

No. 35
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2012

Senate Chamber, Lansing, Wednesday, April 18, 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 Michael L. Nofs of the 19th District offered the following invocation:

Lord, assist us with Your spirit of wisdom and fortitude. Guide Governor Snyder, the Legislature, and all who serve the people of the great state of Michigan to craft laws, and lead us in a way that pleases You.

We pray for all who protect us each and every day at home and abroad. Bless those who serve in the armed forces and as first responders in our communities. Watch over all of these brave men and women as they continue to live by Your example, and place service to others above themselves.

Lord, we commend to You all for whom we pray in the name of Your Son Jesus Christ. Amen.

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

Motions and Communications

Senators Jones, Warren, Kahn, Schuitmaker, Pappageorge, Richardville and Gleason entered the Senate Chamber.

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

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

Senators Casperson and Young 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 10:08 a.m.

10:52 a.m.

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

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

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

April 13, 2012

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Strategic Fund (MSF), a discretely presented component unit of the State of Michigan, for the period October 1, 2009 through September 30, 2011.

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

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

Messages from the House

Senate Bill No. 617, entitled

A bill to amend 1967 PA 168, entitled "An act to authorize the state administrative board to convey certain lands and to cede a certain water area in Alger county to the United States of America for use by the national park service; and to declare the effect thereof;" by amending sections 1 and 4 (MCL 3.451 and 3.454) and by adding sections 4a, 4b, and 4c.

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.

Senator Johnson entered the Senate Chamber.

House Bill No. 4845, 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 80101, 80141, and 80212 (MCL 324.80101, 324.80141, and 324.80212), section 80101 as amended by 2004 PA 547, section 80141 as added by 1995 PA 58, and section 80212 as added by 2000 PA 229.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 3, line 10, after “(OCTOBER 1996)” by inserting a comma and “A PROVINCE OF THE COMMONWEALTH OF CANADA, OR ANOTHER COUNTRY”.

2. Amend page 4, line 21, by striking out “WATER” and inserting “BOATING”.

The House of Representatives has concurred in the Senate substitute (S-1) as amended.

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 House amendments to the Senate substitute,

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

Roll Call No. 202**Yeas—35**

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

Nays—3

Hood	Warren	Young
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Excused—0**Not Voting—0**

In The Chair: President

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. 4751

House Bill No. 4974

The motion prevailed.

The following bill was read a third time:

House Bill No. 4751, entitled

A bill to amend 1972 PA 344, entitled "Agricultural marketing and bargaining act," by amending sections 2, 2a, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 (MCL 290.702, 290.702a, 290.703, 290.704, 290.705, 290.706, 290.707, 290.708, 290.709, 290.710, 290.711, 290.712, 290.713, 290.714, 290.715, 290.716, 290.717, 290.718, 290.719, 290.720, 290.721, 290.722, 290.723, 290.724, and 290.725), sections 3 and 17 as amended by 1980 PA 195.

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. 203

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 permit producers of agriculture commodities to be represented by associations; to create an agricultural marketing and bargaining board; to provide for the accreditation of associations; to establish obligations on the part of handlers and associations; to provide for arbitration; to define unfair practices; and to prescribe penalties,".

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4974, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," by amending section 1072 (MCL 250.2072), as added by 2011 PA 78.

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. 204

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 consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions.”.
The Senate agreed to the full title.

Senator Meekhof moved that the following bill be placed at the head of the Third Reading of Bills calendar:

House Bill No. 4393

The motion prevailed.

The following bill was read a third time:

House Bill No. 4393, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 703 (MCL 436.1703), as amended by 2006 PA 443.

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. 205

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 create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.”.

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 Hansen 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 bill:

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 bill 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:

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. Substitute (S-1).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 2, line 5, after “**THROUGH**” by striking out “**JUNE 30, 2013**” and inserting “**DECEMBER 31, 2013**”.
2. Amend page 2, line 26, after “**BEGINNING**” by striking out “**JULY 1, 2013**” and inserting “**JANUARY 1, 2014**”.

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Robertson introduced

Senate Bill No. 1073, entitled

A bill to establish duties of owners or operators of property and their attorneys and agents in evicting a tenant from the property; to provide for the disposal of a tenant’s personal property lawfully removed from property; to provide civil sanctions for the improper removal and disposal of property; and to provide remedies.

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

Senator Hune introduced

Senate Bill No. 1074, entitled

A bill to amend 1978 PA 361, entitled "Michigan exposition and fairgrounds authority act," by amending sections 2, 4, 6, 7, 8, 9, 11, 12, 14a, and 15a (MCL 285.162, 285.164, 285.166, 285.167, 285.168, 285.169, 285.171, 285.172, 285.174a, and 285.175a), as amended by 2004 PA 468, and by adding section 5a.

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

Senators Hune and Gregory introduced

Senate Bill No. 1075, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending the title and sections 2, 3, 4, 6, 7, 8, 9, 9a, 10, 12, 13, 14, 15, 16, 17, 18, 19, 19a, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 32 (MCL 431.302, 431.303, 431.304, 431.306, 431.307, 431.308, 431.309, 431.309a, 431.310, 431.312, 431.313, 431.314, 431.315, 431.316, 431.317, 431.318, 431.319, 431.319a, 431.320, 431.321, 431.322, 431.323, 431.324, 431.325, 431.326, 431.327, 431.328, 431.329, and 431.332), sections 2 and 4 as amended by 2006 PA 445, sections 7, 9, 10, and 12 as amended by 2000 PA 164, section 9a as added by 1997 PA 73, sections 14, 17, and 18 as amended and section 19a as added by 1998 PA 408, section 16 as amended by 2005 PA 7, and section 20 as amended by 2006 PA 185; 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 Agriculture.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary submitted the following:

Meeting held on Tuesday, April 17, 2012, at 9:00 a.m., Room 210, Farnum Building

Present: Senators Proos (C), Schuitmaker and Johnson

Scheduled Meetings

Agriculture - Thursday, April 19, 8:30 a.m., Room 110, Farnum Building (373-5312)

Appropriations - Thursday, April 19, 11:00 a.m.; and Friday, April 20, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Subcommittee -

Retirement - Thursday, April 19, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Natural Resources, Environment and Great Lakes - Thursday, April 19, 9:00 a.m., Room 210, Farnum Building (373-5323)

Outdoor Recreation and Tourism - Thursday, April 19, 12:30 p.m., Room 210, Farnum Building (373-5323)

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

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 11:16 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, April 19, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

