

No. 22
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2012

Senate Chamber, Lansing, Tuesday, March 6, 2012.

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.

Anderson—present
Bieda—present
Booher—present
Brandenburg—present
Casperson—present
Caswell—present
Colbeck—present
Emmons—present
Gleason—present
Green—present
Gregory—present
Hansen—present
Hildenbrand—excused

Hood—present
Hopgood—present
Hune—present
Hunter—excused
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 Mark Looman of First Baptist Church of Hart offered the following invocation:

O Sovereign Lord, You have made the heavens and the earth by Your great power and outstretched arm. Is anything too hard for You?

Father, we stand before You as people who have been given a great trust and responsibility. We acknowledge that while we have a duty to the people who sent us here, we, ultimately, answer to You. You are God and we are not. We affirm that You sent Your Son to earth, and while He was here, He set a lofty standard for truthfulness and servanthood. We admit that we struggle to live up to His example. We humble ourselves before You and ask for mercy for our failures and for strength to do better. We pledge to speak truthfully and approve of others who do the same. We will remember, as we do our business, how valuable people are, even the ones who irritate.

In these times when there is fierce competition for limited resources, we pledge to work toward the doing of the things that You want done. Having said that, we admit that we often have trouble knowing what those things are, so please help us. Give us wisdom to find solutions that are just, grace for the times when we don't agree with the views of our peers, and the courage to speak what is true as You see it.

Lord, in addition, we ask for Your blessing upon all the families represented in this room. There are a multitude of vital needs here and at times they are overwhelming. We pray, too, for the Governor and the members of the judiciary.

In this age of discontent, we pause before closing to thank You for life and health, incomes and possessions, and our beloved state. Thank You, most of all, for the gift of Your Son Jesus Christ and for the sacrifice that He made for us. It is in His name that we pray. Amen.

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

Motions and Communications

Senator Bieda moved that Senator Hunter be excused from today's session.
The motion prevailed.

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

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

The following communication was received and read:
Office of the Senate Majority Leader

March 1, 2012

Pursuant to Senate Rule 3.203, I am hereby re-referring Senate Bills 997 and 998 from the Senate Committee on Insurance to the Senate Committee on Education.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,
Randy Richardville
Senate Majority Leader

The communication was referred to the Secretary for record.

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

February 29, 2012

Enclosed is a copy of the following audit report:

Performance audit of Emergency 9-1-1 Fund, Michigan Department of State Police and Department of Treasury.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The audit report was referred to the Committee on Government Operations.

The following communication was received:
Unemployment Insurance Agency

February 15, 2012

In accordance with Section 8 of the *Michigan Employment Security Act*, being Section 421.8 of the *Michigan Compiled Laws*, the Unemployment Insurance Agency is required to report annually to the Governor and the Legislature any amount, in excess of \$1.00, that the maximum weekly unemployment benefit rate would increase if the annual increase in the United States Department of Labor's Consumer Price Index (CPI) were applied to the maximum weekly benefit rate.

I am therefore transmitting to the Governor, and to the House and Senate for publication along with this letter in the *Journals* of their respective bodies, the enclosed reports showing that since the last increase in the maximum weekly benefit rate to \$362.00, the increase in the CPI would result in an increase in the maximum weekly unemployment benefit rate to \$453.19.

Respectfully submitted,
Steve Arwood
Director

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, March 1:
House Bill No. 4134

The Secretary announced the enrollment printing and presentation to the Governor on Monday, March 5, for his approval the following bills:

Enrolled Senate Bill No. 611 at 10:28 a.m.

Enrolled Senate Bill No. 702 at 10:30 a.m.

The Secretary announced that the following official bills were printed on Thursday, March 1, and are available at the legislative website:

Senate Bill Nos.	985	986	987	988	989	990	991
House Bill Nos.	5446	5447					

The Secretary announced that the following official bills were printed on Friday, March 2, and are available at the legislative website:

Senate Bill Nos.	993	994	995	996	997	998	999	1000	1001	1002
House Bill Nos.	5448	5449	5450	5451						

Messages from the Governor

The following messages from the Governor were received and read:

February 21, 2012

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

Michigan Board of Medicine

Richard D. Bates of 8561 US 23 South, Ossineke, Michigan 49766, county of Alpena, representing physicians, succeeding Suzanne Tomashow, is appointed for a term expiring December 31, 2013.

February 22, 2012

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

Michigan Board of Chiropractic

Contance M. Erskine of 11470 Upton Road, Grand Ledge, Michigan 48837, county of Eaton, representing the general public, filling a vacancy, is appointed for a term expiring December 31, 2013.

February 22, 2012

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

Grand Rapids-Kent County Convention/Arena Authority

Charles N. Secchia of 220 Lyon Street, N.W., Suite #510, Grand Rapids, Michigan 49503, county of Kent, succeeding Gary J. McInerney, is appointed for a term expiring February 29, 2016.

February 22, 2012

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

Michigan Historical Commission

Richard G. Micka of 47 E. Elm Avenue, Monroe, Michigan 48162, county of Monroe, representing the general public, succeeding Samuel Logan, Jr., is appointed for a term expiring May 21, 2012.

Kimberly S. Johnson of 117 E. Iroquois Road, Pontiac, Michigan 48341, county of Oakland, representing the general public, succeeding Thomas Farrell, is appointed for a term expiring May 21, 2013.

March 2, 2012

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

Emergency Manager - Highland Park Schools

Jackie Martin of 1466 W. Square Lake Road, Bloomfield Hills, Michigan 48302, county of Oakland, is appointed to serve for a term expiring at the pleasure of the Governor.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

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

Senate Bill No. 291

The motion prevailed.

Senate Bill No. 778, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 30111b.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 787, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21313 (MCL 333.21313), as amended by 2010 PA 381.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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 full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 788, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 13 (MCL 400.713), as amended by 2010 PA 380.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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 full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Brandenburg 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 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 without amendment, the following bill:

House Bill No. 4669, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2008 PA 506.

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:

House Bill No. 4668, entitled

A bill to amend 1897 PA 230, entitled "An act to provide for the formation of corporations for the purpose of owning, maintaining and improving lands and other property kept for the purposes of summer resorts or for ornament, recreation or amusement, and to repeal all laws or parts of laws in conflict herewith; and to impose certain duties on the department of commerce," (MCL 455.1 to 455.24) by adding section 16a.

Substitute (S-1).

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

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

Senate Bill No. 877, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 20g, 20i, 29, 63, 63a, 69a, and 70 (MCL 791.220g, 791.220i, 791.229, 791.263, 791.263a, 791.269a, and 791.270), section 20g as amended by 2000 PA 211, section 20i as added by 2006 PA 351, section 29 as amended by 2010 PA 248, and sections 63, 63a, 69a, and 70 as amended by 1998 PA 512.

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. 878, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 29, 63, 63a, 69a, and 70 (MCL 791.229, 791.263, 791.263a, 791.269a, and 791.270), section 29 as amended by 2010 PA 248 and sections 63, 63a, 69a, and 70 as amended by 1998 PA 512.

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 amendments, the following bill:

Senate Bill No. 992, entitled

A bill to regulate the use and enforceability of certain loan covenants in nonrecourse commercial loan transactions in this state.

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 2, line 26, after "relates" by inserting "solely".

2. Amend page 3, following line 18, by inserting:

"Sec. 5. This act applies to the enforcement and interpretation of all nonrecourse loan documents in existence on, or entered into on or after, the effective date of this act."

3. Amend page 3, line 19, after "section 1." by striking out the balance of the line through "act." on line 21.

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Green, Marleau and Jones introduced

Senate Bill No. 1003, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 9 (MCL 432.9), as amended by 1996 PA 167.

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

Senators Meekhof, Richardville, Brandenburg, Kowall and Hansen introduced

Senate Bill No. 1004, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 7 and 11 (MCL 205.427 and 205.431), section 7 as amended by 2008 PA 458 and section 11 as amended by 2004 PA 474.

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

Senators Emmons, Kowall, Brandenburg, Hansen, Jones, Jansen and Marleau introduced

Senate Bill No. 1005, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 17d and 19b of chapter XIIA (MCL 712A.17d and 712A.19b), section 17d as amended by 2004 PA 475 and section 19b as amended by 2010 PA 7.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors and Human Services.

Senators Jansen, Meekhof and Pappageorge introduced

Senate Bill No. 1006, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 113 (MCL 208.1113), as amended by 2011 PA 77.

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

Senators Jones, Schuitmaker, Brandenburg and Warren introduced

Senate Bill No. 1007, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 61 (MCL 38.1361), as amended by 2010 PA 75.

The bill was read a first and second time by title and referred to the Committee on Reforms, Restructuring and Reinventing.

Senators Moolenaar, Kahn, Walker and Hansen introduced

Senate Bill No. 1008, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections part 317.

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

House Bill No. 4134, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 7pp. 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 Finance.

Statements

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

The motion prevailed.

Senator Whitmer's statement is as follows:

Mr. President, I rise today to bring attention to an exciting initiative proposed this morning. Today, the Senate Democrats announce the Michigan 2020 Scholarship Competition, which will provide one current high school senior with \$10,000 toward their first year's expenses to a public Michigan university or community college or trade school.

High school seniors will be asked to submit videos explaining how the Michigan 2020 Plan will help our students, our economy, and our families. Michigan students and their families are looking for ways to be able to pay for college. This scholarship will help one student with their college expenses right now. While we continue to fight for all students to be free from financial burden when pursuing a higher education, we can and will make an immediate impact. I am proud to be an active supporter of the Michigan 2020 Plan and this scholarship competition.

I hope that this body will take serious note of the impact this scholarship will have on one fortunate recipient and take swift action to make the Michigan 2020 Plan a reality for all Michigan students. In one fell swoop, we can go from 38th out of 50 states in the country to No. 1 and say education is economic development, and we've got the best workforce in the country. The plan which was announced earlier this year will be introduced at the end of this week.

The plan provides Michigan high school graduates—public, private, and home-schooled—with the opportunity to have the costs of their college education paid for in its entirety. It is a plan that says Michigan believes in our future and values our young people by creating the most-educated and highly-skilled workforce anywhere in the nation. Most exciting, we can implement this plan immediately without raising taxes on our citizens.

We want our young people to be engaged in this process. We want them to understand the possible advantages that a college education could bring to them. We want them to realize how much more attainable that college education is when they are not burdened with the crippling debt that so many are.

I hope that my colleagues will join this noble cause and co-sponsor the legislation, which is on my desk, and I hope that you will advertise this exciting opportunity to all the high school students in each of your districts. Ten thousand dollars might be chump change to Mitt Romney, but it represents a make-or-break figure for many Michigan families today.

Senator Caswell's statement is as follows:

I would like to take this opportunity today to explain to the citizens of this state a reasonable expectation of where we are going with the personal property tax. First of all, there are three categories in the personal property tax: utility, industrial, and commercial. Each of those categories raises approximately \$400 million.

The utility personal property tax will not change, so set it aside. For 2013, we are looking at reducing or eliminating a very narrow amount of commercial and industrial personal property. The total would be about \$67 million. We are then looking at 2016, taking a look at the phase out of industrial personal property. The bottom line is this, and I have read many articles in the media. I have seen many explanations of the personal property tax and concerns for my citizens back home. At the end of the day, approximately 10 percent of the commercial personal property will disappear, which is \$8 million. The remainder of that \$400 million will be there, all of the utility \$400 million will be there, and the industrial personal property tax will be phased out over a lengthy period of time, probably close to ten years.

Under current scenarios, the worst-case scenario is that 81 cents on the dollar will be replaced for the industrial personal property tax that will be going away. Under best-case scenarios, roughly 90 cents will be replaced. Just so you understand, if you look at the senior center in Hillsdale County, approximately 20 percent of the money that they raised from the property tax comes from the personal property tax side. Doing all the numbers, you get down to the fact that they will be looking at a 1 percent hit before reimbursement in what they raised from the personal property tax.

So I just wanted to mention both to the citizens of the state and to the media that what we are talking about is a limited exemption, a limited phase-out, and it will be over a lengthy period of time so that everyone will have a sufficient amount of time to adjust accordingly.

Committee Reports

The Committee on Outdoor Recreation and Tourism reported

Senate Bill No. 821, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 44514, 44516, 44517, 44518, 44520a, and 80124 (MCL 324.44514, 324.44516, 324.44517, 324.44518, 324.44520a, and 324.80124), sections 44514 and 44516 as added by 1995 PA 57, section 44517 as amended by 2004 PA 325, section 44518 as amended by 2004 PA 587, section 44520a as added by 2006 PA 183, and section 80124 as amended by 2007 PA 8, and by adding section 44515a.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Goefrey M. Hansen
Chairperson

To Report Out:

Yeas: Senators Hansen, Hildenbrand, Meekhof, Casperson and Moolenaar

Nays: None

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

The Committee on Outdoor Recreation and Tourism reported

Senate Bill No. 897, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 48703 (MCL 324.48703), as amended by 2008 PA 291.

With the recommendation that the bill pass.

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

Goeffrey M. Hansen
Chairperson

To Report Out:

Yeas: Senators Hansen, Hildenbrand, Meekhof, Casperson and Moolenaar

Nays: Senator Young

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Outdoor Recreation and Tourism submitted the following:

Meeting held on Thursday, March 1, 2012, at 12:30 p.m., Room 210, Farnum Building

Present: Senators Hansen (C), Hildenbrand, Meekhof, Casperson, Moolenaar and Young

Excused: Senator Gleason

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Community Health submitted the following:

Meeting held on Thursday, March 1, 2012, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Moolenaar (C), Caswell and Booher

Excused: Senator Gregory

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Thursday, March 1, 2012, at 1:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Licensing and Regulatory Affairs submitted the following:

Meeting held on Thursday, March 1, 2012, at 1:30 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Jansen (C) and Proos

Excused: Senator Johnson

Scheduled Meetings

Agriculture - Thursday, March 8, 8:30 a.m., Room 110, Farnum Building (373-5312)

Appropriations - Wednesday, March 7, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Subcommittees -

Community Colleges - Wednesday, March 28, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Community Colleges and House Community Colleges Appropriations Subcommittee - Friday, March 9, 4:30 p.m. (Central Standard Time), Gogebic Community Center, David G. Lindquist Student Center, Upper Level Courtside Dining Room, E 4946 Jackson Road, Ironwood (373-2768)

Community Health Department - Thursdays, March 8 and March 15, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Corrections Department and Judiciary - Thursday, March 8, 8:00 a.m., Room 210, Farnum Building (373-2768)

General Government - Tuesdays, March 13, March 20 and March 27, 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Higher Education - Thursday, March 8, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Human Services Department - Tuesday, March 27, 2:00 p.m., Room 210, Farnum Building (373-2768)

Judiciary and House Judiciary Appropriations Subcommittee - Thursday, March 8, 8:00 a.m., Room 210, Farnum Building (373-2768)

K-12, School Aid, Education - Wednesday, March 7, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Transportation - Wednesday, March 14, 3:00 p.m. or later immediately following Appropriations meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Economic Development - Wednesday, March 7, 1:30 p.m., Room 110, Farnum Building (373-5323)

Families, Seniors and Human Services - Wednesday, March 7, 3:00 p.m., Room 210, Farnum Building (373-5324)

Finance - Wednesday, March 7, 12:30 p.m., Room 210, Farnum Building (373-5307)

Health Policy - Thursday, March 8, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

Natural Resources, Environment and Great Lakes - Thursday, March 8, 9:00 a.m., Room 210, Farnum Building (373-5323)

Outdoor Recreation and Tourism - Thursday, March 8, 12:30 p.m., Room 210, Farnum Building (373-5323)

Reforms, Restructuring and Reinventing - Wednesday, March 7, 8:30 a.m., Rooms 402 and 403, Capitol Building; and Monday, March 12, 10:00 a.m., Gibraltar Community Center, 29340 South Gibraltar Road, Gibraltar (373-5307)

Senate Fiscal Agency Board of Governors - Thursday, March 22, 9:00 a.m., Room S-324, Capitol Building (373-2768)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 10:27 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, March 7, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

