

No. 78
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2012

Senate Chamber, Lansing, Tuesday, December 11, 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

Senator John M. Proos of the 21st District offered the following invocation:

Heavenly Father, we gather today to stand as one people, united in praise for You, the Creator of all. We thank You for the sun that lights our day, for the rains that allow us to work the land, and for the stars at night that give us rest.

In today's gospel from Matthew 18:12-14, You remind us that in You we are never lost, for You are the shepherd who knows each of Your sheep; that You would, in fact, leave the ninety-nine to find the one lost sheep from the herd. Matthew states, "It is never the will of your Father in heaven that one of these little ones should be lost."

Father, we ask that You remember each of us, those inside of our Capitol and those assembled peacefully outside of our Capitol; that should we ever find ourselves lost to You, we may return to You and Your divine Providence.

We ask that You keep the men and women of our armed forces safe from harm as they continue to fight to protect the freedoms that we all hold dear.

We ask this in Your heavenly name. Amen.

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

Motions and Communications

Senators Young and Anderson entered the Senate Chamber.

Senator Bieda moved that Senators Gleason, Hopgood, Hood, Hunter and Johnson be temporarily excused from today's session.

The motion prevailed.

Senator Meekhof moved that rule 2.106 be suspended to allow committees to meet during Senate session.

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

Senator Meekhof moved that, pursuant to rule 1.114, upon receipt of Senate bills returned from the House of Representatives, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bills to the Governor.

The motion prevailed.

Senator Whitmer requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 865

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—8

Anderson	Gregory	Smith	Whitmer
Bieda	Hood	Warren	Young

Excused—4

Gleason	Hopgood	Hunter	Johnson
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Not Voting—0

In The Chair: President

Senator Meekhof moved that a respectful message be sent to the House of Representatives requesting the return of the following bill:

Senate Bill No. 409

The motion prevailed.

Recess

Senator Meekhof moved that the Senate recess until 11:00 a.m.
The motion prevailed, the time being 10:08 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Calley.

During the recess, Senators Hood, Hunter, Johnson, Hopgood and Gleason entered the Senate Chamber.

Senator Meekhof moved that the Committee on Finance be discharged from further consideration of the following bills:
House Bill No. 6023, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 515 (MCL 208.1515), as amended by 2009 PA 106.

House Bill No. 5937, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3a, 4, and 4o (MCL 205.93a, 205.94, and 205.94o), section 3a as amended by 2012 PA 299, section 4 as amended by 2008 PA 314, and section 4o as amended by 2010 PA 115.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

Senator Meekhof moved that the Committee on Families, Seniors and Human Services be discharged from further consideration of the following bills:

House Bill No. 5096, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 27a and 68 of chapter X (MCL 710.27a and 710.68), section 27a as added by 1994 PA 208 and section 68 as amended by 1994 PA 373.

House Bill No. 5097, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19b of chapter XIIA (MCL 712A.19b), as amended by 2012 PA 115.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

Senator Meekhof moved that the rules be suspended and that the following bills, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

House Bill No. 6023**House Bill No. 5937****House Bill No. 5096****House Bill No. 5097**

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

Senator Meekhof moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

House Bill No. 5404

House Bill No. 5801

House Bill No. 5839

House Bill No. 5673

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

Senator Meekhof moved that the rules be suspended and that the following resolution, now on Committee Reports, be placed on the Resolutions calendar for consideration today:

House Concurrent Resolution No. 67

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

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, December 6:

House Bill Nos. 5088 5544 5641 5776 5887 5936

The Secretary announced that the following official bills and joint resolution were printed on Friday, December 7, and are available at the legislative website:

House Bill Nos. 6083 6084 6085 6086

House Joint Resolution DDD

Messages from the Governor

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

Senate Bill No. 930

Senate Bill No. 754

Senate Bill No. 803

The motion prevailed.

Senator Young moved that the Senate adjourn.

The motion did not prevail.

Senator Whitmer moved that the Senate proceed to the order of Statements.

The motion did not prevail.

Senator Whitmer requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion did not prevail, a majority of the members not voting therefor, as follows:

Roll Call No. 866

Yeas—12

Anderson
Bieda
Gleason

Gregory
Hood
Hopgood

Hunter
Johnson
Smith

Warren
Whitmer
Young

Nays—26

Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
Green

Hansen
Hildenbrand
Hune
Jansen
Jones
Kahn
Kowall

Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov

Proos
Richardville
Robertson
Rocca
Schuitmaker
Walker

Excused—0

Not Voting—0

In The Chair: President

The following message from the Governor was received:

Date: December 5, 2012

Time: 11:40 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 797 (Public Act No. 347), being

An act to amend 1965 PA 314, entitled “An act to authorize the investment of assets of public employee retirement systems or plans created and established by the state or any political subdivision; to provide for the payment of certain costs and investment expenses; to authorize investment in variable rate interest loans; to define and limit the investments which may be made by an investment fiduciary with the assets of a public employee retirement system; and to prescribe the powers and duties of investment fiduciaries and certain state departments and officers,” by amending sections 12b, 12c, 13, 14, 15, 17, 19, 19a, 20c, 20d, 20h, 20k, and 20m (MCL 38.1132b, 38.1132c, 38.1133, 38.1134, 38.1135, 38.1137, 38.1139, 38.1139a, 38.1140c, 38.1140d, 38.1140h, 38.1140k, and 38.1140m), sections 12b, 12c, 14, 17, and 20c as amended by 2000 PA 307, section 13 as amended by 2009 PA 84, section 15 as amended and section 20k as added by 1996 PA 485, sections 19 and 20d as amended and section 19a as added by 2008 PA 425, section 20h as amended by 2002 PA 728, and section 20m as amended by 2007 PA 22, and by adding sections 13e, 13f, and 21.

(Filed with the Secretary of State on December 5, 2012, at 1:14 p.m.)

Respectfully,
Rick Snyder
Governor

The following messages from the Governor were received and read:

December 3, 2012

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

Michigan Board of Occupational Therapists

Kelli L. King of 1747 Plas Street, S.W., Wyoming, Michigan 49515, county of Kent, representing professional members, succeeding William Sisco, is appointed for a term commencing January 1, 2013 and expiring December 31, 2016.

December 4, 2012

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

Michigan Food Policy Council

Howard Straub of 3800 Essex Center Road, St. Johns, Michigan 48879, county of Clinton, representing sustainable agriculture, succeeding Eugene Barnes, is appointed for a term expiring October 31, 2016.

Kendra C. Wills of 11444 Barnsley Road, Lowell, Michigan 49331, county of Kent, representing sustainable agriculture, succeeding Patricia Cantrell, is appointed for a term expiring October 31, 2016.

Amy R. Klinkoski of 1043 Edison, N.W., Grand Rapids, Michigan 49504, county of Kent, representing K-12 schools, succeeding Renee DeWindt, is appointed for a term expiring October 31, 2016.

Gary Wozniak of 7676 21 Mile Road, Shelby Township, Michigan 48317, county of Macomb, representing non-food manufacturers, succeeding Jim Herbert, is appointed for a term expiring October 31, 2013.

December 5, 2012

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

Michigan Soybean Promotion Committee

Mark L. Seamon of 3795 West Curtis Road, Saginaw, Michigan, county of Saginaw, representing District 5 growers, succeeding Mark Bierlein, is appointed for a term expiring September 23, 2015.

Richard A. Welden of 1900 E. Hastings Lake Road, Jonesville, Michigan, county of Hillsdale, representing District 2 growers, succeeding himself, is reappointed for a term expiring September 23, 2015.

Dennis J. Gardner of 7615 Brown Road, Crosswell, Michigan, county of Sanilac, representing District 4 growers, succeeding James Wilson, is appointed for a term expiring September 23, 2015.

