

No. 6
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2014

Senate Chamber, Lansing, Wednesday, January 22, 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—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—present
Pavlov—present
Proos—present
Richardville—present
Robertson—present
Rocca—present
Schuitmaker—present
Smith—present
Walker—present
Warren—present
Whitmer—present
Young—present

Pastor Alfred Harris of Saints of God Church of Flint offered the following invocation:

The late Dr. Martin Luther King, Jr., once said, "Life's most persistent and urgent question is, 'What are you doing for others?'" The archives of history will attest to the fact that he answered his own question with courage, distinction, and sacrifice. His divine call to dismantle segregation and social injustice in every arena of society caused him to value his assignment above the value of his own life.

Today, the Michigan Senate is primed to answer the same question: What are you doing for others? In doing so, I pray each member will work in harmony with each other and be protected from any danger or attack while executing their responsibilities with the best interest of our citizens at heart. May their labors be characterized by scholarship, courage, compassion, integrity, dedication, and a deep reverence for God, who holds every one of us accountable.

Hear our prayer, O Lord. Amen.

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

Motions and Communications

Senators Whitmer and Green entered the Senate Chamber.

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

Senator Meekhof moved that Senator 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 Richardville admittance to the Senate floor.

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

Messages from the Governor

The following message from the Governor was received and read:

TAXATION; LIABILITY FOR TAXES COLLECTED AND UNPAID TAXES

January 21, 2014

Today I am returning to you Senate Bill 64 without signature. I return Senate Bill 64 in anticipation of signing SB 337, which addresses the same subject matter of corporate officer liability. I appreciate the hard work and thoughtfulness that went into the consideration of SB 64. It contains many useful elements, and subsequent to its passage my administration continued to work in close partnership with members of the legislature on this important issue. I look forward to signing SB 337 as an alternative to SB 64, and thank the members of the legislature for the continuing dialogue and refinement of our solution to the issues surrounding corporate officer liability.

Sincerely,
Rick Snyder
Governor

This bill was returned from the Governor on January 21, 2014, at 10:23 a.m.

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Senator Meekhof moved that further consideration of the bill be postponed for today. The motion prevailed.

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 Hopgood 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 with a substitute therefor, the following bill:

House Bill No. 4715, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 224f (MCL 750.224f), as added by 1992 PA 217.

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. 4716, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16m of chapter XVII (MCL 777.16m), as amended by 2012 PA 124.

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. 4717, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 4 (MCL 28.424), as added by 1992 PA 219.

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.

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:

Tammy Bagby is going to be leaving the Senate. She began her career in the Michigan Senate in 1993 in the office of Senate Majority Leader Dick Posthumus, serving as a legislative aide. Over the course of her employment, Tammy has served five Senate Majority Leaders. Who’s your favorite? I thought I might know the answer to that one while she’s on camera.

It would be impossible to list all of the projects she’s taken on; all that she’s accomplished during her twenty years of service. She’s been a devoted volunteer for the Senate Republicans, serving as finance director for the Senate Republican Campaign Committee, planning and organizing statewide fundraising plans, ensuring compliance with state, federal, and bank regulations, while helping to manage multimillion-dollar budgets and accounts. She’s done an incredible job.

She’s moved on to LARA, where the Governor has evidently offered her more than what we were able to pay. She will truly be missed. I’ve got a few guests, some of them from her family: Leslie Leposky, Sadie Leposky, Matt Burnash, Roni Kalamajka, Len Harret, Vicki Harrett, Diane Weigel, and Barry Weigel.

It’s a bittersweet moment for me, because I’ve known Tammy for most of my career—for all of my career and most of hers. Please join me in wishing her the best in her new endeavor.

Senators Hunter and Young entered the Senate Chamber.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:16 a.m.

10:23 a.m.

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Schuitmaker introduced

Senate Bill No. 741, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16181 (MCL 333.16181), as amended by 2006 PA 643.

The bill was read a first and second time by title and referred to the Committee on Veterans, Military Affairs and Homeland Security.

Senator Schuitmaker introduced

Senate Bill No. 742, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 213 (MCL 339.213).

The bill was read a first and second time by title and referred to the Committee on Veterans, Military Affairs and Homeland Security.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 572, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 5o (MCL 28.425o), as amended by 2012 PA 123.

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.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 573, entitled

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

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.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

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 Judiciary submitted the following:

Meeting held on Tuesday, January 21, 2014, at 2:00 p.m., Room 110, Farnum Building

Present: Senators Jones (C), Schuitmaker, Rocca and Bieda

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Tuesday, January 21, 2014, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Nofs (C), Proos, Jones, Marleau, Schuitmaker, Walker, Hopgood, Bieda and Young

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Joint meeting held on Tuesday, January 21, 2014, at 3:00 p.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Marleau (C), Robertson, Emmons, Hune, Jones, Schuitmaker, Warren and Ananich

Excused: Senator Johnson

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

Agriculture and Rural Development - Tuesdays, February 11, February 18, February 25, March 11, March 18 and March 25, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Community Colleges - Wednesday, February 19, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

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, February 5, 2:30 p.m. or later after committees are given leave by the House to meet, Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

State Police and Military Affairs - Thursdays, January 30, 1:30 p.m., Rooms 402 and 403; February 20, 3:00 p.m., Rooms 402 and 403; February 27, 3:00 p.m., Room 405; and March 6, March 13, March 27 and April 17, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Economic Development - Friday, January 24, 10:00 a.m., 15100 Northline Road, Suite 179, Southgate (373-5312)

Education, K-12, School Aid, Education Appropriations Subcommittee, House Education Committee, House Education Appropriations Subcommittee and House School Aid Appropriations Subcommittee - Wednesday, February 5, 2:30 p.m. or later after committees are given leave by the House to meet, Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

Health Policy - Thursday, January 23, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5312)

Michigan Law Revision Commission - Thursday, February 13, 12:00 noon, Rooms 402 and 403, Capitol Building (373-0212)

Natural Resources, Environment and Great Lakes - Thursday, January 23, 9:00 a.m., Room 210, Farnum Building (373-5312)

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 10:24 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, January 23, 2014, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate