

No. 4
STATE OF MICHIGAN
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REGULAR SESSION OF 2012

Senate Chamber, Lansing, Thursday, January 19, 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—excused
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—excused
Walker—present
Warren—present
Whitmer—present
Young—present

Pastor Theron Crawford of Anchor Baptist Church of South Haven offered the following invocation:

Our Heavenly Father, I thank You, Lord, for the day that we have. I thank You for the safety that You have given each and every one of us getting here today.

Lord, we come before You as humble servants, Lord, remembering the fact that all liberty and all freedom originates with You. So, Lord, we thank You for the example that You have set for us, Lord, and the word of God that You have given to us.

Father, I pray that You would meet with us today. Lord, I pray that You would guide the men and women of this chamber. Lord, I pray that You would give them the direction—that I am sure that they long for—from You. Lord, I do pray that You would help them, Lord, to make wise decisions; decisions that would be best for our state and, Lord, for their constituents, but also for this great nation.

Lord, we thank You for the freedom that we have, Lord—the freedom to assemble, the freedom of government—and, Father, I pray that You would just help us today. Help the people who are in the body, Lord, to remember their obligation and responsibility to the citizens of this state. Lord, may You just guide them every step of the way.

We thank You, dear God, for the salvation that You brought. Lord, I pray that You would help us to truly enjoy the freedom that You have given to us. Watch over them today, and keep everyone else safe as they are on the roads as well.

In Thy precious Son's 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 Gleason entered the Senate Chamber.

Senator Meekhof moved that Senators Kahn and Nofs be temporarily excused from today's session. The motion prevailed.

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

Senator Bieda moved that Senators Smith and Johnson be excused from today's session. The motion prevailed.

Senator Nofs entered the Senate Chamber.

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, January 18, and are available at the legislative website:

Senate Bill No.	895					
House Bill Nos.	5245	5246	5247	5248	5249	5250
House Joint Resolution	LL					

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:04 a.m.

10:09 a.m.

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

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 Warren 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 with a substitute therefor, the following bill:

Senate Bill No. 528, entitled

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

Substitute (S-2).

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

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

Senate Bill No. 529, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21502 and 21541 (MCL 324.21502 and 324.21541), section 21502 as amended by 2006 PA 318.

Substitute (S-2).

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

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

Senate Bill No. 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.

Substitute (S-2).

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

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

Senate Bill No. 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.

Substitute (S-2).

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

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

Senate Bill No. 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.

Substitute (S-2).

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

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

Senate Bill No. 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).

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.

During the Committee of the Whole, Senators Hopgood and Kahn entered the Senate Chamber.

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. 4403

Senate Bill No. 778

House Bill No. 4893

Senate Bill No. 685

Senate Bill No. 717

Senate Bill No. 853

The motion prevailed.

The following bill was read a third time:

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.

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. 1

Yeas—35

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

Nays—0

Excused—3

Hunter	Johnson	Smith
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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.

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

"An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice,

and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

Senator Hunter entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 778, entitled

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

The 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. 2

Yeas—30

Anderson	Hansen	Kowall	Proos
Bieda	Hildenbrand	Marleau	Richardville
Brandenburg	Hood	Meekhof	Robertson
Colbeck	Hune	Moolenaar	Rocca
Emmons	Hunter	Nofs	Schuitmaker
Gleason	Jansen	Pappageorge	Walker
Green	Jones	Pavlov	Whitmer
Gregory	Kahn		

Nays—6

Booher	Caswell	Warren	Young
Casperson	Hopgood		

Excused—2

Johnson	Smith
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

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.

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. 3**Yeas—36**

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

Nays—0**Excused—2**

Johnson

Smith

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.

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

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.

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. 4**Yeas—35**

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

Nays—1

Warren

Excused—2

Johnson

Smith

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. 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; 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. 5**Yeas—36**

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

Nays—0

Excused—2

Johnson

Smith

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. 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 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. 6**Yeas—36**

Anderson

Green

Jones

Proos

Bieda

Gregory

Kahn

Richardville

Booher

Hansen

Kowall

Robertson

Brandenburg

Hildenbrand

Marleau

Rocca

Casperson

Hood

Meekhof

Schuitmaker

Caswell

Hopgood

Moolenaar

Walker

Colbeck

Hune

Nofs

Warren

Emmons

Hunter

Pappageorge

Whitmer

Gleason

Jansen

Pavlov

Young

Nays—0**Excused—2**

Johnson

Smith

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

Introduction and Referral of Bills

Senator Schuitmaker introduced

Senate Bill No. 896, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” (MCL 169.201 to 169.282) by adding section 48.

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

Senators Booher, Jones, Robertson and Green introduced

Senate Bill No. 897, entitled

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

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

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Wednesday, January 18, 2012, at 1:30 p.m., Room 110, Farnum Building

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

Excused: Senators Hunter and Smith

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources, Environment and Great Lakes submitted the following:

Meeting held on Thursday, January 19, 2012, at 8:30 a.m., Room 210, Farnum Building

Present: Senators Casperson (C), Pavlov, Green, Kowall, Meekhof, Warren and Hood

Scheduled Meetings

Appropriations -

Subcommittee -

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

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 10:39 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Tuesday, January 24, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