December 7, 2012

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

Director - Michigan Department of Licensing and Regulatory Affairs

Steven D. Arwood of 5665 S. Forrest Road, St. Johns, Michigan 48879, county of Clinton, is appointed for a term commencing December 10, 2012 and expiring at the pleasure of the Governor.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

December 5, 2012

Due to an error on the letter dated December 5, 2012 and filed with your office on December 5, 2012 please be advised of the following correction appearing in **bold** print.

Michigan Soybean Promotion Committee

Mark L. Seamon of 3795 West Curtis Road, Saginaw, Michigan **48601**, county of Saginaw, representing District 5 growers, succeeding Mark Bierlein, is appointed for a term expiring September 23, 2015.

Richard A. Welden of 1900 E. Hastings Lake Road, Jonesville, Michigan **49250**, county of Hillsdale, representing District 2 growers, succeeding himself, is reappointed for a term expiring September 23, 2015.

Dennis J. Gardner of 7615 Brown Road, Croswell, Michigan **48422**, county of Sanilac, representing District 4 growers, succeeding James Wilson, is appointed for a term expiring September 23, 2015.

Sincerely,
Rick Snyder
Governor

The message was referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 115

Senate Concurrent Resolution No. 26

Senate Resolution No. 34

Senate Resolution No. 85

Senate Resolution No. 105

House Concurrent Resolution No. 29

Senate Resolution No. 112

House Concurrent Resolution No. 6

Senate Resolution No. 120

Senate Resolution No. 127

Senate Concurrent Resolution No. 27

The motion prevailed.

Senator Meekhof moved that rule 3.204 be suspended to permit immediate consideration of the following resolutions:

Senate Concurrent Resolution No. 37

Senate Resolution No. 182

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

Senator Richardville offered the following concurrent resolution:

Senate Concurrent Resolution No. 37.

A concurrent resolution of tribute offered as a memorial for Philip O. Mastin, Jr., former member of the House of Representatives and the Senate.

Whereas, The members of the Michigan Legislature were saddened to learn of the passing of former State Senator and Representative Phil Mastin. A dedicated public servant, he will be remembered for his courage to stand by his convictions and make difficult decisions for the good of our state; and

Whereas, A graduate of Hazel Park High School, Phil Mastin would go on to a long and distinguished career in private and public service. For fifteen years, he worked as an automotive designer for Ford and General Motors. During the 1960s, he began his career in public service, serving as a Hazel Park city councilman, Oakland County supervisor and commis-

sioner, and as a leader in the Oakland County Democratic Party. In 1970, he was elected to represent the 69th District in the Michigan House of Representatives. He returned to local government for a few years as Pontiac city manager and director of the Pontiac Downtown Development Authority, prior to his election to the State Senate in 1982; and

Whereas, Phil Mastin served for seven years in the Michigan Legislature as a State Representative and a State Senator. Building on his past experience in the auto industry and local government, he served on committees dealing with labor, local government, and tax issues. In his final term in the House, he sat on the Appropriations Committee. In the Senate, he was chair of the Labor Committee. His legislative career will always be noted for his resolve and ability to do what he felt was best for the state despite potential personal ramifications; and

Whereas, Phil Mastin enjoyed a successful career and life following his legislative service. The latter part of his career was marked by his efforts to improve the training and conditions for Michigan's workers as a consultant for the National Alliance of Business, a government relations manager for the UAW-GM Human Resources Center, a founding member of the Michigan Job Training Coordinating Council, and a trustee of the Michigan Quality of Work Life Council. He would also continue his work as a member of the boards of directors for the Michigan and National Mental Health Associations. Even in retirement, he remained actively engaged as a board member of the United Way of Michigan, president of his church golf league, and a member of his condominium association's advisory committee; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we offer this expression of our highest tribute to honor the memory of Philip O. Mastin, Jr., a member of the House of Representatives from 1971 to 1976 and a member of the Senate in 1982; and be it further

Resolved, That copies of this resolution be transmitted to the Mastin family as evidence of our lasting esteem for his memory and contributions.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted by a unanimous standing vote of the Senate.

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 concurrent resolution.

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

A moment of silence was observed in memory of former Representative and Senator Philip O. Mastin, Jr.

Senator Hildenbrand offered the following resolution:

Senate Resolution No. 182.

A resolution declaring Friday, December 7, 2012, as Pearl Harbor Remembrance Day in the state of Michigan.

Whereas, On the morning of December 7, 1941, America was attacked without warning at Pearl Harbor by the air and naval forces of Imperial Japan. More than 2,400 people perished and another 1,100 were wounded, triggering our nation's entry into World War II; and

Whereas, On December 7, 2012, we honor those who lost their lives and all veterans who have fought to preserve our freedom and democracy; and

Whereas, Today, we also recognize the citizens of Michigan who answered their country's call to the battlefield, the factory, and the farm. We remember Pearl Harbor through their deeds, their devotion to duty, and their willingness to fight for freedom; and

Whereas, The attack at Pearl Harbor ignited the American spirit with a determination that freedom would not fall. The tragedy of December 7, 1941, remains upon the memories of the citizens of the state of Michigan, as well as our great nation. May this recollection serve not just as a symbol of American valor, but also as the resolve of all Americans in preserving freedom; now, therefore, be it

Resolved by the Senate, That the members of this legislative body declare Friday, December 7, 2012, as Pearl Harbor Remembrance Day in the state of Michigan. We urge the people of Michigan to acknowledge the importance of this day.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Anderson, Bieda, Booher, Colbeck, Green, Hansen, Jansen, Pappageorge, Proos, Richardville, Rocca and Schuitmaker were named co-sponsors of the resolution.

House Concurrent Resolution No. 67.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Ferris State University relative to the Ferris State University College of Pharmacy.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Boji Tower.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 867**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

Senator Colbeck was named co-sponsor of the concurrent resolution.

By unanimous consent the Senate returned to the order of

Messages from the House**Senate Bill No. 246, entitled**

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 1 of chapter XIII (MCL 712A.1), as amended by 2001 PA 211, and by adding sections 18n, 18o, 18p, 18q, 18r, and 18s to chapter XIII.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2) 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. 264, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 6 (MCL 205.96), as amended by 2012 PA 117.

The House of Representatives has passed the bill 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 not concurred in, 2/3 of the members serving not 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. 445, entitled

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration

of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 10b, 10c, 10d, 10e, 10h, 10l, and 10n (MCL 247.660b, 247.660c, 247.660d, 247.660e, 247.660h, 247.660l, and 247.660n), section 10b as amended by 1982 PA 438, section 10c as amended by 2010 PA 257, section 10e as amended by 2008 PA 487, section 10h as amended by 2002 PA 498, section 10l as amended by 1987 PA 234, and section 10n as amended by 2002 PA 329.

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

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

Senate Bill No. 873, entitled

A bill to amend 1933 PA 254, entitled "The motor carrier act," (MCL 475.1 to 479.43) by adding section 21 to article V.

The House of Representatives has passed the bill 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 not concurred in, 2/3 of the members serving not 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. 909, entitled

A bill to provide for certain regional transit authorities; to provide regional public transportation; to prescribe certain powers and duties of a regional transit authority and of certain state agencies and officials; to authorize the levy of an assessment and to provide for the issuance of bonds and notes; to collect certain taxes; to make appropriations; to provide for the pledge of assessment revenues and other funds for bond and note payments; and to repeal acts and parts of acts.

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

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

Senate Bill No. 911, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2011 PA 159, and by adding section 801j.

The House of Representatives has passed the bill 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 not concurred in, 2/3 of the members serving not 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. 939, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 14.

