

**No. 51**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**96th Legislature**  
**REGULAR SESSION OF 2012**

---

---

Senate Chamber, Lansing, Thursday, May 24, 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—excused  
Hildenbrand—present

Hood—present  
Hopgood—present  
Hune—present  
Hunter—excused  
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 Dennis Haarer of Hillsdale Assembly of God Church of Hillsdale offered the following invocation:

Our Heavenly Father, we are thankful today for this opportunity to come and do business. Lord, we invite Your presence into this room today. We ask for Your wisdom, we ask for Your guidance, and we ask for blessings upon this wonderful state that You have allowed each one of us to live in. We are so thankful.

Lord, today as we have gathered together to do this, we ask that You would speak into our lives and that we would have the wisdom and guidance that You would give us. We ask Your blessing upon this session today and each order of business. In the name of Jesus 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 Richardville entered the Senate Chamber.

The following communications were received:  
Department of State

#### Administrative Rules Notices of Filing

May 8, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2008-041-EQ (Secretary of State Filing #12-05-02) on this date at 4:34 p.m. for the Department of Environmental Quality, entitled "Part 211. Underground Storage Tank."

These rules take effect immediately after filing with the Secretary of State.

May 10, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-016-NR (Secretary of State Filing #12-05-03) on this date at 4:35 p.m. for the Department of Natural Resources, entitled "Local Hunting and Firearms Controls (Washington Township Hunting Prohibited)."

May 10, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-006-LR (Secretary of State Filing #12-05-04) on this date at 4:37 p.m. for the Department of Licensing and Regulatory Affairs, entitled "On-Premises Licenses."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

May 11, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2008-034-LR (Secretary of State Filing #12-05-05) on this date at 4:34 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Adult Foster Care Facilities."

These rules become effective 60 days after filing with the Secretary of State.

May 18, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office

of Regulatory Reinvention filed Administrative Rule #2011-018-ED (Secretary of State Filing #12-05-06) on this date at 10:23 a.m. for the Department of Education, entitled “Teacher Certification Code.”

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,  
Ruth Johnson  
Secretary of State  
Robin L. Houston, Departmental Supervisor  
Office of the Great Seal

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 23:  
**House Bill Nos. 4860 4861 5415 5595 5596**

The Secretary announced that the following official bills were printed on Wednesday, May 23, and are available at the legislative website:

**House Bill Nos. 5650 5651 5652 5653 5654 5655 5656 5657 5658 5659 5660**

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

Senator Meekhof moved that Senators Booher, Emmons and Hune be temporarily excused from today’s session.  
The motion prevailed.

Senator Meekhof moved that Senator Hansen be excused from today’s session.  
The motion prevailed.

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

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

Senator Meekhof moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

Senators Emmons, Hune and Booher entered the Senate Chamber.

### Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:05 a.m.

10:52 a.m.

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

During the recess, Senator Pappageorge presented the 18th Annual Memorial Day Ceremony in honor of the military personnel who served during wartime. The ceremony was accompanied by the American Legion Unit 69 - Whitehall Color Guard, Kalamazoo Pipe Band, Michigan Army National Guard Honor Guard, and VFW Post Commanders.

Senator Pappageorge introduced The Belle Chords: Paula Hoffman, Elizabeth Johnson, Sandy Clark, and Kathryn Summers, who sang the “National Anthem.”

Senator Pappageorge introduced Corporal Roy Thomas (Ret.), United States Marine Corps and Wounded Warrior, who addressed the Senate.

Senator Gregory conducted a roll call of Michigan fallen soldiers since the 2011 Memorial Day Ceremony.

Senators Bieda, Casperson, Hildenbrand, Hopgood, Jones, Kahn, Moolenaar, Nofs, Robertson, Schuitmaker, Walker and Young acknowledged the casualties with memorial flags.

A moment of silence was observed in memory of the fallen soldiers.

Staff Sergeant Helinus of the Michigan Army National Guard played "Taps."

The Kalamazoo Pipe Band played "Amazing Grace."

Senator Pappageorge acknowledged Senator Gregory, himself, and all guests who serve and have served in the military.

Senators Whitmer and Green asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Whitmer's statement is as follows:

I just wanted to take a moment to thank Senator Pappageorge for continuing this wonderful tradition that we have here in the Senate. It really is great to be a part of it. We appreciate the work that goes into this, and it is so important.

I wanted to take a moment to introduce my guest. I am honored to have with me today someone who has become a good friend of mine. His name is George Olshove, who is a veteran of World War II and the 340th U.S. Army Corps of Engineers. He is also the father of one of our former Senate colleagues, Dennis Olshove. You can see the resemblance if you look at George. He is joined here today by his wife Helen of 63 years who is in the Gallery.

George served with distinction in the 340th U.S. Army Corps of Engineers during World War II. His unit was activated just months following the attack on Pearl Harbor to construct the Alaskan Military Highway to aid in defending our great country from possible further attack. Following the work on the Alaskan Military Highway, the unit was transferred to the South Pacific, working in such locations as Australia, New Guinea, the Dutch East Indies, and the Philippines.

It is because of the hard work and patriotism from George and the rest of the 340th U.S. Army Corps of Engineers that we are truly honored and humbled to have him here with us on the Senate floor. I just ask that you join me in recognizing and thanking George for his efforts. He is a constituent of my colleague Senator Bieda, but I am fortunate to have him and call him my friend and one of my heroes. I hope that you will join me in thanking him for his service.

Senator Green's statement is as follows:

I would like to introduce to my colleagues this morning an old friend. He is Lieutenant Colonel Don Lotter, retired from the United States Army Reserve. He is post commander of the American Legion Post 7 in Caro, and his wife Rita is here with us. I would appreciate it if you would welcome him this morning.

By unanimous consent the Senate proceeded to the order of

### **Introduction and Referral of Bills**

Senators Pavlov, Colbeck, Meekhof, Proos, Hildenbrand, Hune, Emmons, Kowall and Booher introduced

#### **Senate Bill No. 1142, entitled**

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," (MCL 38.1132 to 38.1140m) by amending the title, as amended by 1988 PA 343, and by adding section 39b.

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

Senators Kahn and Bieda introduced

#### **Senate Bill No. 1143, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3020 and 3104 (MCL 500.3020 and 500.3104), section 3020 as amended by 2006 PA 106 and section 3104 as amended by 2002 PA 662.

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

Senator Kahn introduced

#### **Senate Bill No. 1144, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3009a.

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

Senator Marleau introduced

#### **Senate Bill No. 1145, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17048 and 17548 (MCL 333.17048 and 333.17548), as amended by 2011 PA 210.

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

**House Bill No. 4860, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27b (MCL 211.27b), as amended by 1996 PA 476.

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

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

**House Bill No. 4861, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2012 PA 114.

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

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

**House Bill No. 5415, entitled**

A bill to create the Father Marquette national memorial and Mackinac straits area museum advisory board; and to prescribe the powers and duties of certain state agencies and officials.

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

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

**House Bill No. 5595, entitled**

A bill to amend 1964 PA 283, entitled "Weights and measures act," by amending sections 2, 3, 4, 5, 6, 9a, and 9b (MCL 290.602, 290.603, 290.604, 290.605, 290.606, 290.609a, and 290.609b), section 2 as amended and sections 9a and 9b as added by 2002 PA 208.

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

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

**House Bill No. 5596, entitled**

A bill to amend 1964 PA 283, entitled "Weights and measures act," by amending sections 10a, 10b, 28c, 28d, 29, 31, and 31a (MCL 290.610a, 290.610b, 290.628c, 290.628d, 290.629, 290.631, and 290.631a), sections 10a and 10b as amended and section 31a as added by 2002 PA 208, section 28c as amended by 2008 PA 351, section 28d as added by 2008 PA 345, section 29 as amended by 1986 PA 194, and section 31 as amended by 2006 PA 125, and by adding section 28e.

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

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

### Committee Reports

The Committee on Judiciary reported

**Senate Bill No. 94, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 405 (MCL 418.405), as amended by 1980 PA 457.

With the recommendation that the bill pass.

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

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**Senate Bill No. 809, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 304, 319, and 319b (MCL 257.304, 257.319, and 257.319b), section 304 as added by 2010 PA 155, section 319 as amended by 2010 PA 267, and section 319b as amended by 2008 PA 463.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.  
The committee further recommends that the bill be given immediate effect.

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

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

The Committee on Judiciary reported

**Senate Bill No. 895, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 6023 (MCL 600.6023), as amended by 1998 PA 61.

With the recommendation that the bill pass.

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

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, May 22, 2012, at 2:30 p.m., Room 110, Farnum Building

Present: Senators Jones (C), Schuitmaker, Rocca and Bieda

The Committee on Reforms, Restructuring and Reinventing reported

**House Bill No. 4059, entitled**

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 10 (MCL 423.210).

With the recommendation that the substitute (S-7) be adopted and that the bill then pass.

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

Mark C. Jansen  
Chairperson

To Report Out:

Yeas: Senators Jansen, Colbeck, Casperson, Kowall and Robertson

Nays: Senators Young and Warren

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Reforms, Restructuring and Reinventing submitted the following:

Meeting held on Wednesday, May 23, 2012, at 8:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Jansen (C), Colbeck, Casperson, Kowall, Robertson, Young and Warren

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Corrections submitted the following:

Meeting held on Tuesday, May 22, 2012, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Proos (C) and Walker

Excused: Senator Anderson

## COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:  
Meeting held on Wednesday, May 23, 2012, at 1:30 p.m., Room 110, Farnum Building  
Present: Senators Kowall (C), Hildenbrand, Nofs, Emmons, Hunter and Smith  
Excused: Senator Hansen

**Scheduled Meetings****Conference Committees -**

**Agriculture and Rural Development (SB 947)** - Tuesday, May 29, 1:45 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Community Colleges (SB 949)** - Tuesday, May 29, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Corrections (SB 951)** - Tuesday, May 29, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Environmental Quality (SB 953)** - Tuesday, May 29, 2:45 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**General Government (SB 954)** - Tuesday, May 29, 2:45 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Judiciary (SB 957)** - Tuesday, May 29, 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Licensing and Regulatory Affairs (SB 958)** - Tuesday, May 29, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Military and Veterans Affairs (SB 959)** - Tuesday, May 29, 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**State Police (SB 962)** - Tuesday, May 29, 1:15 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Transportation (SB 963)** - Tuesday, May 29, 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Energy and Technology** - Tuesday, May 29, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5307)

**Legislative Retirement Board of Trustees -****Subcommittee -**

**Investment** - Friday, May 25, 12:15 p.m., Room H-65, Capitol Building (373-0575)

Senator Meekhof moved that the Senate adjourn.  
The motion prevailed, the time being 11:00 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Tuesday, May 29, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

