

No. 36  
STATE OF MICHIGAN  
**Journal of the Senate**  
96th Legislature  
REGULAR SESSION OF 2012

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Senate Chamber, Lansing, Thursday, April 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—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

Father Richard Dalton of LookUpDetroit.com of Troy offered the following invocation:

A reading from the Old Testament, Genesis 1:27: "So God created human beings in his own image, in the image of God he created them; male and female he created them."

Father God, as legislative, executive, and judicial branches interact, remind each of us and all of us that we are created in Your image. For young and old, abled and disabled, remind each and all of us that we are created in Your image. As we struggle with racial, cultural, and religious differences and divisions, remind each of us and all of us that we are created in Your image. For Democrats, Republicans, and Independents, remind each of us and all of us that we are created in Your image. For those paying monthly bills and those who don't know how they will pay them, remind each of us and all of us that we are created in Your image. For academics and those of us who are not so academic, remind each of us and all of us that we are created in Your image.

Father, we pray for pro-choice and pro-life advocates. Remind each of us and all of us that we are created in Your image. For Michiganders to the east, south, west, north, in the Thumb, and in the Upper Peninsula, remind each of us and all of us that we are created in Your image. For those in prison and behind bars and those caught behind clouds of deep despair, remind each of us and all of us that we are created in Your image. For union, nonunion, big business, small business, and nonprofits, remind each of us and all of us that we are created in Your image.

When we are called to speak and as we are challenged to listen, remind each of us and all of us that we are created in Your image. For those in our cities, suburbs, and those in rural Michigan, remind each of us and all of us that we are created in Your image.

For each of these Senators as they serve in their districts, committees, and in this Senate Chamber, remind each of us and all of us that we are created in Your image. With each debate and every vote, remind each of us and all of us that we are created in Your image.

As a Christian, I pray all of these things in the name of my Lord and Savior Jesus Christ. Amen.

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

### **Motions and Communications**

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

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

The motion prevailed.

Senators Gleason, Hood and Emmons entered the Senate Chamber.

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

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

Senator Meekhof moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor.

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

### **Recess**

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

The motion prevailed, the time being 10:07 a.m.

10:20 a.m.

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

During the recess, Senator Richardville introduced the Adrian College Ice Hockey Team, American Collegiate Hockey Association Division III National Champions, and Head Coach Brett Berger; and presented them with a Special Tribute. Coach Berger responded briefly.

During the recess, Senators Kahn, Jansen, Smith, Hunter, Young and Whitmer entered the Senate Chamber.

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

April 17, 2012

Enclosed is a copy of the following audit report:  
Performance audit of the Long-Term Care Nursing Facility Medicaid Reimbursement and Rate Setting Process, Department of Community Health.

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

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

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

<b>Senate Bill Nos.</b>	<b>1063</b>	<b>1064</b>	<b>1065</b>	<b>1066</b>	<b>1067</b>	<b>1068</b>	<b>1069</b>	<b>1070</b>	<b>1071</b>	<b>1072</b>
<b>House Bill Nos.</b>	<b>5529</b>	<b>5530</b>	<b>5531</b>	<b>5532</b>	<b>5533</b>	<b>5534</b>	<b>5535</b>	<b>5536</b>	<b>5537</b>	<b>5538</b>

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

**Senate Bill No. 1064**

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

### Messages from the Governor

The following messages from the Governor were received:

Date: April 18, 2012  
Time: 3:06 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 415 (Public Act No. 100), being**

An act to amend 1956 PA 218, entitled "An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority

to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act," (MCL 500.100 to 500.8302) by adding section 3406s.

(Filed with the Secretary of State on April 18, 2012, at 4:32 p.m.)

Date: April 18, 2012

Time: 3:09 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 981 (Public Act No. 101), being**

An act to create an autism coverage reimbursement program to encourage insurance and health coverage providers to provide autism coverage; to impose certain duties on certain state departments, agencies, and officials; to create certain funds; to authorize certain expenditures; and to provide for an appropriation.

(Filed with the Secretary of State on April 18, 2012, at 4:34 p.m.)

Date: April 18, 2012

Time: 4:01 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 414 (Public Act No. 99), being**

An act to amend 1980 PA 350, entitled "An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts," (MCL 550.1101 to 550.1704) by adding section 416e.

(Filed with the Secretary of State on April 18, 2012, at 4:30 p.m.)

Respectfully,

Brian Calley

Acting and Lieutenant Governor

### Messages from the House

Senator Meekhof moved that rule 3.202 be suspended to permit immediate consideration of the following bills:

**Senate Bill No. 528**

**Senate Bill No. 529**

**Senate Bill No. 530**

**Senate Bill No. 531**

**Senate Bill No. 532**

**Senate Bill No. 533**

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

Senator Johnson entered the Senate Chamber.

**Senate Bill No. 528, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21301a, 21304a, 21304b, 21307, 21309a, 21310a, 21314a, 21315, 21316, 21316a, and 21320 (MCL 324.21301a, 324.21304a,

324.21304b, 324.21307, 324.21309a, 324.21310a, 324.21314a, 324.21315, 324.21316, 324.21316a, and 324.21320), sections 21301a, 21304a, 21309a, 21310a, and 21315 as amended and section 21304b as added by 1996 PA 116 and section 21307 as amended and sections 21314a and 21316a as added by 1995 PA 22, and by adding sections 21304c, 21323a, 21323b, 21323c, 21323d, 21323e, 21323f, 21323g, 21323h, 21323i, 21323j, 21323k, 21323l, 21323m, and 21325.

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

The House of Representatives has passed the bill as substituted (H-2), 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,” by amending sections 21301a, 21304a, 21304b, 21307, 21307a, 21309a, 21310a, 21314a, 21315, 21316, 21316a, and 21320 (MCL 324.21301a, 324.21304a, 324.21304b, 324.21307, 324.21307a, 324.21309a, 324.21309a, 324.21310a, 324.21314a, 324.21315, 324.21316, 324.21316a, and 324.21320), sections 21301a, 21304a, 21309a, 21310a, and 21315 as amended and section 21304b as added by 1996 PA 116 and section 21307 as amended and sections 21307a, 21314a, and 21316a as added by 1995 PA 22, and by adding sections 21304c, 21304d, 21323a, 21323b, 21323c, 21323d, 21323e, 21323f, 21323g, 21323h, 21323i, 21323j, 21323k, 21323l, 21323m, 21325, and 21334.

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

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 206**

**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: Hansen

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

**Senate Bill No. 529, entitled**

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

The 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," by amending section 20114e (MCL 324.20114e), as added by 2010 PA 227, and by adding sections 21332 and 21333.

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

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 207**

**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: Hansen

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 as amended.

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

**Senate Bill No. 530, entitled**

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

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

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 208**

**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: Hansen

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. 531, entitled**

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

The 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.

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

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 209****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—11**

Anderson	Gregory	Hunter	Whitmer
Bieda	Hood	Johnson	Young
Gleason	Hopgood	Warren	

**Excused—0**

**Not Voting—1**

Smith

In The Chair: Hansen

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.

The President, Lieutenant Governor Calley, resumed the Chair.

**Senate Bill No. 532, entitled**

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

The 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.

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

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 210**

**Yeas—25**

Booher	Hildenbrand	Marleau	Proos
Brandenburg	Hune	Meekhof	Richardville
Casperson	Jansen	Moolenaar	Robertson
Caswell	Jones	Nofs	Rocca
Colbeck	Kahn	Pappageorge	Schuitmaker
Emmons	Kowall	Pavlov	Walker
Hansen			

**Nays—12**

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

**Excused—0**

**Not Voting—1**

Green

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.

**Senate Bill No. 533, entitled**

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

The 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,” by amending sections 21326, 21327, 21502, 21503, 21506a, 21510, 21515, 21517, 21520, 21550, 21558, and 21559 (MCL 324.21326, 324.21327, 324.21502, 324.21503, 324.21506a, 324.21510, 324.21515, 324.21517, 324.21520, 324.21550, 324.21558, and 324.21559), sections 21502 and 21503 as amended by 2006 PA 318, section 21506a as amended by 2007 PA 67, section 21510 as amended by 1995 PA 252, section 21515 as amended by 1996 PA 181, section 21550 as amended by 2010 PA 263, section 21558 as added by 2006 PA 322, and section 21559 as amended by 2008 PA 417; and to repeal acts and parts of acts.

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

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 211**

**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 title as amended.  
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Meekhof moved that the enrollment be vacated on the following bill:

**Senate Bill No. 531, entitled:**

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," by amending sections 21302 and 21303 (MCL 324.21302 and 324.21303), section 21302 as amended by 1995 PA 22 and section 21303 as amended by 1996 PA 116.

The motion prevailed.

Senator Meekhof moved to reconsider the vote by which the House substitute was concurred in.

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

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

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 212**

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

**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. 4346**

**House Bill No. 4658**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4346, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 6 (MCL 205.96), as amended by 2004 PA 172.

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. 213****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

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 levy, assessment, and collection of a specific excise tax on the storage, use, or consumption in this state of tangible personal property and certain services; to appropriate the proceeds of that tax; to prescribe penalties; and to make appropriations;”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4658, entitled**

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 4a (MCL 205.54a), as amended by 2008 PA 415.

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. 214****Yeas—30**

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

**Nays—8**

Anderson	Hood	Johnson	Warren
Gregory	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.

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

“An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”

The Senate agreed to the full title.

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 Hildenbrand as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Calley, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

#### **House Bill No. 5178, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7u (MCL 211.7u), as amended by 2003 PA 140.

#### **House Bill No. 5057, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 2882a (MCL 333.2882a), as added by 2011 PA 28.

The bills were placed on the order of Third Reading of Bills.

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

#### **Senate Bill No. 1064, entitled**

A bill to amend 2006 PA 110, entitled “Michigan zoning enabling act,” (MCL 125.3101 to 125.3702) by adding section 3514.

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.

### **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. 67**

**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**

The motion prevailed.

The question was placed on the adoption of the following resolution consent calendar:

**Senate Resolution No. 139**

The resolution consent calendar was adopted.

Senator Whitmer offered the following resolution:

**Senate Resolution No. 139.**

A resolution recognizing April 21-28, 2012, as Money Smart Week in the state of Michigan.

Whereas, The Federal Reserve Bank of Chicago's program Money Smart Week is an annual event that takes place April 21-28, 2012; and

Whereas, The state of Michigan is located in the Federal Reserve Bank of Chicago's district. There is a branch office in Detroit; and

Whereas, The Federal Reserve Bank of Chicago has conducted Money Smart Week in Michigan for the past eight years; and

Whereas, Financial institutions, government entities, and community- and faith-based organizations throughout Michigan work together to make Money Smart Week a success; and

Whereas, Money Smart Week consists of numerous financial training sessions throughout the state of Michigan; and

Whereas, Over six thousand Michigan residents benefited from Money Smart Week programs last year, with over two hundred and fifty Money Smart Week programs; and

Whereas, Last year, Money Smart Week programs were presented in the counties of Alcona, Antrim, Calhoun, Emmet, Genesee, Grand Traverse, Ingham, Jackson, Livingston, Marquette, Muskegon, Wayne, and Wexford; and

Whereas, Money Smart Week is a model for similar programs throughout the nation. Improved financial training promotes individual responsibility for financial affairs, knowledgeable citizens, stronger communities, and a more perfect state; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize April 21-28, 2012, as Money Smart Week in the state of Michigan, acknowledging the great contributions of Money Smart Week in and to our state; and be it further

Resolved, That a copy of this resolution be transmitted to the Federal Reserve Bank of Chicago and the Ingham County Treasurer with our highest esteem.

Senators Anderson, Bieda, Emmons, Hansen, Hopgood, Hunter, Johnson, Nofs, Proos, Richardville and Warren were named co-sponsors of the resolution.

Senators Colbeck, Pappageorge, Nofs, Gregory and Hood offered the following resolution:

**Senate Resolution No. 137.**

A resolution commemorating the 95th Anniversary of the Michigan State Police.

Whereas, The Michigan Department of State Police was first organized as the Michigan State Troops Permanent Force in 1917 for the purposes of domestic security and moved to permanent status in 1919. During the early years, the state police protected the homeland during the Great War, provided traffic patrol and general rural law enforcement, and enforced prohibition law. Over time, the department evolved to better serve the citizens of Michigan, eventually being recognized as a world-renowned police agency; and

Whereas, The professionalism and efficiency of the Michigan State Police were noted nationally as the department took the lead in several key initiatives, including the development of one of the world's leading public safety two-way radio communications systems, the Michigan Public Safety Communications System, which is the largest public safety communications system in North America; and

Whereas, Throughout its ninety-five-year history, the Michigan State Police has undergone several transformations to advance its reputation for professionalism, innovation, and excellence. Following the terrorist attacks of September 2001, the director of the Michigan State Police was designated as the State Director of Homeland Security to reflect the state's need to become better prepared for terrorism and weapons of mass destruction incidents. This past year, the department instituted a regional policing plan that increases patrol visibility and makes the department more mobile and flexible in responding to emerging crime trends; and

Whereas, The Michigan Department of State Police is an agency that has continued to excel in the face of change and, when not probing for crime solutions, has taken on new duties in the area of crime prevention. As technological advances progress each year, the department continues to lead in high technology, as evidenced by the creation of the Biometrics and Identification Division to emphasize the science and technologies critical to the future of public safety. Following the lead of the FBI, Michigan is the first state with this type of concentration highlighted in its organizational structure. Michigan also became linked to the Combined DNA Index System (CODIS), a fully integrated local, state, and national law enforcement system and crime-fighting tool; and

Whereas, The Michigan Department of State Police is dedicated to having a diverse workforce and reaching out to all of Michigan's residents, with special interest in the youth population. In 2003, the agency saw the appointment of its first African-American director; in 2006, the first Hispanic director; and in 2010, the first female director was appointed. The

Michigan State Police created the Michigan Youth Leadership Academy to provide teens with the opportunity to learn leadership and decision-making skills, as well as build positive relationships with law enforcement officers. In 2008, the Michigan Youth Leadership Academy received the International Association of Chiefs of Police Civil Rights Award; and

Whereas, Throughout the years, the Michigan State Police has mobilized many times to maintain order, protect property, and provide emergency relief. Michigan citizens have come to rely on these valiant law enforcement officers in times of civil disorder or personal distress, and their trust has been well-founded. We are indeed fortunate and grateful for the contributions of the members of the Michigan Department of State Police to the people of this state; now, therefore, be it

Resolved by the Senate, That an accolade of tribute be hereby accorded to commemorate the 95th Anniversary of the Michigan State Police; and be it further

Resolved, That a copy of this resolution be transmitted to Colonel Kriste Kibbey Etue, director of the Michigan Department of State Police, and to the members of this greatly-respected department as evidence of the high regard and esteem held for them by the Michigan Legislature and the people they serve.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Meekhof moved that the rule be suspended.

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

The resolution was adopted.

Senator Colbeck moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

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

The motion prevailed.

Senator Colbeck's statement is as follows:

Today we celebrate 95 years of dedicated service by the Michigan State Police. I would also like to recognize one of my colleagues here on the Senate floor who served for 25 years in the capacity of a state trooper, Senator Nofs. I am honored to serve on the Appropriations Subcommittee on State Police.

The State Police is a fine organization. The Michigan Department of State Police was first organized as the Michigan State Troops Permanent Force in 1917 for the purposes of domestic security and moved to permanent status in 1919.

During the early years, the State Police protected the homeland during the Great War, provided traffic patrol, and general rural law enforcement, and enforced prohibition law. Over time, the department evolved to better serve the citizens of Michigan, eventually being recognized as a world-renowned police agency.

Michigan State Police was noted for their development of one of the world's leading public safety two-way radio communications systems. The Michigan Public Safety Communications System is the largest public safety communications system in North America. As technology advances progress each year, the Michigan State Police continue to lead in high technology, as evidenced by the creation of the Biometrics and Identification Division to emphasize the science and technologies critical to the future of public safety. Following the lead of the FBI, Michigan was the first state with this type of concentration highlighted in its organizational structure. Michigan also became linked to the Combined DNA Index System (CODIS), a fully integrated local, state, and national law enforcement system and crime-fighting tool.

Throughout its 95-year history, the Michigan State Police has undergone several transformations to advance its reputation for professionalism, innovation, and excellence. The most recent example of this occurred just this past year when the department issued a regional policing plan that increased patrol visibility and makes the department more mobile and flexible in responding to emerging crime trends. Additionally, in its 95-year history, the Michigan State Police has mobilized many times to maintain order, protect property, and provide emergency relief.

Michigan citizens have come to rely on these valiant law enforcement officers in times of civil disorder or personal distress, and their trust has been well-founded. We are indeed fortunate and grateful for the contributions of the members of the Michigan Department of State Police to the people of this state.

### Introduction and Referral of Bills

Senator Young introduced

#### **Senate Bill No. 1076, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74116 (MCL 324.74116), as amended by 2010 PA 33.

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

Senator Casperson introduced

**Senate Bill No. 1077, entitled**

A bill to amend 1972 PA 382, entitled "Traxler-McCauley-Law-Bowman bingo act," by amending sections 3 and 12 (MCL 432.103 and 432.112), section 3 as amended by 2009 PA 41 and section 12 as amended by 1999 PA 108.

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

Senator Casperson introduced

**Senate Bill No. 1078, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 31 (MCL 257.31).

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

Senator Hildenbrand introduced

**Senate Bill No. 1079, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 29 (MCL 421.29), as amended by 2011 PA 269.

The bill was read a first and second time by title and referred to the Committee on Reforms, Restructuring and Reinventing.

Senator Jones introduced

**Senate Bill No. 1080, entitled**

A bill to amend 1972 PA 382, entitled "Traxler-McCauley-Law-Bowman bingo act," by amending sections 2, 3, 3a, 4, 4a, 5c, 7a, 7d, 8, 9, 10, 10a, 11a, 11b, 11c, 16, and 19 (MCL 432.102, 432.103, 432.103a, 432.104, 432.104a, 432.105c, 432.107a, 432.107d, 432.108, 432.109, 432.110, 432.110a, 432.111a, 432.111b, 432.111c, 432.116, and 432.119), sections 2 and 9 as amended by 2008 PA 401, section 3 as amended by 2009 PA 41, sections 3a, 5c, 8, 10, 10a, and 11b as amended by 2006 PA 427, sections 4, 7a, and 16 as amended and sections 4a, 7d, 11a, and 11c as added by 1999 PA 108, and section 19 as amended by 1995 PA 263, and by adding section 8a; and to repeal acts and parts of acts.

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

Senators Hopgood, Schuitmaker and Nofs introduced

**Senate Bill No. 1081, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17062 and 17064 (MCL 333.17062 and 333.17064), as amended by 1986 PA 174.

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

Senator Hildenbrand introduced

**Senate Bill No. 1082, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7212 (MCL 333.7212), as amended by 2011 PA 88, and by adding section 7417.

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

Senators Nofs, Pappageorge, Schuitmaker, Proos, Walker, Colbeck and Jansen introduced

**Senate Bill No. 1083, entitled**

A bill to enhance public safety, protect the environment, and prevent the disruption of vital public services by reducing the incidences of damage to underground facilities caused by excavation or blasting activity by providing notices to facility owners and facility operators before excavation or blasting; to provide for certain notices to affected parties when underground facilities are damaged; to provide for the powers and duties of certain state governmental officers and entities; to allow the promulgation of rules; to prescribe penalties; to allow the imposition of a fee; and to repeal acts and parts of acts.

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

Senators Nofs, Pappageorge, Schuitmaker, Proos, Walker, Colbeck and Jansen introduced

**Senate Bill No. 1084, entitled**

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards,

councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts,” by amending section 13 (MCL 691.1413), as amended by 1986 PA 175.

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

Senators Moolenaar, Jones, Hildenbrand, Robertson, Proos, Brandenburg, Walker, Meekhof, Pavlov, Booher, Hansen, Casperson, Kahn, Pappageorge, Colbeck, Green, Nofs, Jansen, Emmons, Hune, Caswell, Kowall, Richardville, Schuitmaker and Marleau introduced

**Senate Bill No. 1085, entitled**

A bill to amend 2011 PA 98, entitled “Fair and open competition in governmental construction act,” by amending the title and sections 5, 7, 9, and 13 (MCL 408.875, 408.877, 408.879, and 408.883) and by adding sections 2 and 8.

The bill was read a first and second time by title and referred to the Committee on Reforms, Restructuring and Reinvesting.

### Committee Reports

The Committee on Families, Seniors and Human Services reported

**Senate Bill No. 884, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20155 (MCL 333.20155), as amended by 2006 PA 195, and by adding section 20155a.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Judith K. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Rocca and Nofs

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 Families, Seniors and Human Services submitted the following:

Meeting held on Wednesday, April 18, 2012, at 3:02 p.m., Room 210, Farnum Building

Present: Senators Emmons (C), Rocca and Nofs

Excused: Senator Gregory

The Committee on Economic Development reported

**Senate Bill No. 1064, entitled**

A bill to amend 2006 PA 110, entitled “Michigan zoning enabling act,” (MCL 125.3101 to 125.3702) by adding section 3514.

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, Nofs, 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, April 18, 2012, at 1:30 p.m., Room 110, Farnum Building  
Present: Senators Kowall (C), Hildenbrand, Nofs, Emmons, Hansen, Hunter and Smith

## COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:  
Meeting held on Wednesday, April 18, 2012, at 11:27 a.m., Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators Brandenburg (C), Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

## COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture submitted the following:  
Meeting held on Thursday, April 19, 2012, at 8:35 a.m., Room 110, Farnum Building  
Present: Senators Hune (C), Booher, Emmons, Hansen and Gleason

## COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources, Environment and Great Lakes submitted the following:  
Meeting held on Thursday, April 19, 2012, at 9:00 a.m., Room 210, Farnum Building  
Present: Senators Casperson (C), Green, Kowall, Meekhof and Warren  
Absent: Senators Pavlov and Hood

**Scheduled Meetings**

**Appropriations** - Friday, April 20, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)  
(CANCELED)

**Judiciary** - Tuesday, April 24, 2:30 p.m., Room 110, Farnum Building (373-5323)

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

**Transportation** - Tuesday, April 24, 12:30 p.m., Room 100, Farnum Building (373-5314)

Senator Meekhof moved that the Senate adjourn.  
The motion prevailed, the time being 11:15 a.m.

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

CAROL MOREY VIVENTI  
Secretary of the Senate