The House of Representatives has amended the bill as follows:

1. Amend page 13, line 10, after “**STATE**” by inserting “**LAW**”.
2. Amend page 13, line 10, after “**FEDERAL**” by inserting “**REGULATION OR**”.

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

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Meekhof moved that the rule be suspended.

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

The question being on concurring in the amendments made to the bill by the House,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 868

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 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 Young moved that the Senate adjourn.

The motion did not prevail.

Senate Bill No. 940, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 261 (MCL 18.1261), as amended by 2008 PA 133.

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. 941, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 13537 and 13832.

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. 942, entitled

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending section 23 (MCL 325.1023).

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. 972, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 44 (MCL 211.44), as amended by 2011 PA 126.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 3, after "**TREASURER.**" by inserting "**HOWEVER, IF NOT LATER THAN 2 WEEKS BEFORE THE TAX BILL IS FINALIZED, A LOCAL TAX COLLECTING UNIT RECEIVES FROM THE COUNTY NOTICE THAT PREVIOUSLY DELINQUENT TAXES ON A PARCEL OF PROPERTY ARE NO LONGER DELINQUENT, THE STATEMENT FOR THAT PROPERTY UNDER THIS SUBSECTION IS NOT REQUIRED TO INCLUDE NOTICE OF THE FACT THAT AS OF MARCH 1 THERE WERE DELINQUENT TAXES ON THE PROPERTY, THAT THOSE DELINQUENT TAXES WERE RETURNED TO THE COUNTY TREASURER FOR COLLECTION, AND CONTACT INFORMATION FOR THE COUNTY TREASURER.**".

The House of Representatives has passed the bill as amended, 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. 1031, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 52702 and 52706 (MCL 324.52702 and 324.52706), section 52702 as added by 1995 PA 57 and section 52706 as amended by 2006 PA 179.

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.

Senator Young moved that the Senate proceed to the order of Statements.

The motion did not prevail.

Senate Bill No. 1148, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 9 (MCL 207.559), as amended by 2008 PA 516.

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

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

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

Senate Bill No. 1155, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 5201, 5202, 5203, and 5204 (MCL 324.5201, 324.5202, 324.5203, and 324.5204), section 5201 as amended by 2005 PA 257, sections 5202 and 5203 as added by 2002 PA 397, and section 5204 as amended by 2010 PA 232, and by adding sections 5204e and 5204f.

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 amended the title to read as follows:

A bill to amend 1994 PA 451, entitled "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," (MCL 324.101 to 324.90106) by adding section 5204f.

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

Committee Reports

The Committee on Appropriations reported

House Concurrent Resolution No. 67.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Ferris State University relative to the Ferris State University College of Pharmacy.

(For text of resolution, see Senate Journal No. 75, p. 2345.)

With the recommendation that the concurrent resolution be adopted.

Roger Kahn, M.D.
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Proos and Walker

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

House Bill No. 5830, entitled

A bill to amend 1964 PA 183, entitled "An act creating the state building authority with power to acquire, construct, furnish, equip, own, improve, enlarge, operate, mortgage, and maintain facilities for the use of the state or any of its agencies; to act as a developer or co-owner of facilities as a condominium project for the use of the state or any of its agencies; to authorize the execution of leases pertaining to those facilities by the building authority with the state or any of its agencies; to authorize the payment of true rentals by the state; to provide for the issuance of revenue obligations by the building authority to be paid from the true rentals to be paid by the state and other resources and security provided for and pledged by the building authority; to authorize the creation of funds; to authorize the conveyance of lands by the state or any of its agencies for the purposes authorized in this act; to authorize the appointment of a trustee for bondholders; to permit remedies for the benefit of parties in interest; to provide for other powers and duties of the authority; and to provide for other matters in relation to the authority and its obligations," by amending sections 3, 5, 7, and 8 (MCL 830.413, 830.415, 830.417, and 830.418), sections 3 and 7 as amended by 2005 PA 67, section 5 as amended by 1994 PA 252, and section 8 as amended by 2002 PA 382.

