

No. 2
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2012

Senate Chamber, Lansing, Tuesday, January 17, 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

Reverend Cary M. Richert of Lutheran Church of the Redeemer of Birmingham offered the following invocation:

In the name of God the Father, the Son, and the Holy Spirit. Amen. O God, as a gift of Your grace, You have given mankind the estate of earthly government, by which You maintain order in Your creation, provide for and protect citizens of this state, and foster peace among its citizens.

Bless the men and women who have been elected to the office of Senator by the people of Michigan. Grant that they and those who assist them may be given to rule and govern this beautiful, water-caressed state with wisdom, discernment, understanding, and compassion. Enlighten them to do what is good and right in Your eyes, for only then will it also serve the common welfare of the citizens of Michigan.

Give a courageous spirit of determination and good judgment to these Senators, that they may rule peaceably, provide well, and maintain in this state a spirit that inspires people to truthful education, honest and hardworking industry, sacrificial service to others, intentional care of the beautiful environment Your hands have made, and a deep respect for life—including that of unborn children.

Lord God, bring peace and an end to all hatred among people of the earth. Protect the men and women of our nation's armed forces as they courageously place themselves in harm's way. Teach us, O Lord, that the freedom we enjoy in this nation and state asks of us personal responsibility. Grant that all citizens would respect the laws, exercise their privilege to vote, pray regularly for those who are elected, and help their neighbor, especially in times of need.

Grant a special measure of wisdom and good judgment to the members of this Senate, the House of Representatives, the Governor and Lieutenant Governor, the judges, and all others who serve the people of the state of Michigan. Bless the Honorable Governor Rick Snyder and his staff as they prepare the upcoming State of the State address.

For these and all unspoken petitions, we humble ourselves before You. Hear us for the sake of Jesus Christ, whose holy, precious blood set us free from bondage to sin and death and in whose saving name 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 Meekhof moved that Senator Pappageorge be temporarily excused from today's session.
The motion prevailed.

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

Senators Pappageorge and Hood entered the Senate Chamber.

Senator Meekhof moved that the following bill, now on the order of General Orders, be referred to the Committee on Agriculture:

Senate Bill No. 307, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12m of chapter XVII (MCL 777.12m), as amended by 2005 PA 54.

The motion prevailed.

Senator Meekhof moved that the following bills, now on the order of General Orders, be referred to the Committee on Finance:

House Bill No. 4938, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 607 (MCL 206.607), as added by 2011 PA 38.

House Bill No. 5122, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding section 31a.
The motion prevailed.

Senator Meekhof moved that the following bill, now on the order of General Orders, be referred to the Committee on Appropriations:

House Bill No. 5189, entitled

A bill to make, supplement, and adjust appropriations for the department of human services for the fiscal year ending September 30, 2012; and to provide for the expenditure of the appropriations.

The motion prevailed.

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

January 11, 2012

Enclosed is a copy of the following audit report:

Performance audit of Rehabilitation Service Expenditures, Michigan Rehabilitation Services, Department of Licensing and Regulatory Affairs.

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

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

The Secretary announced that the following official bills and joint resolution were printed on Thursday, January 12, and are available at the legislative website:

Senate Bill Nos.	885	886	887	888	889	890	891	892
House Bill Nos.	5240	5241	5242	5243	5244			
House Joint Resolution	KK							

Messages from the Governor

The following message from the Governor was received and read:

January 12, 2012

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

Judicial Tenure Commission

David T. Fischer of 1250 W. Long Lake Road, Bloomfield Hills, Michigan 48302, county of Oakland, succeeding Richard W. Long, is appointed for a term expiring December 31, 2014.

Sincerely,
Rick Snyder
Governor

The appointment was 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, Lieutenant Governor Calley, designated Senator Jansen 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 bills:

House Bill No. 4403, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1313 (MCL 600.1313), as amended by 2004 PA 12.

House Bill No. 4893, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16184 and 16185 (MCL 333.16184 and 333.16185), section 16184 as amended by 2006 PA 591 and section 16185 as amended by 2011 PA 55.

Senate Bill No. 853, entitled

A bill to amend 2006 PA 384, entitled "Driver education provider and instructor act," by amending sections 29, 35, and 59 (MCL 256.649, 256.655, and 256.679).

The bills were 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. 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.

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. 685, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40114 (MCL 324.40114), as amended by 2010 PA 87.

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. 717, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 43526a.

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.

During the Committee of the Whole, Senator Young entered the Senate Chamber.

Resolutions

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

Senate Resolution No. 34**Senate Resolution No. 67**

The motion prevailed.

Senator Schuitmaker offered the following resolution:

Senate Resolution No. 107.

A resolution to memorialize the Congress of the United States to enact legislation to permit the televising of United States Supreme Court proceedings.

Whereas, Openness in government is an important contributor to the trust the public develops in the institutions that ultimately touch all our lives. While this has always been true, emerging technologies have increased expectations. People feel they should have to access to more information and the process of shaping public policy. In recent years, televised broadcasts of the meetings of city councils and legislative bodies at all levels have become commonplace; and

Whereas, One notable exception to the trend of more public access to key entities of government is the work undertaken by the highest court in the land. The United States Supreme Court does not permit the televising of its proceedings. The public's inability to see the court in action is most frustrating when there are high-profile cases that are the subject of widespread public interest, as with the upcoming review of key elements of the health care reform law; and

Whereas, Public trust in our institutions of government is of the utmost importance to our system of self-government. Legislation has been introduced in the 112th Congress that would permit the United States Supreme Court to televise its proceedings and provide for exceptions. Enacting such a measure would be beneficial and would increase understanding of this fundamental component of our three branches of government; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to permit the televising of United States Supreme Court proceedings; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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 question being on the adoption of the resolution,

Senator Meekhof moved that the resolution be referred to the Committee on Judiciary.

The motion prevailed.

Senators Bieda, Booher, Casperson, Emmons, Green, Kowall, Marleau, Pavlov and Proos were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators Warren, Anderson, Bieda, Gleason, Gregory, Hopgood, Smith and Hunter introduced

Senate Bill No. 893, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 5495, 5496, 5497, and 5498.

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

Senators Warren, Bieda, Anderson, Gleason, Gregory, Hopgood, Smith and Hunter introduced

Senate Bill No. 894, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5491 (MCL 333.5491), as added by 2007 PA 159, and by adding section 5494.

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

Scheduled Meetings

Appropriations -

Subcommittees -

Human Services Department - Tuesdays, January 24 and January 31, 2:00 p.m., Room 210, Farnum Building (373-2768)

Licensing and Regulatory Affairs Department - Thursday, January 19, 1:30 p.m., Rooms 402 and 403, Capitol Building (373-2768)

State Police and Military Affairs - Thursday, January 19, 1:00 p.m., Room 405, Capitol Building (373-2768)

Economic Development - Wednesday, January 18, 1:30 p.m., Room 110, Farnum Building (373-5323)

Natural Resources, Environment and Great Lakes - Thursday, January 19, 8:30 a.m., Room 210, Farnum Building (373-5323)

Outdoor Recreation and Tourism - Thursday, January 19, 12:30 p.m., Room 210, Farnum Building (373-5323)

State Drug Treatment Court Advisory Committee - Tuesday, January 24, 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 10:27 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, January 18, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate