

No. 68  
STATE OF MICHIGAN  
**Journal of the Senate**  
96th Legislature  
REGULAR SESSION OF 2012

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Senate Chamber, Lansing, Tuesday, September 25, 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

Pastor Brooks McElhenny of Northville Christian Assembly of Northville offered the following invocation:

Our gracious God, we thank You for this day that You have given. Lord, we take this day and the opportunities that You have given us, Lord, with gratefulness.

Lord, for these men and women who have gathered here, who have a great mandate upon them to make decisions, Lord, I pray that You would give them insight and knowledge; Lord, that You would give them discerning hearts so they can make wise decisions today, Lord, that would honor the people of this state. Lord, I pray that You would bless them today and that they would sense Your presence with them.

Lord, may You, when all is said and done, receive the honor and glory that is due Your name. Amen.

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

### Motions and Communications

Senators Richardville and Young entered the Senate Chamber.

The following communication was received and read:

Office of the Senate Majority Leader

September 20, 2012

Pursuant to Senate Rule 3.203, I am hereby re-referring House Bill 5784 from the Senate Committee on Agriculture to the Senate Committee on Appropriations.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,  
Randy Richardville  
Senate Majority Leader

The communication was referred to the Secretary for record.

The following communications were received and read:

Office of the Auditor General

September 21, 2012

Enclosed is a copy of the following audit report:

Follow-up of the performance audit of Data Center Operations, Department of Technology, Management, and Budget.

September 21, 2012

Enclosed is a copy of the following audit report:

Performance audit of the Central Michigan Correctional Facility, Department of Corrections.

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

The audit reports were referred to the Committee on Government Operations.

The following communication was received:

Department of Treasury

September 20, 2012

This report is provided in compliance with Public Act 388 of 2008, the Beverage Container Redemption Antifraud Act (Public Act 388 of 2008, Section (7)(4)) which mandates:

Beginning 1 year after the effective date of this act [December 1, 2009 (the date when monies were allocated for the Act)], the department [Treasury] by September 1 of each year shall report to the legislature on the progress it has made in reducing the redemption of nonreturnable containers, including the total number of distributors who were overredeemers in the immediately preceding calendar year, before trading, as well as the average amount of overredemption.

Please contact Tom Patchak-Schuster or me at 3-2697 if you have any questions.

Howard Heideman  
Director, Tax Analysis/Division  
Office of Revenue and Tax Analysis

The communication was referred to the Secretary for record.

The Secretary announced the enrollment printing and presentation to the Governor on Monday, September 24, for his approval the following bills:

**Enrolled Senate Bill No. 1109 at 10:26 a.m.**

**Enrolled Senate Bill No. 637 at 10:28 a.m.**

The Secretary announced that the following official bills were printed on Thursday, September 20, and are available at the legislative website:

<b>Senate Bill Nos.</b>	<b>1277</b>	<b>1278</b>	<b>1279</b>	<b>1280</b>	<b>1281</b>	<b>1282</b>	<b>1283</b>	<b>1284</b>	<b>1285</b>	<b>1286</b>	<b>1287</b>	<b>1288</b>	<b>1289</b>	<b>1290</b>
	<b>1291</b>	<b>1292</b>	<b>1293</b>	<b>1294</b>										
<b>House Bill Nos.</b>	<b>5914</b>	<b>5915</b>	<b>5916</b>	<b>5917</b>	<b>5918</b>	<b>5919</b>	<b>5920</b>	<b>5921</b>	<b>5922</b>	<b>5923</b>	<b>5924</b>	<b>5925</b>	<b>5926</b>	<b>5927</b>
	<b>5928</b>													

The Secretary announced that the following official bills were printed on Friday, September 21, and are available at the legislative website:

<b>Senate Bill Nos.</b>	<b>1295</b>	<b>1296</b>	<b>1297</b>	<b>1298</b>	<b>1299</b>	<b>1300</b>	<b>1301</b>	<b>1302</b>	<b>1303</b>	<b>1304</b>	<b>1305</b>			
<b>House Bill Nos.</b>	<b>5929</b>	<b>5930</b>	<b>5931</b>	<b>5932</b>	<b>5933</b>	<b>5934</b>	<b>5935</b>	<b>5936</b>	<b>5937</b>	<b>5938</b>	<b>5939</b>	<b>5940</b>	<b>5941</b>	

Senator Bieda moved that Senators Gleason and Hunter be temporarily excused from today's session.