With the recommendation that the bill 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, Green, Proos, Schuitmaker and Walker

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

House Bill No. 5831, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 115, 221, 237a, 241, 242, 246, 248, 249, and 393 (MCL 18.1115, 18.1221, 18.1237a, 18.1241, 18.1242, 18.1246, 18.1248, 18.1249, and 18.1393), sections 115, 221, 242, 246, 248, and 393 as amended and section 237a as added by 1999 PA 8 and section 241 as amended by 2010 PA 22, and by adding sections 221a, 238, and 242a.

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, Green, Proos and Schuitmaker

Nays: None

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

The Committee on Appropriations reported

House Bill No. 5881, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 68c (MCL 38.68c), as amended by 2011 PA 264.

With the recommendation that the bill 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, Green, Proos, Schuitmaker and Walker

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

House Bill No. 5931, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 111a (MCL 400.111a), as amended by 2000 PA 187.

With the recommendation that the bill 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 and Walker

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, December 5, 2012, at 9:03 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

Excused: Senators Hood and Johnson

The Committee on Education reported

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.

With the recommendation that the bill pass.

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

Phillip J. Pavlov

Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons and Colbeck

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 5422, entitled

A bill to amend 1982 PA 415, entitled "Correctional officers' training act of 1982," by amending section 12 (MCL 791.512), as amended by 2004 PA 583, and by adding section 15a.

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.

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons and Colbeck

Nays: None

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

The Committee on Education reported

House Bill No. 5659, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 523, 1204a, 1277, 1277a, 1278, 1278b, 1280a, 1280b, and 1280e (MCL 380.523, 380.1204a, 380.1277, 380.1277a, 380.1278, 380.1278b, 380.1280a, 380.1280b, and 380.1280e), section 523 as amended and section 1280e as added by 2011 PA 277, section 1204a as amended by 1996 PA 159, section 1277 as amended by 1997 PA 179, sections 1277a and 1280a as added by 1993 PA 335, section 1278 as amended by 2004 PA 596, section 1278b as amended by 2010 PA 80, and section 1280b as added by 2000 PA 230; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons and Colbeck

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local Government and Elections reported

Senate Bill No. 1244, 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-1) be adopted and that the bill then pass.

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

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Meekhof and Brandenburg

Nays: None

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

The Committee on Local Government and Elections reported

House Bill No. 4115, entitled

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," by amending section 64b (MCL 41.64b), as added by 1989 PA 77.

With the recommendation that the bill pass.

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

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Meekhof and Brandenburg

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local Government and Elections reported

House Bill No. 4838, entitled

A bill to authorize interstate mutual aid for certain emergency responses; to provide for the recognition of certain credentials of emergency responders from other states; and to provide for certain civil immunity.

With the recommendation that the bill pass.

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

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Meekhof and Brandenburg

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local Government and Elections reported

House Bill No. 5047, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 42a (MCL 211.42a), as amended by 2002 PA 505.

With the recommendation that the bill pass.

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

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Meekhof and Brandenburg

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local Government and Elections reported

House Bill No. 5269, entitled

A bill to amend 2003 PA 238, entitled "Michigan notary public act," by amending section 41 (MCL 55.301).

With the recommendation that the bill pass.

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

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Meekhof and Brandenburg

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local Government and Elections reported

House Bill No. 5404, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending sections 109 and 182 (MCL 560.109 and 560.182), section 109 as amended by 1997 PA 87.

With the recommendation that the bill pass.

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

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Meekhof and Brandenburg

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local Government and Elections reported

House Bill No. 5801, entitled

A bill to enter into the state and province emergency management assistance agreement.

With the recommendation that the bill pass.

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

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Meekhof and Brandenburg

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local Government and Elections reported

House Bill No. 5839, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 87c (MCL 211.87c), as amended by 2002 PA 165.

With the recommendation that the bill pass.

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

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Meekhof and Brandenburg

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Local Government and Elections submitted the following:

Meeting held on Wednesday, December 5, 2012, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Robertson (C), Meekhof and Brandenburg

Excused: Senator Young

The Committee on Agriculture reported

House Bill No. 5363, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11506 (MCL 324.11506), as amended by 2010 PA 345.

With the recommendation that the bill pass.

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

Joe Hune
Chairperson

To Report Out:

Yeas: Senators Hune, Booher, Emmons and Hansen

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Agriculture reported

House Bill No. 5852, entitled

A bill to amend 1964 PA 283, entitled "Weights and measures act," by amending section 28e (MCL 290.628e), as added by 2012 PA 254.

With the recommendation that the bill pass.

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

Joe Hune
Chairperson

To Report Out:

Yeas: Senators Hune, Booher, Emmons and Hansen

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture submitted the following:

Meeting held on Thursday, December 6, 2012, at 9:15 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Hune (C), Booher, Emmons and Hansen

Absent: Senator Gleason

The Committee on Natural Resources, Environment and Great Lakes reported

House Bill No. 4302, entitled

A bill to amend 2006 PA 379, entitled "Qualified forest property recapture tax act," by amending section 4 (MCL 211.1034).

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.

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Pavlov, Green, Kowall, Meekhof and Warren

Nays: None

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

The Committee on Natural Resources, Environment and Great Lakes reported

House Bill No. 4969, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 51102, 51103, 51108, 51113, and 51115 (MCL 324.51102, 324.51103, 324.51108, 324.51113, and 324.51115), sections 51102 and 51115 as added by 1995 PA 57, sections 51103 and 51113 as amended by 2006 PA 383, and section 51108 as amended by 2008 PA 299, and by adding part 514.

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.

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Pavlov, Green, Kowall, Meekhof and Warren

Nays: None

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

The Committee on Natural Resources, Environment and Great Lakes reported

House Bill No. 4970, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7jj and 27a (MCL 211.7jj[1] and 211.27a), section 7jj as added by 2006 PA 378 and section 27a as amended by 2008 PA 506.

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.

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Pavlov, Green, Kowall, Meekhof and Warren

Nays: None

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

The Committee on Natural Resources, Environment and Great Lakes reported

House Bill No. 5673, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 5201, 5202, 5203, and 5204 (MCL 324.5201, 324.5202, 324.5203, and 324.5204), section 5201 as amended by 2005 PA 257, sections 5202 and 5203 as added by 2002 PA 397, and section 5204 as amended by 2010 PA 232, and by adding sections 5204e and 5204f.

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.

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Pavlov, Green, Kowall, Meekhof and Warren

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 Natural Resources, Environment and Great Lakes submitted the following:
Meeting held on Thursday, December 6, 2012, at 9:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower
Present: Senators Casperson (C), Pavlov, Green, Kowall, Meekhof and Warren
Excused: Senator Hood

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:
Joint meeting held on Thursday, December 6, 2012, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Walker (C), Caswell, Pappageorge and Hopgood

Scheduled Meetings

Administrative Rules - Thursday, December 13, 9:30 a.m., Room 100, Farnum Building (373-5773)

Appropriations - Wednesday, December 12, 11:00 a.m. or after committees are given leave to meet, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

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

Energy and Technology - Wednesday, December 12, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-5307)

Finance - Wednesday, December 12, 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5312)

Senate Fiscal Agency Board of Governors - Thursday, December 13, 9:00 a.m., Room S-324, Capitol Building (373-2768)

Transportation - Wednesday, December 12, 9:30 a.m., Rooms 402 and 403, Capitol Building (373-5314) (CANCELED)

Senator Young moved that the Senate adjourn.
The motion prevailed, the time being 11:38 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, December 12, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate