

No. 12
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2012

Senate Chamber, Lansing, Thursday, February 9, 2012.

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.

Anderson—present
Bieda—present
Booher—present
Brandenburg—excused
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 Luke McClendon of Christ Temple Apostolic Church of Westland offered the following invocation:

Eternal God, our Father, we thank You for the gift of this day. We thank You, Lord, for this day and the opportunity that You have given us life to be here. I thank You, Father, for our leaders. I pray for all those in authority in our state and in our nation. I pray for those in government, school systems, the legal system, churches, the media, and all positions of influence, that Your people and the people of this state and nation may live quiet, peaceable lives in all godliness and honesty. This is good and acceptable in Your sight.

Your word declares that blessed is the nation whose God is the Lord. We receive Your blessings, Father. You are our refuge. You are our stronghold in times of trouble, high-cost destitution, and desperation. We declare on this morning with our mouths that the people of this state and our nation dwell in safety in this land and we prosper abundantly. We are more than conquerors through Jesus Christ our Lord.

May the spirit of one accordness, may the spirit of unity and same mind abide upon on us today during this session. We ask it all in the immaculate, wonderful name of Your Son, the Lord Jesus Christ. Amen.

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

Motions and Communications

Senator Pappageorge entered the Senate Chamber.

Senator Bieda moved that Senators Hunter, Johnson 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 Smith 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, including the center aisle.

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.

10:18 a.m.

The Senate was called to order by the President pro tempore, Senator Tonya Schuitmaker.

During the recess, Senator Smith introduced the Detroit Cass Technical High School Football Team, 2011 Division 1 State Champions, Principal Lisa Phillips, and Coach Thomas Wilcher. Senators Smith and Young presented them with a Special Tribute. Principal Phillips and Coach Wilcher responded briefly.

During the recess, Senators Young and Hunter entered the Senate Chamber.

The following communication was received and read:

Office of the Auditor General

February 7, 2012

Enclosed is a copy of following audit report:

Performance audit of Michigan Prisoner ReEntry Initiative, Department of Corrections.

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 House bills were received in the Senate and filed on Wednesday, February 8:
House Bill Nos. 4455 5050 5051

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, February 8, and are available at the legislative website:

House Bill Nos. 5362 5363 5364 5365 5366 5367 5368 5369 5370
House Joint Resolution OO

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 Nofs 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. 634, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 51 (MCL 211.51), as amended by 2009 PA 189.

The bill was placed on the order of Third Reading of Bills.

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.

Senate Resolution No. 113.

A resolution to urge the United States Department of Defense to fulfill its commitment to deliver no fewer than four C-27J cargo aircraft to the 110th Airlift Wing of the Air National Guard in Battle Creek.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

The substitute was adopted.

The resolution as substituted was adopted.

Senators Casperson, Gleason, Hune, Jansen, Kowall, Marleau, Meekhof, Moolenaar, Pappageorge, Proos, Robertson and Walker were named co-sponsors of the resolution.

Recess

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

The motion prevailed, the time being 10:28 a.m.

10:33 a.m.

The Senate was called to order by the President pro tempore, Senator Schuitmaker.

By unanimous consent the Senate returned 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:

House Bill No. 5136

House Bill No. 4074

House Bill No. 4075

House Bill No. 4076
House Bill No. 4077
The motion prevailed.

The following bill was read a third time:

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.

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. 57

Yeas—36

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson
Booher	Hildenbrand	Marleau	Rocca
Casperson	Hood	Meekhof	Schuitmaker
Caswell	Hopgood	Moolenaar	Smith
Colbeck	Hune	Nofs	Walker
Emmons	Hunter	Pappageorge	Warren
Gleason	Jansen	Pavlov	Whitmer
Green	Jones	Proos	Young

Nays—0

Excused—2

Brandenburg Johnson

Not Voting—0

In The Chair: Schuitmaker

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

"An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,".

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4074, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 35, 37, and 67 (MCL 791.235, 791.237, and 791.267), section 35 as amended by 1998 PA 315, section 37 as amended by 1994 PA 217, and section 67 as amended by 1996 PA 565, and by adding section 34b.

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. 58**Yeas—36**

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson
Booher	Hildenbrand	Marleau	Rocca
Casperson	Hood	Meekhof	Schuitmaker
Caswell	Hopgood	Moolenaar	Smith
Colbeck	Hune	Nofs	Walker
Emmons	Hunter	Pappageorge	Warren
Gleason	Jansen	Pavlov	Whitmer
Green	Jones	Proos	Young

Nays—0**Excused—2**

Brandenburg	Johnson
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Not Voting—0

In The Chair: Schuitmaker

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to provide for a lifetime electronic monitoring program; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act.”.

The Senate agreed to the full title.

Senator Johnson entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 4075, entitled

A bill to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending section 1 (MCL 28.291), as amended by 2008 PA 31.

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. 59**Yeas—37**

Anderson	Hansen	Kahn	Richardville
Bieda	Hildenbrand	Kowall	Robertson

Booher	Hood	Marleau	Rocca
Casperson	Hopgood	Meekhof	Schuitmaker
Caswell	Hune	Moolenaar	Smith
Colbeck	Hunter	Nofs	Walker
Emmons	Jansen	Pappageorge	Warren
Gleason	Johnson	Pavlov	Whitmer
Green	Jones	Pros	Young
Gregory			

Nays—0

Excused—1

Brandenburg

Not Voting—0

In The Chair: Schuitmaker

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 title of the bill.

