

**No. 3**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**96th Legislature**  
**REGULAR SESSION OF 2012**

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Senate Chamber, Lansing, Wednesday, January 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—excused  
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 Phillip J. Pavlov of the 25th District offered the following invocation:

Sometimes, Lord, it is so hard to see. We squint and we struggle to make sense of what You're showing us. Help us know when You are guiding us, Lord, and when we are clutching at the wrong answers. Help us know, as this peace process unfolds, how to best follow Your voice, how to love each other with Your perfect love, how to continue to turn to You, and, when it's Your will, to wait until the time You choose to answer our prayers.

Thank you for teaching us how to live in Your care and respond to Your voice. Amen.

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

### Motions and Communications

Senator Pappageorge entered the Senate Chamber.

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

January 12, 2012

Enclosed is a copy of the following audit report:

Follow-up of the performance audit of the Client Eligibility Oversight, Error Identification, and Error Prevention Processes for Selected Public Assistance Programs, Department of Human Services.

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

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

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

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

Senator Meekhof moved that rule 2.106 be suspended to allow committees to meet during Senate session. The motion prevailed, a majority of the members serving voting therefor.

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of all Senators admittance to the Senate floor. 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.

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

The Secretary announced that the following official bills were printed on Tuesday, January 17, and are available at the legislative website:

**Senate Bill Nos. 893 894**

By unanimous consent the Senate proceeded to the order of

### Resolutions

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

**Senate Resolution No. 34**

**Senate Resolution No. 67**

The motion prevailed.

**House Concurrent Resolution No. 44.**

A concurrent resolution providing for a joint convention of the House of Representatives and the Senate.

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives, Wednesday, January 18, 2012, at 6:30 p.m., to receive the message of Governor Rick Snyder.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent 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 concurrent resolution was adopted.

Senators Bieda, Booher, Brandenburg, Hansen, Hildenbrand, Jones, Pavlov and Proos were named co-sponsors of the concurrent resolution.

Senators Whitmer and Young entered the Senate Chamber.

**Introduction and Referral of Bills**

Senators Green, Kahn, Brandenburg, Marleau and Walker introduced

**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.

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

**Recess**

Senator Meekhof moved that the Senate recess until 6:00 p.m.

The motion prevailed, the time being 10:09 a.m.

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

During the recess, Senators Hood, Hopgood and Johnson 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 6:01 p.m.

6:19 p.m.

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

**Joint Convention**

The Sergeant at Arms announced a committee from the House of Representatives, Representatives Haines, Huuki, Bauer and Lindberg, who, through their chairperson, reported that the House was ready to meet with the Senate in Joint Convention.

The President, Lieutenant Governor Calley, announced that the hour had arrived for the meeting of the two houses in Joint Convention.

Senator Meekhof moved that the Senate recess for the purpose of proceeding to the Hall of the House of Representatives for Joint Convention.

The motion prevailed, the time being 6:21 p.m.

(For proceedings in Joint Convention, see House Journal No. 3, p. 17.)

The Senate reconvened at the expiration of the recess at 8:02 p.m. and pursuant to rule 1.101, in the absence of the Presiding Officers, was called to order by the Secretary of the Senate.

The Secretary of the Senate announced that the Senate had attended the Joint Convention in the Hall of the House of Representatives and had received the State of the State message by Governor Snyder.

### Committee Reports

The Committee on Judiciary reported

**Senate Bill No. 387, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 479a (MCL 750.479a), as amended by 2002 PA 270.

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. 845, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 4a of chapter IV (MCL 769.4a), as amended by 2006 PA 663.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

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. 846, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2011 PA 169.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

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. 847, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 81 (MCL 750.81), as amended by 2001 PA 190.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

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. 848, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 84 (MCL 750.84).

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

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.

**COMMITTEE ATTENDANCE REPORT**

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, January 17, 2012, at 2:30 p.m., Room 110, Farnum Building

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

**COMMITTEE ATTENDANCE REPORT**

The Committee on Transportation submitted the following:

Meeting held on Tuesday, January 17, 2012, at 12:30 p.m., Room 100, Farnum Building

Present: Senators Casperson (C), Kowall, Brandenburg, Pavlov, Hansen, Gleason and Hood

**COMMITTEE ATTENDANCE REPORT**

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Tuesday, January 17, 2012, at 2:00 p.m., Room 210, Farnum Building

Present: Senators Caswell (C), Jansen, Proos and Gregory

**Scheduled Meetings****Appropriations -****Subcommittees -**

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

**Licensing and Regulatory Affairs Department** - Thursday, January 19, 1:30 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**State Police and Military Affairs** - Thursday, January 19, 1:00 p.m., Room 405, Capitol Building (373-2768)

**Natural Resources, Environment and Great Lakes** - Thursday, January 19, 8:30 a.m., Room 210, Farnum Building (373-5323)

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

**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 8:03 p.m.

The Secretary of the Senate declared the Senate adjourned until Thursday, January 19, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate