

**No. 64**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
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**REGULAR SESSION OF 2014**

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Senate Chamber, Lansing, Wednesday, September 17, 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—excused  
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—excused  
Jones—present  
Kahn—present  
Kowall—present  
Marleau—excused  
Meekhof—present  
Moolenaar—excused  
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

Senator Mark C. Jansen of the 28th District offered the following invocation:

Dear Heavenly Father, we come to You today knowing that we are here to serve You. We thank You for each person here today. We have many talents—legislators, staff, viewers, and citizens. We have folks who work for our state and others. We ask for blessing on the decisions that we make today. May they be selfless rather than selfish.

Lord, may we represent You in everything that we say, everything we do, and everything we think. We ask a blessing on this day and on the state of Michigan, our Governor, Supreme Court, and those elected. We pray that they also would represent You.

We ask blessings on this day and these proceedings. We ask in the powerful name of Jesus Christ our Lord. Amen.

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

### Motions and Communications

Senator Kahn entered the Senate Chamber.

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

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

Senator Meekhof moved that Senators Casperson, Moolenaar and Marleau 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, September 16:  
**House Bill Nos. 5233 5338 5341**

The Secretary announced that the following bills were printed and filed on Tuesday, September 16, and are available at the Michigan Legislature website:

**Senate Bill No. 1074**  
**House Bill No. 5798**

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 Robertson 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:

**Senate Bill No. 1011, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 106 (MCL 400.106), as amended by 2013 PA 107, and by adding section 106b.

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. 963, 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 1 (MCL 28.421), as amended by 2012 PA 243.

Substitute (S-4).

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. 964, entitled**

A bill to amend 1846 RS 1, entitled "Of the statutes," by amending section 3t (MCL 8.3t).

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. 965, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 222 and 528a (MCL 750.222 and 750.528a), section 222 as amended by 2012 PA 242 and section 528a as added by 1986 PA 113.

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. 966, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40102 and 43503 (MCL 324.40102 and 324.43503), section 40102 as amended by 2007 PA 48 and section 43503 as amended by 2012 PA 520.

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. 979, entitled**

A bill to amend 1990 PA 319, entitled "An act to prohibit local units of government from imposing certain restrictions on the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols or other firearms, ammunition for pistols or other firearms, or components of pistols or other firearms," by amending sections 1, 2, 3, and 4 (MCL 123.1101, 123.1102, 123.1103, and 123.1104).

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. 863, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1 of chapter III, section 6b of chapter V, and section 22 of chapter VIII (MCL 763.1, 765.6b, and 768.22), section 6b of chapter V as amended by 2013 PA 54.

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.

During the Committee of the Whole, Senators Brandenburg and Richardville entered the Senate Chamber.

### Resolutions

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

**Senate Resolution No. 34**

**Senate Concurrent Resolution No. 15**

**Senate Resolution No. 162****Senate Concurrent Resolution No. 20****Senate Resolution No. 168**

The motion prevailed.

Senators Anderson, Whitmer, Proos, Booher, Hopgood, Pappageorge, Moolenaar, Bieda, Gregory, Ananich, Hood, Kowall, Richardville, Pavlov, Green, Walker, Nofs, Meekhof, Kahn, Caswell, Jones, Rocca, Robertson, Colbeck, Young and Schuitmaker offered the following resolution:

**Senate Resolution No. 180.**

A resolution designating October 2014 as Breast Cancer Awareness Month in the state of Michigan.

Whereas, The National Cancer Institute estimates that a woman in the United States has a 1 in 8 chance of developing invasive breast cancer during her lifetime; and

Whereas, Excluding cancers of the skin, breast cancer is the most common cancer diagnosed among U.S. women, accounting for more than 1 in 4 cancers; and

Whereas, Among Michigan women, breast cancer is the most frequently diagnosed cancer and the leading cause of cancer deaths; and

Whereas, Breast cancer is the second-leading cause of cancer death for women in the U.S. It is estimated that 232,670 new cases of invasive breast cancer will be diagnosed among women in the U.S. in 2014; and

Whereas, All women are at risk for breast cancer; now, therefore, be it

Resolved by the Senate, That we join together in recognizing October 2014 as Breast Cancer Awareness Month in Michigan; and be it further

Resolved, That the members of this legislative body urge all Michiganians to use this month as an opportunity to educate themselves about breast cancer, take proactive steps to reduce their risk, and get appropriate screening; and be it further

Resolved, That we stand in full support of those currently battling this serious disease; and be it further

Resolved, That we offer sincere condolences to those who have lost loved ones to breast cancer; and be it further

Resolved, That we celebrate those who have won their fight with breast cancer; and be it further

Resolved, That we support all those making efforts to diagnose, research, and treat breast cancer across the state of Michigan.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Meekhof moved that the rule be suspended.

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

The resolution was adopted.

Senator Meekhof moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

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

The motion prevailed.

Senator Anderson's statement is as follows:

Today we are considering a resolution to establish October as Breast Cancer Awareness Month. I want to thank all of the members for their help in raising awareness about this devastating disease that has affected members of almost all of our families in one way or another.

October has generally been considered Breast Cancer Awareness Month, and is especially important today. If I could, I would like to ask everyone to help me get the word out about the new license plate available. We all have had a part in bringing it to its fruition. The money will go to breast and cervical cancer control programs that reside in the Department of Community Health. It will be accessible by those who are affected by this disease all across the state for screening and treatment. So it is really something that we did that was totally bipartisan; something that will be great for citizens of Michigan across the state.

I would like to invite members to help me get the word out about this plate's availability. The sales began on Monday through the Secretary of State offices. They will have a rollout, but I thought the Senate should have one also. What we are doing is encouraging members after session to come to the rostrum and have their pictures taken with the plate. I would then ask you to put it in your newsletters or website or Facebook page, and mention that the plate is now available. We can then start building this fund to help people all over the state immediately.

I would just ask for members' support of that, and thank you for your support in getting this adopted.

### Introduction and Referral of Bills

Senators Brandenburg, Green, Jones, Rocca, Pappageorge, Hansen and Hildenbrand introduced

**Senate Bill No. 1076, 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.

Senator Pappageorge introduced

**Senate Bill No. 1077, entitled**

A bill to amend 2005 PA 92, entitled "School bond qualification, approval, and loan act," by amending sections 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, and 16 (MCL 388.1923, 388.1924, 388.1925, 388.1926, 388.1927, 388.1928, 388.1929, 388.1931, 388.1932, 388.1934, and 388.1936), sections 3, 4, 5, 6, 7, 8, 9, 11, and 16 as amended by 2012 PA 437.

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

**House Bill No. 5233, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 4701, 4702, 4703, 4704, 4705, 4706, 4707, and 4708 (MCL 600.4701, 600.4702, 600.4703, 600.4704, 600.4705, 600.4706, 600.4707, and 600.4708), section 4701 as amended by 2010 PA 363, section 4702 as amended by 2012 PA 350, sections 4703, 4704, 4705, and 4708 as amended by 2006 PA 128, and sections 4706 and 4707 as added by 1988 PA 104.

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 Families, Seniors and Human Services.

**House Bill No. 5338, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7 (MCL 722.627), as amended by 2014 PA 30.

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 Families, Seniors and Human Services.

**House Bill No. 5341, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 64 (MCL 400.64), as amended by 1985 PA 140.

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 Families, Seniors and Human Services.

### Statements

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

The motion prevailed.

Senator Colbeck's statement is as follows:

I rise today in honor of a very important day for us as a nation. It is the 227th anniversary of the ratification of the United States Constitution; perhaps the greatest foundation for good government the world has ever known. It is important for us to take this time to honor and reflect upon the significance of our country's Constitution and its guiding principles.

As we ponder the wisdom represented by our Constitution, we must also recognize that it is We the People who have granted limited powers to the government. Let me repeat that: We the People have granted limited powers to the government. This is because our Founding Fathers in their wisdom knew that our greatness is not defined by how much our government taxes and spends. It is not defined by what laws we pass, but rather by what We the People do together.

The greatness of America is not found in Washington, D.C., and it is not found in Lansing. The greatness of America is found in each of our homes, neighborhoods, churches, and our communities. It is our Constitution that allows us to pursue our individual ideas of what happiness is by keeping that government restricted within its boundaries. We are an

exceptional country because the Constitution gets the government off our backs, and it is the Constitution that fulfills the promise of the Declaration of Independence which asserts the self-evident truths that our most basic human rights of life, liberty, and the pursuit of happiness do not come from a dictator, a king, a President—even with his pen and a phone—a judge, or a bureaucrat. Our rights come from our Creator. Government is merely the institution we have established to protect those rights.

When I was elected, I took the same oath that every other Senator sitting here today took: “I do solemnly swear that I will support the Constitution of the United States and the Constitution of this state, and that I will faithfully discharge the duties of the office of State Senator according to the best of my ability.” I ask that we all take some quiet time and reflect on the meaning of that oath today. Please let it guide us as we go forward in our deliberations.

### Committee Reports

The Committee on Energy and Technology reported

#### **Senate Bill No. 493, entitled**

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

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.

Mike Nofs  
Chairperson

To Report Out:

Yeas: Senators Nofs, Proos, Jones, Schuitmaker, Walker, Hopgood, Bieda and Young

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 Energy and Technology submitted the following:

Meeting held on Tuesday, September 16, 2014, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

Excused: Senator Marleau

### Scheduled Meetings

#### **Appropriations -**

##### **Subcommittee -**

**K-12, School Aid, Education and Retirement -** Thursday, September 18, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768) (CANCELED)

**Natural Resources, Environment and Great Lakes -** Thursday, September 18, 8:30 a.m., Room 210, Farnum Building (373-5312) (CANCELED)

**Outdoor Recreation and Tourism -** Thursday, September 18, 12:30 p.m., Room 110, Farnum Building (373-5323)

**Regulatory Reform -** Thursday, September 18, 1:00 p.m., Room 210, Farnum Building (373-5307)

**Senate Fiscal Agency Board of Governors -** Thursday, September 18, 9:00 a.m., Room S-324, Capitol Building (373-2768)

**Transportation -** Tuesday, September 23, 12:30 p.m., Room 100, Farnum Building (373-5314)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 10:24 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, September 18, 2014, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

