

No. 5
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2012

Senate Chamber, Lansing, Tuesday, January 24, 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—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 Adam Davis of Elevate Church of Monroe offered the following invocation:

Most High God, as this new day begins for the Senate of the state of Michigan, we invoke Your presence in our deliberations and decisions. You are sovereign over all the kingdoms of the world, and You give authority to whomever You desire. You have appointed these distinguished men and women to serve the people of our state in this pivotal hour. I pray that You would give them divine insight to lead Michigan into a new era of innovation, renewal, and opportunity. I ask that You give them the courage to make the difficult decisions that will do the most good for the most number of people. I pray that You give these servant leaders strength to see their assignments here to completion. Bless their families, Lord, who sacrifice so much so that they might serve so many.

May Your kingdom come and Your will be done in the destiny of the great state of Michigan, for Yours is the kingdom and the power and the glory forever and ever. Amen.

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

Motions and Communications

The following communications were received and read:
Office of the Auditor General

January 13, 2012

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Finance Authority, a discretely presented component unit of the State of Michigan, for the period October 1, 2010 through September 30, 2011.

January 18, 2012

Enclosed is a copy of the following audit report:

Performance audit of the Michigan Women, Infants, and Children Information System, Department of Community Health and Department of Technology, Management, and Budget.

January 20, 2012

Enclosed is a copy of the following audit report:

Performance audit of the Collection of Delinquent Unemployment Taxes and Reimbursements, Unemployment Insurance Agency, Department of Licensing and Regulatory Affairs.

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

The audit reports were referred to the Committee on Government Operations.

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

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senator Kahn admittance to the Senate floor, including the center aisle.

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

Senator Meekhof moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor.
The motion prevailed, a majority of the members serving voting therefor.

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.

10:14 a.m.

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

During the recess, Senator Kahn introduced the Ithaca High School Football Team, 2011 District 6 State Champions, Coach Terry Hessbrook, and assistant coaches; and presented them with a Special Tribute. Coach Hessbrook responded briefly.

During the recess Senator Johnson entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, January 19:
House Bill Nos. 4978 5046 5131

The Secretary announced that the following official bills were printed on Thursday, January 19, and are available at the legislative website:

Senate Bill Nos. 896 897

The Secretary announced that the following official bills were printed on Friday, January 20, and are available at the legislative website:

House Bill Nos. 5251 5252 5253 5254 5255 5256 5257 5258 5259 5260 5261 5262

Messages from the Governor

The following messages from the Governor were received and read:

January 12, 2012

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

Certificate of Need Commission

Charles M. Gayney of 300 Riverfront Drive, #19i, Detroit, Michigan 48226, county of Wayne, representing organized labor, succeeding himself, is reappointed for a term expiring January 1, 2015.

Marc D. Keshishian of 30498 Fox Club Drive, Farmington Hills, Michigan 48331, county of Oakland, representing nonprofit healthcare corporations, succeeding himself, is reappointed for a term expiring January 1, 2015.

January 20, 2012

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

Asian Pacific American Affairs Commission

William D. Dechavez of 1875 Windwood Drive, #102, Rochester Hills, Michigan 48307, county of Oakland, is reappointed for a term expiring November 30, 2015.

Clyde Ying-Chau Wu of 1275 Audubon Drive, Grosse Pointe, Michigan 48230, county of Wayne, succeeding Bing Goei, is appointed for a term expiring November 30, 2015.

Marilyn Yukiko Schlieff of 1713 South Crystal Drive, Haslett, Michigan 48840, county of Ingham, is reappointed for a term expiring November 30, 2015.

Guozhen Lu of 336 Lenox Drive, Canton, Michigan 48188, county of Wayne, is reappointed for a term expiring November 30, 2015.

Mamatha Chamarthi of 2461 Highridge Circle, Saline, Michigan 48201, county of Washtenaw, succeeding Rona Mae Lum, is appointed for a term expiring November 30, 2015.

Hannah Feikema of 3101 Poplar Creek Drive, S.E., #103, Kentwood, Michigan 49512, county of Kent, succeeding Amanda Parsad, is appointed for a term expiring November 30, 2015.

Sincerely,
 Rick Snyder
 Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

Senate Bill No. 528

Senate Bill No. 529

Senate Bill No. 530

Senate Bill No. 531**Senate Bill No. 532****Senate Bill No. 533**

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 528, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21301a, 21304a, 21304b, 21307, 21309a, 21310a, 21314a, 21315, 21316, 21316a, and 21320 (MCL 324.21301a, 324.21304a, 324.21304b, 324.21307, 324.21309a, 324.21310a, 324.21314a, 324.21315, 324.21316, 324.21316a, and 324.21320), sections 21301a, 21304a, 21309a, 21310a, and 21315 as amended and section 21304b as added by 1996 PA 116 and section 21307 as amended and sections 21314a and 21316a as added by 1995 PA 22, and by adding sections 21304c, 21323a, 21323b, 21323c, 21323d, 21323e, 21323f, 21323g, 21323h, 21323i, 21323j, 21323k, 21323l, 21323m, and 21325.

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. 7**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—12

Anderson	Gregory	Hunter	Warren
Bieda	Hood	Johnson	Whitmer
Gleason	Hopgood	Smith	Young

Excused—0**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. 529, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20114e (MCL 324.20114e), as added by 2010 PA 227, and by adding section 21332; and to repeal acts and parts of acts.

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. 8**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—12

Anderson	Gregory	Hunter	Warren
Bieda	Hood	Johnson	Whitmer
Gleason	Hopgood	Smith	Young

Excused—0**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. 530, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21308a, 21311a, and 21312a (MCL 324.21308a, 324.21311a, and 324.21312a), as amended by 1996 PA 116.

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. 9**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—12

Anderson	Gregory	Hunter	Warren
Bieda	Hood	Johnson	Whitmer
Gleason	Hopgood	Smith	Young

Excused—0

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. 531, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 21302 and 21303 (MCL 324.21302 and 324.21303), section 21302 as amended by 1995 PA 22 and section 21303 as amended by 1996 PA 116.

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. 10

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—12

Anderson	Gregory	Hunter	Warren
Bieda	Hood	Johnson	Whitmer
Gleason	Hopgood	Smith	Young

Excused—0

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. 532, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 21313a, 21319a, and 21323 (MCL 324.21313a, 324.21319a, and 324.21323), section 21313a as amended by 1996 PA 116 and section 21319a as added and section 21323 as amended by 1995 PA 22.

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. 11**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—12

Anderson	Gregory	Hunter	Warren
Bieda	Hood	Johnson	Whitmer
Gleason	Hopgood	Smith	Young

Excused—0**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. 533, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21326 and 21327 (MCL 324.21326 and 324.21327).

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. 12**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—12

Anderson	Gregory	Hunter	Warren
Bieda	Hood	Johnson	Whitmer
Gleason	Hopgood	Smith	Young

Excused—0

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

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 Johnson 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:

Senate Bill No. 204, entitled

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 12 (MCL 46.412), as amended by 1982 PA 504.

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. 630, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1070 (MCL 600.1070), as added by 2004 PA 224.

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. 631, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 350a (MCL 750.350a), as amended by 2004 PA 223.

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. 632, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7411 (MCL 333.7411), as amended by 2004 PA 225.

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. 633, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 4a of chapter IX (MCL 769.4a), as amended by 2006 PA 663.

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. 5192, 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; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 15 (MCL 423.215), as amended by 2011 PA 103.

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.

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

Senators Bieda, Brandenburg, Rocca and Gleason introduced

Senate Bill No. 898, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1076.

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

Senators Walker, Booher, Anderson, Emmons, Casperson, Green, Kahn and Moolenaar introduced

Senate Bill No. 899, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 623a and 1274 (MCL 380.623a and 380.1274), as amended by 2008 PA 540.

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

Senators Anderson, Gleason, Bieda, Hunter and Johnson introduced

Senate Bill No. 900, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," by amending section 204a (MCL 4.1204a), as added by 1998 PA 429; and to repeal acts and parts of acts.

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

Senator Schuitmaker introduced

Senate Bill No. 901, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending section 144 (MCL 559.244), as added by 1982 PA 538.

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

Senator Schuitmaker introduced

Senate Bill No. 902, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5070 (MCL 600.5070), as added by 2000 PA 419, and by adding section 5037 to chapter 50; and to repeal acts and parts of acts.

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

Senator Schuitmaker introduced

Senate Bill No. 903, entitled

A bill to provide for the enforceability of agreements to arbitrate disputes; to provide procedures for the arbitration of disputes; to provide remedies, including remedies for the enforcement of arbitration agreements, rulings, and awards; and to provide immunity from civil liability and testimonial privileges.

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

Senator Hune introduced

Senate Bill No. 904, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 10d.

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

Senator Hune introduced

Senate Bill No. 905, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57b and 57f (MCL 400.57b and 400.57f), section 57b as amended by 2011 PA 131 and section 57f as amended by 2011 PA 132.

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

Senators Brandenburg, Robertson, Marleau, Hildenbrand, Walker, Colbeck, Kowall, Green, Jones, Hune, Rocca and Hunter introduced

Senate Bill No. 906, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 51 (MCL 206.51), as amended by 2011 PA 38.

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

Senators Brandenburg, Booher, Marleau, Hildenbrand, Walker, Nofs, Colbeck, Kowall, Green, Robertson, Jones, Hune, Moolenaar, Pavlov, Emmons, Jansen, Schuitmaker, Meekhof, Pappageorge, Proos, Rocca, Kahn, Hunter and Bieda introduced

Senate Bill No. 907, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7dd (MCL 211.7dd), as amended by 2010 PA 17.

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

House Bill No. 4978, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307 and 811k (MCL 257.307 and 257.811k), section 307 as amended by 2011 PA 159 and section 811k as amended by 2006 PA 298, and by adding section 811s; and to repeal acts and parts of acts.

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 Transportation.

House Bill No. 5046, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending sections 31, 32, 33, and 90 (MCL 559.131, 559.132, 559.133, and 559.190), sections 31, 32, and 33 as amended by 1982 PA 538 and section 90 as amended by 2002 PA 283.

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 Local Government and Elections.

House Bill No. 5131, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7405, 17702, 17703, 17708, 17751, 17754, and 17763 (MCL 333.7405, 333.17702, 333.17703, 333.17708, 333.17751, 333.17754, and 333.17763), sections 7405, 17708, 17751, and 17763 as amended by 2011 PA 155 and sections 17702 and 17703 as amended and section 17754 as added by 2006 PA 672, and by adding section 17744.

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 Health Policy.

Committee Reports

The Committee on Outdoor Recreation and Tourism reported

House Bill No. 5136, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80124, 80308, 81108, 81116, 82105, and 82114 (MCL 324.80124, 324.80308, 324.81108, 324.81116, 324.82105, and 324.82114), section 80124 as amended by 2007 PA 8, section 80308 as added by 1995 PA 58, section 81108 as amended by 2005 PA 39, section 81116 as amended by 2006 PA 477, section 82105 as amended by 2008 PA 399, and section 82114 as amended by 2008 PA 145.

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, Casperson, Moolenaar, Gleason and Young
Nays: None
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, January 19, 2012, at 12:30 p.m., Room 210, Farnum Building
Present: Senators Hansen (C), Hildenbrand, Casperson, Moolenaar, Gleason and Young
Excused: Senator Brandenburg

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:
Meeting held on Thursday, January 19, 2012, at 1:00 p.m., Room 405, Capitol Building
Present: Senators Colbeck (C), Pappageorge and Gregory

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Licensing and Regulatory Affairs submitted the following:
Meeting held on Thursday, January 19, 2012, at 1:30 p.m., Rooms 402 and 403, Capitol Building
Present: Senators Jansen (C), Proos and Johnson

Scheduled Meetings

Appropriations - Wednesday, January 25, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Subcommittee -

Human Services Department - Tuesday, January 31, 2:00 p.m., Room 210, Farnum Building (373-2768)

Economic Development - Wednesday, January 25, 1:30 p.m., Room 110, Farnum Building (373-5323)

Education - Wednesday, January 25, 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

Finance - Wednesday, January 25, 12:30 p.m., Room 210, Farnum Building (373-5307)

Local Government and Elections - Wednesday, January 25, 3:00 p.m., Room 100, Farnum Building (373-5314)

Natural Resources, Environment and Great Lakes - Thursday, January 26, 8:30 a.m., Room 210, Farnum Building (373-5323)

Outdoor Recreation and Tourism - Thursday, January 26, 12:30 p.m., Room 210, Farnum Building (373-5323)

Reforms, Restructuring and Reinventing - Wednesday, January 25, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-5307)

Regulatory Reform - Thursday, January 26, 12:30 p.m., Room 110, Farnum Building (373-5307)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 10:37 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, January 25, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate