

No. 2
STATE OF MICHIGAN
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97th Legislature
REGULAR SESSION OF 2014

Senate Chamber, Lansing, Tuesday, January 14, 2014.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Tonya Schuitmaker.

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—excused
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—excused
Walker—excused
Warren—present
Whitmer—present
Young—present

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

Heavenly Father, we come to You asking You to look down upon us. We ask You to help us as we go forward in this year to make the decisions that You see are just and right for us and for the people we represent. We ask that You would help us to understand the frailties of so many Michigan residents and to look down upon them and help them to have a much better life than what they have had.

Dear God, I ask that You look down upon us and help us as we make these decisions that will be life-changing and life-altering for so many of our residents. Help us to use our own life experiences to help our decision making. Help us also to be the people You would want us to be.

We ask these and all things in Your mighty and matchless name. Amen.

The President pro tempore, Senator Schuitmaker, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senators Hunter and Ananich entered the Senate Chamber.

The Secretary announced that pursuant to Rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from July 1, 2013 through September 30, 2013, and are available in the Secretary's office during business hours for public inspection:

Committee

Agriculture
 Appropriations
 Banking and Financial Institutions
 Compliance and Accountability
 Economic Development
 Education
 Energy and Technology
 Families, Seniors and Human Services
 Finance
 Government Operations
 Health Policy
 Infrastructure Modernization
 Insurance
 Judiciary
 Local Government and Elections
 Natural Resources, Environment and Great Lakes
 Outdoor Recreation and Tourism
 Redistricting
 Reforms, Restructuring and Reinventing
 Regulatory Reform
 Transportation
 Veterans, Military Affairs and Homeland Security

Chairperson

Senator Joe Hune
 Senator Roger Kahn
 Senator Darwin Booher
 Senator Arlan Meekhof
 Senator Mike Kowall
 Senator Phil Pavlov
 Senator Mike Nofs
 Senator Judy Emmons
 Senator Jack Brandenburg
 Senator Randy Richardville
 Senator Jim Marleau
 Senator Roger Kahn
 Senator Joe Hune
 Senator Rick Jones
 Senator David Robertson
 Senator Tom Casperson
 Senator Goeff Hansen
 Senator Joe Hune
 Senator Mark Jansen
 Senator Tory Rocca
 Senator Tom Casperson
 Senator John Moolenaar

The Secretary announced that the following bills and joint resolution were printed and filed on Thursday, January 9, and are available at the Michigan Legislature website:

Senate Bill Nos. 732 733 734
House Bill Nos. 5206 5207 5208 5209 5210 5211 5212 5213 5214 5215
House Joint Resolution BB

The Secretary announced that the following bills were printed and filed on Friday, January 10, and are available at the Michigan Legislature website:

House Bill Nos. 5216 5217 5218

Senator Bieda moved that Senator Young be temporarily excused from today's session.

The motion prevailed.

Senator Bieda moved that Senators Hood, Smith and Johnson be excused from today's session. The motion prevailed.

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

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

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:05 a.m.

11:31 a.m.

The Senate was called to order by the President pro tempore, Senator Schuitmaker.

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

Messages from the Governor

The following message from the Governor was received on January 10, 2014, and read:

EXECUTIVE ORDER

No. 2014-1

State of Energy Emergency Waiver of Regulations Relating to Motor Carriers and Drivers Transporting Propane and Heating Oil

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 3 of 1982 PA 191, MCL 10.83, authorizes the Governor to declare a State of Energy Emergency upon notification of an impending energy emergency by the Energy Advisory Committee, or upon the Governor's own initiative, if the Governor finds that an energy emergency exists or is imminent; and

WHEREAS, regional propane inventories are 33 percent below the five-year average, and approximately 40 percent below this time last year, causing product allocations and restricted fill volumes for some customers, and

WHEREAS, a shift in the polar vortex has brought uncharacteristically severe winter weather, including subzero temperatures, heavy snowfall, and reduced visibility resulting in hazardous road conditions and more frequent equipment failures for propane and heating oil transporters, causing drivers to reach maximum weekly driving and on-duty limits more quickly than normal; and

WHEREAS, the inclement weather is causing longer driving times and working hours, and increased effort to deliver individual loads, making it difficult for propane and heating oil transporters in Michigan to meet demand and comply with federal and state hours-of-service regulations and requirements contained within 49 CFR Part 395, and adopted in Public Act 181 of 1963, MCL 480.11a; and

WHEREAS, it is in the best interests of the state of Michigan to provide for the safe transportation of propane and heating oil within this state, and that appropriate measures be taken in response to this energy emergency to assure that propane and heating oil supplies can be delivered to protect the health, safety, and welfare of Michigan residents and visitors; and

WHEREAS, Federal Motor Carrier Safety Administration regulations found at 49 CFR 390.23, and Michigan Public Act 181 of 1963, MCL 480.11a, provide the Governor with the authority to exempt motor carriers and drivers transporting propane and heating oil within Michigan from the hours-of-service regulations and requirements specified in 49 CFR Part 395 and MCL 480.11a, to address transportation needs arising from the impact of this energy emergency;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and 1982 PA 191, MCL 10.81 to 10.87, order the following:

1. Motor carriers and drivers transporting propane and heating oil to address transportation issues arising from the severe weather, heavy snowfall and difficult driving conditions in Michigan, are exempt from compliance with MCL 480.11a and any other applicable state statute, order, or rule substantially similar to MCL 480.11a, and 49 CFR Part 395. Any such provision of a state statute, order, or rule pertaining to the hours-of-service is suspended. This exemption and suspension applies to all highways in Michigan, including the national system of interstate and defense highways.

2. This order applies only to propane and heating oil. No other petroleum products are covered by the exemption and suspension under this Order.

3. No motor carrier or driver operating under the terms of this order shall require or allow an ill or fatigued driver to operate a motor vehicle. Any driver who informs a carrier that he or she needs immediate rest shall be given at least ten consecutive off-duty hours before the driver is required to return to work.

4. Nothing in this Order shall be construed as an exemption from applicable controlled substances and alcohol use and testing requirements (49 CFR Part 382 and similar state statute, order, or rule), the commercial driver’s license requirements (49 CFR Part 383 and any similar state statute, order, or rule), the financial responsibility requirements (49 CFR Part 387 and any similar state statute, order, or rule), driver qualifications (49 CFR Part 391), driving of commercial motor vehicles (49 CFR Part 392), equipment, parts, and accessories necessary for the safe operation of vehicles (49 CFR Part 393), applicable size and weight requirements, or any portion of federal and state regulations not specifically identified.

5. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the exemption and suspension until the out-of-service order expires or the conditions for rescission have been satisfied.

6. The Michigan Department of State Police requires that drivers for motor carriers operating under the Declaration of Energy Emergency must have a copy of the Declaration of Energy Emergency in their possession.

7. Upon expiration of this order, or when a motor carrier or driver ceases to provide direct assistance to the emergency relief effort, a driver that has had at least 34 consecutive off-duty hours must be permitted to start his or her on-duty hours and 60/70-hour clock at zero.

The Commercial Vehicle Enforcement Division of the Michigan Department of State Police shall coordinate state compliance with this Order. This Order is effective upon filing and remains in effect for the duration of the emergency or 11:59:59 p.m. EDT, Friday, January 31, 2014, whichever is less.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 10th day of January in the Year of Our Lord, Two Thousand and Fourteen.

Richard D. Snyder
Governor

By the Governor:
Ruth A. Johnson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

December 18, 2013

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

Construction Code Commission

Donald V. Staley of 350 Sagamore Trail, Lowell, Michigan 49331, county of Kent, representing industrial management, succeeding James Cash, is appointed for a term expiring January 31, 2015.

January 3, 2014

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

Michigan State Transportation Commission

Todd A. Wyatt of 808 E. Dixon Avenue, Charlevoix, Michigan 49720, county of Charlevoix, an Independent, succeeding himself, is reappointed for a term expiring December 21, 2016.

Charles F. Moser of 29929 Backamack Row, Drummond Island, Michigan 49726, county of Chippewa, a Republican, succeeding himself, is reappointed for a term expiring December 21, 2016.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

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 pro tempore, Senator Schuitmaker, designated Senator Hansen as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Schuitmaker, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4866, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 648 (MCL 257.648).

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

Resolutions

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

Senate Resolution No. 34

Senate Resolution No. 108

The motion prevailed.

House Concurrent Resolution No. 20.

A concurrent resolution providing for a joint convention of the House of Representatives and the Senate.

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives, Thursday, January 16, 2014, at 6:30 p.m., to receive the message of Governor Rick Snyder.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent 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 concurrent resolution was adopted.

Senators Bieda, Booher, Brandenburg, Colbeck, Hansen, Jansen, Pappageorge and Proos were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senators Marleau and Smith introduced

Senate Bill No. 735, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4z (MCL 205.94z), as added by 2008 PA 555.

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

Statements

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

The motion prevailed.

Senator Emmons' statement is as follows:

I rise today to acknowledge the passing of former Lieutenant Governor Connie Binsfeld. In acknowledging the passing of Connie Binsfeld, we want to note that in addition to her service as Lieutenant Governor, she also served as a member of this chamber and as a State Representative. She remains the only woman who has held a leadership position in the House, the Senate, and the executive branch of government in the state of Michigan.

I would like my colleagues to join me in honoring her with a moment of silence.

A moment of silence was observed in memory of former Lieutenant Governor Connie Binsfeld.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Joint meeting held on Thursday, January 9, 2014, at 6:00 p.m., Davenport University, Wilbur and Sharon Lettinga Auditorium, 6191 Kraft Avenue, S.E., Grand Rapids

Present: Senator Schuitmaker (C)

Excused: Senators Walker and Hood

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Monday, January 13, 2014, at 2:00 p.m., Oakland County Information Technology Building Auditorium, Building 49 West, 1200 N. Telegraph Road, Pontiac

Present: Senators Casperson (C), Kowall, Pavlov, Hood and Ananich

Excused: Senators Brandenburg and Hansen

Scheduled Meetings

Appropriations -

Subcommittees -

Higher Education and House Higher Education Appropriations Subcommittee - Thursday, January 30, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

K-12, School Aid, Education, Education Committee, House Education Committee, House Education Appropriations Subcommittee and House School Aid Appropriations Subcommittee - Wednesday, January 15, 2:30 p.m. or later after committees are given leave by the House to meet, Room 352, Capitol Building (373-5314)

Economic Development and House Commerce Committee - Wednesday, January 15, 4:30 p.m., Cobo Center Atrium, 1 Washington Boulevard, Detroit (373-5312)

Education, K-12, School Aid, Education Appropriations Subcommittee, House Education Committee, House Education Appropriations Subcommittee and House School Aid Appropriations Subcommittee - Wednesday, January 15, 2:30 p.m. or later after committees are given leave by the House to meet, Room 352, Capitol Building (373-5314)

Finance - Wednesday, January 15, 12:30 p.m., Room 210, Farnum Building (373-5307)

Senate Fiscal Agency Board of Governors - Thursday, January 23, 9:00 a.m., Room S-324, Capitol Building (373-2768)

State Drug Treatment Court Advisory Committee - Tuesday, January 28, 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 11:40 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Wednesday, January 15, 2014, at 10:00 a.m.