The following bill was read a third time:

House Bill No. 4076, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 2008 PA 36.

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. 60

Yeas—37

Anderson	Hansen	Kahn	Richardville
Bieda	Hildenbrand	Kowall	Robertson
Booher	Hood	Marleau	Rocca
Casperson	Hopgood	Meekhof	Schuitmaker
Caswell	Hune	Moolenaar	Smith
Colbeck	Hunter	Nofs	Walker
Emmons	Jansen	Pappageorge	Warren
Gleason	Johnson	Pavlov	Whitmer
Green	Jones	Pros	Young
Gregory			

Nays—0

Excused—1

Brandenburg

Not Voting—0

In The Chair: Schuitmaker

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4077, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 14 of chapter XI (MCL 771.14), as amended by 2010 PA 247.

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. 61

Yeas—36

Anderson	Hansen	Kahn	Richardville
Bieda	Hildenbrand	Kowall	Robertson
Booher	Hood	Marleau	Rocca
Casperson	Hopgood	Meekhof	Schuitmaker
Colbeck	Hune	Moolenaar	Smith
Emmons	Hunter	Nofs	Walker
Gleason	Jansen	Pappageorge	Warren
Green	Johnson	Pavlov	Whitmer
Gregory	Jones	Proos	Young

Nays—1

Caswell

Excused—1

Brandenburg

Not Voting—0

In The Chair: Schuitmaker

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Young’s statement is as follows:

This is more of a clarification. Last time I came up here, I talked about my church—the greatest church on earth—St. Paul Church of God in Christ in the city of Detroit, with the greatest pastor ever, Pastor Robert Harris. I forgot to ask that those words be printed in the Journal. I would like to say, could you please print in the Journal that I come from St. Paul Church of God in Christ in the city of Detroit, with the best pastor ever, Pastor Robert Harris.

Committee Reports

The Committee on Finance reported

Senate Bill No. 930, entitled

A bill to amend 1993 PA 327, entitled “Tobacco products tax act,” by amending sections 2, 5a, 6a, 7, and 12 (MCL 205.422, 205.425a, 205.426a, 205.427, and 205.432), section 2 as amended by 2005 PA 238, sections 5a and 6a as added by 1997 PA 187, section 7 as amended by 2008 PA 458, and section 12 as amended by 2004 PA 164, and by adding section 17.

With the recommendation that the bill pass.

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

Jack M. Brandenburg
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, February 8, 2012, at 12:30 p.m., Room 210, Farnum Building

Present: Senators Brandenburg (C), Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

The Committee on Appropriations reported
Senate Bill No. 515, entitled

A bill to authorize the state administrative board to convey certain parcels of state-owned property in Wayne county to the land bank fast track authority; to prescribe conditions for the conveyance; to provide for certain powers and duties of certain state departments and agencies in regard to the property; and to provide for disposition of revenue derived from the conveyance.

With the recommendation that the substitute (S-6) be adopted and that the bill then pass.

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

Roger Kahn, M.D.
 Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood and Johnson

Nays: None

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

The Committee on Appropriations reported
Senate Bill No. 683, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2011; and to provide for the expenditure of the appropriations.

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.

Roger Kahn, M.D.
 Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

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 Appropriations submitted the following:

Meeting held on Wednesday, February 8, 2012, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Kahn (C), Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

The Committee on Economic Development reported

Senate Bill No. 929, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 9, 88b, 88c, 88h, and 88k (MCL 125.2009, 125.2088b, 125.2088c, 125.2088h, and 125.2088k), section 9 as amended by 2011 PA 291, section 88b as amended by 2011 PA 250, sections 88c and 88h as amended by 2011 PA 251, and section 88k as added by 2005 PA 215.

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.

Michael W. Kowall
 Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Emmons, Hansen, Hunter and Smith

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 Economic Development submitted the following:

Meeting held on Wednesday, February 8, 2012, at 1:30 p.m., Room 110, Farnum Building

Present: Senators Kowall (C), Hildenbrand, Nofs, Emmons, Hansen, Hunter and Smith

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

Agriculture and Rural Development - Tuesdays, February 21 and February 28, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Capital Outlay - Thursday, February 16, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-8080)

Community Health Department - Thursday, February 16, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Corrections Department - Tuesday, February 14, 3:00 p.m., Room 405, Capitol Building (373-2768)

General Government - Tuesday, February 14, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Higher Education - Wednesday, February 15, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Human Services Department - Tuesday, February 14, 2:00 p.m., Room 210, Farnum Building (373-2768)

K-12, School Aid, Education - Wednesday, February 15, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police and Military Affairs, House State Police Appropriations Subcommittee and House Military and Veterans Affairs Appropriations Subcommittee - Thursdays, February 16 and March 1, 3:00 p.m., Rooms 402 and 403, Capitol Building; and Thursday, February 23, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Judiciary - Tuesday, February 14, 2:30 p.m., Room 110, Farnum Building (373-5323)

Michigan Law Revision Commission - Thursday, February 16, 11:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Transportation - Tuesday, February 14, 12:30 p.m., Room 100, Farnum Building (373-5314)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 10:47 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Tuesday, February 14, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate