—1

Johnson

Not Voting—0

In The Chair: President

Senator Warren offered the following amendment:

1. Amend page 2, following line 13, by inserting:

“(D) A PROPERTY OWNER WHO FAILS TO GIVE NOTICE REQUIRED IN SECTION 11551(10) TO A TRANSFEREE OF PROPERTY CONTINUES TO BE LIABLE FOR THE RELEASE OR THREAT OF RELEASE OF THE BENEFICIAL USE BY-PRODUCT.” and relettering the remaining subdivisions.

The amendment was not adopted, a majority of the 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. 385**Yeas—14**

Ananich	Hood	Rocca	Warren
Anderson	Hopgood	Schuitmaker	Whitmer
Bieda	Hunter	Smith	Young
Gregory	Jones		

Nays—23

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

Excused—1

Johnson

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. 386**Yeas—25**

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

Nays—12

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

Excused—1

Johnson

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

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

The Senate agreed to the full title.

Senator Warren asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Warren’s first statement is as follows:

The package of bills that is in front of us currently has to do with the reuse of by-products and how we are going to regulate them. Under beneficial use No. 2, certain industrial by-products may be used for nonresidential construction fill and roadbeds. Once these materials are used, the property must remain nonresidential property, limiting its future uses

and potentially its future value. This is important. These are products that have already been contaminated in some way that we want to reuse, but we need to make sure that we are being very careful about consumer protection as we move forward, so that we do limit the use of these products and limit the future use of the property.

Under the legislation, if an owner has knowledge, they must inform future potential buyers of the property that industrial by-products on the property have been used. The bill also requires that the contractor give notice to a landowner if industrial by-products are used. However, the bill does not require that a landowner give prior approval to the contractor to use industrial by-products.

My amendment would just make that middle step to require prior approval by the property owner. This is very important. We are limiting the value. We are placing a potential limit on future value of a property, which is technically a taking. Nobody should be legally allowed to diminish the value of someone else’s private property without their approval. The diminishment of the value of private property, I believe, would be a taking of private property unless permission is required. The notice provisions will be very difficult to enforce unless there is written documentation of the permission being granted by the owner. After the fact, notification by the contractor does not give the property owners the right to choose whether or not these materials are used.

I encourage my colleagues to support this amendment.

Senator Warren’s second statement is as follows:

This amendment would specifically exclude fly ash from beneficial use No. 2, which I just described, and we all remember is construction fill and roadbed use. New rules at the state and federal level require power coal plants to remove 90 percent of the mercury from smoke stack emissions starting in 2015. That mercury that will no longer be going into the air will be captured in the fly ash. Mercury is a neurotoxin that bioaccumulates in our environment.

Michigan currently restricts the consumption of fish in all inland lakes due to excessive levels of mercury. One out of every six women in Michigan already has elevated mercury levels in their blood that could impact their future offspring. This legislation would take the mercury that we are capturing from our power plants and allow it to be used in roadbeds and under parking lots. These roads and parking lots will eventually crumble. Some will be rebuilt; others will be left for future generations to figure out how to repurpose. The placement of industrial by-products at those sites will make their redevelopment more challenging and will be a burden on our local units of government.

Under this bill, no one is liable for the cleanup. If you pass my amendment, we will keep that fly ash from being repurposed in that way, and we won’t have to worry about liability. We won’t have to worry about what happens when it gets in the environment. We’re protecting our mothers and future children. I encourage my colleagues to support this amendment.

The following bill was read a third time:

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 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. 387

Yeas—26

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

Nays—11

Ananich	Gregory	Hunter	Whitmer
Anderson	Hood	Smith	Young
Bieda	Hopgood	Warren	

Excused—1

Johnson

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

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

Senate Bill No. 6**Senate Bill No. 149****Senate Bill No. 205****Senate Bill No. 206****Senate Bill No. 589****Senate Bill No. 602**

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 6, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 2012 PA 226.

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. 388**Yeas—37**

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

Nays—0**Excused—1**

Johnson

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. 149, entitled

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending section 10 (MCL 247.660), as amended by 2007 PA 210.

The question being on the passage of the bill,

Senator Richardville offered the following substitute:

Substitute (S-2).

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

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 389**Yeas—36**

Ananich	Green	Jones	Proos
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	Hunter	Pappageorge	Warren
Emmons	Jansen	Pavlov	Whitmer

Nays—1

Young

Excused—1

Johnson

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. 205, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 449a, 450, and 451 (MCL 750.449a, 750.450, and 750.451), section 450 as amended by 2002 PA 46 and section 451 as amended by 2002 PA 44.

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. 390**Yeas—37**

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

Nays—0**Excused—1**

Johnson

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. 206, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16w of chapter XVII (MCL 777.16w), as amended by 2010 PA 361.

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. 391**Yeas—37**

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

Nays—0**Excused—1**

Johnson

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. 589, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19b of chapter XIIA (MCL 712A.19b), as amended by 2012 PA 386.

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. 392**Yeas—37**

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

Nays—0

Excused—1

Johnson

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. 602, 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 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. 393**Yeas—37**

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

Nays—0**Excused—1**

Johnson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Meekhof moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

Senate Bill No. 831

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

The following bill was read a third time:

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 2014 PA 40.

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. 394

Yeas—37

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

Nays—0

Excused—1

Johnson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Hansen, Colbeck, Proos, Marleau, Booher and Green introduced

Senate Bill No. 971, entitled

A bill to amend 1963 PA 17, entitled “An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health,” by amending sections 1 and 2 (MCL 691.1501 and 691.1502), as amended by 2002 PA 543.

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

House Bill No. 5270, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” (MCL 722.621 to 722.638) by adding section 8f.

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 Judiciary.

House Bill No. 5271, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2163a (MCL 600.2163a), as amended by 2012 PA 170.

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 Judiciary.

House Bill No. 5272, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 17b of chapter XIII (MCL 712A.17b), as amended by 2002 PA 625.

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 Judiciary.

House Bill No. 5438, entitled

A bill to amend 2006 PA 384, entitled “Driver education provider and instructor act,” by amending section 37 (MCL 256.657).

The House of Representatives has passed the bill.

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

Statements

Senators Bieda, Whitmer, Jones, Proos, Caswell and Anderson asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Bieda’s statement is as follows:

I just wanted to take a moment to acknowledge a very important date in our nation’s history. Tomorrow, June 6, marks the 70th anniversary of what is commonly referred to as D-Day. This is a historic day in our nation’s history, as the Normandy landings occurred on June 6, 1944. Images of paratroopers dropping down onto the beach and the naval invasion are some of the most iconic images of American troops in World War II. The invasion on D-Day was the largest amphibious invasion in history.

These landings included over 2,300 landing crafts, containing over 156,000 Allied soldiers. Supporting forces included over 1,900 Allied bombers, 7 battleships, 18 cruisers, and 43 destroyers. Allied troops were met immediately on the beaches by German troops. On June 6 alone, there were over 10,000 Allied casualties, including nearly 2,500 deaths. Despite these casualties, the Allied troops pushed forward and by the end of June seized control of several vital ports, where nearly 1 million troops landed and began their march across France.

This 70th anniversary is an opportunity for us to take the time to acknowledge the brave Americans—and hopefully the respect of this chamber—who gave their lives during this historic invasion and to appreciate the sacrifices these men made for their country. I ask this body to take a moment of silence to honor these brave individuals and to honor all those who have died in the service of our country.

A moment of silence was observed in honor of the 70th anniversary of D-Day and all those who have died in the service of our country.

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

Senator Whitmer’s statement is as follows:

I would like to draw members and people who are observing the Senate today your attention to a couple of votes that were taken today: Senate Bill No. 6 and Senate Bill No. 149. Both of these bills are part of a transportation package that has been bandied about as of late. I look at these votes as evidence that show Democrats’ genuine interest in finding a fix for our roads. What didn’t pass today, however, is the overarching solution as to how to pay for it.

There appears to be only two solutions that are being talked about here in the Senate, all on one side of the aisle: a 40 cent gas tax increase or a one cent sales tax increase. Both are regressive, both devastating after three years of Republican tax shifts from corporations to people. Our framework all along has consistently been that we want a full fix. No one wants to revisit the issue of roads anytime in the near future. We owe it to our people to make the right investments in transportation and infrastructure. We want the right policy, which means we need to be at the table to make sure that this is good public policy, and we need relief for taxpayers. I don’t think those are too much to ask.

I am telling you, though, we won’t get to a bipartisan solution through further threats to workers. We get there by rolling up our sleeves, working through it, and finding a solution. To the extent anyone here in Lansing wants to do that, I am certainly game, and I invite you to the table.

Senator Jones' statement is as follows:

I would ask the Senators and all the staff, as you reflect this weekend while enjoying your barbeques and wonderful Pure Michigan outdoors, we still have men and women serving overseas in harm's way. Someone whom we got to know very well, my chief of staff, Cana Garrison, who left to be a government relations person for the funeral directors, was given one week's notice and today is in Afghanistan. I would ask that you keep her in your prayers and thoughts, and remember this weekend as we enjoy beautiful Michigan that we still have men and women serving overseas.

Senator Proos' statement is as follows:

The Senator from the 9th District asked us all to take a quick moment to remember D-Day 70 years ago and to remember the unbelievable sacrifice of the men and women. Really, it's many of the young folks who help to protect the freedoms that we enjoy today.

I'm very proud to say that Michigan was represented by the only Michigan marching band from Lakeshore Public Schools in Stevensville, with their entire marching band being at the Normandy remembrances. What is unique about what they did is that on their lapels they carried the flag for each and every one of the men and women from Michigan who perished in that D-Day experience. They also carried with them, for each of the graves of the 700 soldiers and sailors who perished in that conflict, vials of sand from Lake Michigan; vials of sand that were placed on each of those graves of those who fought to give us the freedoms that we enjoy today.

Director Lori VonKoenig and the Lakeshore marching band are to be commended. The community who helped support the costs, Madam President, to send them overseas to represent our great state should also be commended for having sacrificed for the same freedoms that we enjoy today.

Senator Caswell's statement is as follows:

I, too, would like to briefly speak about the gas tax issue. Having held 100 meetings in my district over the last two years, I can tell you that raising the gas tax will hurt the poor in this state tremendously. They drive the older cars, which get the worst gas mileage, therefore, they are going to have to pay a lot more. There is one thing that I have heard repeatedly from my citizens in the 16th District: "Don't make it more expensive for me to get to work. I can barely afford it now."

In terms of the one cent sales tax, which is being talked about, my working poor put almost all of their money into food, rent, heat, and electricity. They have very little left to go out and buy things that they would pay the one cent tax on. Many of them have repeatedly told me: "That would be a much better solution, because I don't have that much money to buy things as it is."

In the border counties, if we raise the sales of the gas tax 25 cents to 30 cents, we're going to see gas stations close, and all those single moms who work there are going to be out of work with nowhere else to turn. As we discuss this issue, I want everyone to understand very clearly what I have heard from my people. The gas tax will hurt the working poor of this state the most. There is an alternative. My people made it very clear to me—the working poor—it's the alternative that they want.

Senator Anderson's statement is as follows:

I would like to ask members to take just a moment to reflect also on something that happened on this date in 1968. On June 5, 1968, there was a tragedy and an event that actually altered the course of history in our country. I will leave you with a quote, as my colleague likes to say, but first, today is the anniversary on the assassination of Robert F. Kennedy, and tomorrow would be the date that he passed away. It was in the wee hours of the morning of this date when he was shot tragically in the Ambassador Hotel in Los Angeles, California, as he was running for President. He would have almost certainly become President.

His quote: "Few will have the greatness to bend history itself, but each of us can work to change a small portion of events. It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance."

That was a quote by Robert F. Kennedy. I think he led a great number of citizens of this country into public service, and I am one of them.

Committee Reports

The Committee on Reforms, Restructuring and Reinventing reported

Senate Bill No. 850, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; to prescribe means of enforcement and penalties for the violation of the provisions of this act; and to make appropriations," by amending section 15b (MCL 423.215b), as added by 2011 PA 54.

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

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Colbeck, Casperson, Young and Warren
Nays: Senators Jansen and Robertson
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Reforms, Restructuring and Reinventing submitted the following:
Meeting held on Wednesday, June 4, 2014, at 8:30 a.m., Rooms 402 and 403, Capitol Building
Present: Senators Jansen (C), Colbeck, Casperson, Kowall, Robertson, Young and Warren

The Committee on Local Government and Elections reported

Senate Bill No. 712, entitled

A bill to amend 2010 PA 259, entitled "Michigan and Indiana state line monumentation act," by amending section 15 (MCL 54.305).

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

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Meekhof, Brandenburg and Young
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Local Government and Elections reported

Senate Bill No. 753, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3109 (MCL 324.3109), as amended by 2005 PA 241.

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

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Meekhof and Brandenburg
Nays: None
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Local Government and Elections submitted the following:
Meeting held on Wednesday, June 4, 2014, at 3:00 p.m., Room 100, Farnum Building
Present: Senators Robertson (C), Meekhof, Brandenburg and Young

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:
Meeting held on Wednesday, June 4, 2014, at 3:09 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Kahn (C), Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory and Hood
Excused: Senators Hopgood and Johnson

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Agriculture and Rural Development (SB 760) submitted the following:
Meeting held on Thursday, June 5, 2014, at 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Green (C), Kahn and Hopgood

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Military and Veterans Affairs (SB 773) submitted the following:
Meeting held on Thursday, June 5, 2014, at 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Colbeck (C), Kahn and Gregory

COMMITTEE ATTENDANCE REPORT

The Conference Committee on State Police (SB 776) submitted the following:
Meeting held on Thursday, June 5, 2014, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Colbeck (C), Kahn and Gregory

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Higher Education (SB 768) submitted the following:
Meeting held on Thursday, June 5, 2014, at 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Schuitmaker (C), Kahn and Hood

Scheduled Meetings**Conference Committees -**

General Government (SB 767) - Monday, June 9, 11:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building
(373-2768)

Human Services (SB 769) - Monday, June 9, 8:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building
(373-2768)

Michigan Law Revision Commission - Monday, June 23, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower
(373-0212)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 12:10 p.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Tuesday, June 10, 2014, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