The motion prevailed.

Senator Meekhof moved that Senator Walker be temporarily excused from today's session.

The motion prevailed.

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

**Senate Bill No. 1189**

**Senate Bill No. 1206**

**House Bill No. 5581**

**House Bill No. 5793**

**House Bill No. 5819**

**House Bill No. 5820**

**House Bill No. 5821**

**House Bill No. 5822**

**House Bill No. 5823**

**House Bill No. 5824**

**House Bill No. 5826**

**House Bill No. 5893**

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

Senator Meekhof moved that the following bill, now on the order of Third Reading of Bills, be referred to the Committee on Judiciary:

**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.

The motion prevailed.

### Messages from the Governor

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

**Senate Bill No. 930**

**Senate Bill No. 754**

**Senate Bill No. 803**

The motion prevailed.

The following messages from the Governor were received and read:

September 11, 2012

I respectfully submit to the Senate the following appointment to office:

**Michigan Board of Acupuncture**

Rosanne M. Emanuele of 2836 Canterbury Drive, Ann Arbor, Michigan 48104, county of Washtenaw, representing acupuncturists, succeeding Rhonda Sousley, is appointed for a term expiring June 30, 2016.

September 11, 2012

I respectfully submit to the Senate the following appointment to office:

**Health Information Technology Commission**

Michael P. Gardner of 5208 Butterfield Drive, Midland, Michigan 48642, county of Midland, representing the pharmaceutical industry, succeeding himself, is reappointed for a term expiring August 3, 2016.

September 18, 2012

I respectfully submit to the Senate the following appointments to office:

**State Carnival-Amusement Safety Board**

Richard A. McLonis of 56437 Cromwell Court, Shelby Township, Michigan 48316, county of Macomb, representing the general public, succeeding Carrie E. Jones, is appointed for a term expiring July 10, 2016.

John S. Mark of 2915 Scenic Drive, Muskegon, Michigan 49445, county of Muskegon, representing amusement park operators, succeeding Douglas S. Schmidt, is appointed for a term expiring July 10, 2016.

Sincerely,  
Rick Snyder  
Governor

The appointments were referred to the Committee on Government Operations.

**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.

10:13 a.m.

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

During the recess, Senator Gleason entered the Senate Chamber.

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 Colbeck 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. 5053, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 48729 (MCL 324.48729), as added by 1995 PA 57.

**Senate Bill No. 1006, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 113 (MCL 208.1113), as amended by 2011 PA 77.

**Senate Bill No. 1234, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 6 (MCL 388.1606), as amended by 2012 PA 201.

**Senate Bill No. 1189, entitled**

A bill to amend 2002 PA 100, entitled "Public employee retirement benefit protection act," (MCL 38.1681 to 38.1689) by amending the title and by adding section 8a.

**House Bill No. 5819, entitled**

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 1060 (MCL 450.3060), as amended by 2007 PA 87.

**House Bill No. 5820, entitled**

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 1101 (MCL 450.5101), as amended by 2007 PA 86.

**House Bill No. 5821, entitled**

A bill to amend 2002 PA 733, entitled "State plumbing act," by amending sections 31 and 35 (MCL 338.3541 and 338.3545), as amended by 2008 PA 370.

**House Bill No. 5822, entitled**

A bill to amend 1984 PA 192, entitled "Forbes mechanical contractors act," by amending section 10 (MCL 338.980), as amended by 2008 PA 372.

**House Bill No. 5823, entitled**

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 3 (MCL 338.883), as amended by 2008 PA 371.

**House Bill No. 5824, entitled**

A bill to amend 1986 PA 54, entitled "Building officials and inspectors registration act," by amending section 13 (MCL 338.2313), as amended by 2008 PA 373.

**House Bill No. 5893, entitled**

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 1060 (MCL 450.2060), as amended by 2008 PA 402.

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 amendments, the following bill:

**House Bill No. 5284, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145d (MCL 750.145d), as amended by 2000 PA 185.

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

1. Amend page 4, line 14, after "A" by inserting "**COMPUTER GAME DEVICE OR A**".
2. Amend page 5, following line 9, by inserting:

"Enacting section 1. This amendatory act takes effect January 1, 2013."

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

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

**Senate Bill No. 1126, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 3e to chapter XI.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1127, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 3 of chapter XI (MCL 771.3), as amended by 2006 PA 655, and by adding section 3d to chapter XI.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5697, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9156.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 264, 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 Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1232, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," (MCL 710.21 to 712A.32) by adding chapter XIIB.

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.

The Committee of the Whole reported back to the Senate, favorably and with amendment, the following bill:  
**Senate Bill No. 1206, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3131 (MCL 324.3131), as added by 1997 PA 29.

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 4, line 3, after "**THROUGH**" by inserting "**(C) AND (E) THROUGH**".

The Senate agreed to the amendment recommended by the Committee of the Whole, and the bill as amended 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. 5581, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 8317 (MCL 324.8317), as amended by 2008 PA 18.

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.

The Committee of the Whole reported back to the Senate, favorably and with amendments, the following bill:  
**House Bill No. 5793, entitled**

A bill to amend 1935 PA 120, entitled "An act to prescribe a method for the fingerprinting of residents of the state, and to provide for the recording and filing thereof by the central records division of the department of state police," by amending section 3 (MCL 28.273), as amended by 2010 PA 178.

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

1. Amend page 1, line 1, after "**OCTOBER 1,**" by striking out "**2014**" and inserting "**2015**".

2. Amend page 2, line 11, after "**2012,**" by striking out "**2014**" and inserting "**2015**".

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

During the Committee of the Whole, Senator Walker entered the Senate Chamber.

By unanimous consent the Senate returned to the order of  
**Messages from the House**

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

**Senate Bill No. 409**

**Senate Bill No. 797**

**Senate Bill No. 1122**

The motion prevailed.

Senator Hunter entered the Senate Chamber.

**Senate Bill No. 1123, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 44 (MCL 125.1444), as amended by 2008 PA 58.

Substitute (H-1).

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. 656**

**Yeas—32**

Anderson	Hansen	Kahn	Richardville
Bieda	Hildenbrand	Kowall	Rocca
Booher	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Smith
Caswell	Hunter	Moolenaar	Walker
Emmons	Jansen	Pappageorge	Warren
Gleason	Johnson	Pavlov	Whitmer
Gregory	Jones	Proos	Young

**Nays—6**

Brandenburg	Green	Nofs	Robertson
Colbeck	Hune		

**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 full title.

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

**Senate Bill No. 1124, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 22 (MCL 125.1422), as amended by 2008 PA 449.

Substitute (H-1).

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. 657****Yeas—33**

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

**Nays—5**

Brandenburg	Hune	Robertson	Young
Colbeck			

**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 full title.

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

**Senate Bill No. 1125, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 32 (MCL 125.1432), as amended by 2008 PA 56.

Substitute (H-1).

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. 658****Yeas—33**

Anderson	Hansen	Kahn	Richardville
Bieda	Hildenbrand	Kowall	Rocca
Booher	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Smith



Caswell	Hunter	Moolenaar	Walker
Emmons	Jansen	Pappageorge	Warren
Gleason	Johnson	Pavlov	Whitmer
Green	Jones	Proos	Young
Gregory			

**Nays—5**

Brandenburg	Hune	Nofs	Robertson
Colbeck			

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

**Third Reading of Bills**

Senator Meekhof moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

**House Bill No. 5697**

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

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

**Senate Bill No. 1222****House Bill No. 5697**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 1222, entitled**

A bill to amend 1972 PA 239, entitled “McCauley-Traxler-Law-Bowman-McNeely lottery act,” by amending section 25 (MCL 432.25), as amended by 1998 PA 465.

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. 659****Yeas—35**

Anderson	Gregory	Kahn	Robertson
Bieda	Hansen	Kowall	Rocca
Booher	Hildenbrand	Marleau	Schuitmaker
Brandenburg	Hood	Meekhof	Smith

Casperson	Hopgood	Moolenaar	Walker
Colbeck	Hune	Pappageorge	Warren
Emmons	Hunter	Pavlov	Whitmer
Gleason	Johnson	Proos	Young
Green	Jones	Richardville	

**Nays—2**

Caswell	Jansen
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**Excused—0**

**Not Voting—1**

Nofs

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 5697, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 9156.

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. 660**

**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

Senator Meekhof moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

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

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

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

Senators Hune and Booher introduced

#### **Senate Bill No. 1306, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 310 (MCL 257.310), as amended by 2008 PA 36.

The bill was read a first and second time by title and referred to the Committee on Veterans, Military Affairs and Homeland Security.

Senator Jones introduced

#### **Senate Bill No. 1307, entitled**

A bill to amend 1962 PA 60, entitled “An act to provide for the day parole of prisoners in county jails to permit them to be gainfully employed outside the jail or pursue other activities; to provide for the granting of reductions in terms of imprisonment and the regulation thereof; and to provide for the disposition of earnings from such employment,” by amending section 1 (MCL 801.251), as amended by 1987 PA 146, and by adding section 1a.

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

Senator Marleau introduced

#### **Senate Bill No. 1308, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 2213 (MCL 500.2213), as amended by 2002 PA 707.

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

Senator Green introduced

#### **Senate Bill No. 1309, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17201 (MCL 333.17201).

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

Senator Green introduced

#### **Senate Bill No. 1310, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 16326 and part 171.

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

Senators Green and Colbeck introduced

**Senate Bill No. 1311, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1307, 1311, 30103, 30104, 30305, 30306, 30311a, 30311d, 32513, and 32514 (MCL 324.1307, 324.1311, 324.30103, 324.30104, 324.30305, 324.30306, 324.30311a, 324.30311d, 324.32513, and 324.32514), section 1307 as amended by 2012 PA 164, section 1311 as amended by 2011 PA 246, section 30103 as amended by 2009 PA 139, section 30104 as amended by 2011 PA 218, sections 30305, 30306, and 32513 as amended by 2012 PA 247, sections 30311a and 30311d as added by 2009 PA 120, and section 32514 as added by 1995 PA 59; 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 Natural Resources, Environment and Great Lakes.

Senator Jones introduced

**Senate Bill No. 1312, entitled**

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2, 3, 4, 5, 6a, 7, 7a, and 7b (MCL 722.22, 722.23, 722.24, 722.25, 722.26a, 722.27, 722.27a, and 722.27b), section 2 as amended by 2005 PA 327, sections 3 and 5 as amended by 1993 PA 259, section 4 as amended by 1998 PA 482, section 6a as added by 1980 PA 434, section 7 as amended by 2005 PA 328, section 7a as amended by 1996 PA 19, and section 7b as amended by 2009 PA 237, and by adding sections 3a and 6f.

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

Senator Hansen introduced

**Senate Bill No. 1313, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145c (MCL 750.145c), as amended by 2004 PA 478.

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

Senator Hildenbrand introduced

**Senate Bill No. 1314, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145c (MCL 750.145c), as amended by 2004 PA 478.

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

Senators Proos, Green, Jones, Robertson, Nofs and Colbeck introduced

**Senate Bill No. 1315, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 36 (MCL 791.236), as amended by 2011 PA 165.

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

Senators Kowall, Jones and Schuitmaker introduced

**Senate Bill No. 1316, entitled**

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

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

Senators Kowall, Schuitmaker and Jones introduced

**Senate Bill No. 1317, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 721 (MCL 339.721), as amended by 2005 PA 278.

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

Senators Schuitmaker and Jones introduced

**Senate Bill No. 1318, entitled**

A bill to amend 1907 PA 101, entitled "An act to regulate the carrying on of business under an assumed or fictitious name," by amending section 4 (MCL 445.4), as amended by 1990 PA 111.

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

Senators Jones and Schuitmaker introduced

**Senate Bill No. 1319, entitled**

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending sections 102 and 902 (MCL 450.4102 and 450.4902), section 102 as amended by 2010 PA 290 and section 902 as amended by 2010 PA 126.

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

Senators Kowall, Jones and Schuitmaker introduced

**Senate Bill No. 1320, entitled**

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending sections 105, 106, 108, 109, 123, 201, 202, 211, 241, 405, 488, 528, 564b, 565, 569, 611, 631, 641, 642, 643, 703a, 753, 762, 776, 781, 784, 804, 911, 1021, 1035, and 1041 (MCL 450.1105, 450.1106, 450.1108, 450.1109, 450.1123, 450.1201, 450.1202, 450.1211, 450.1241, 450.1405, 450.1488, 450.1528, 450.1564b, 450.1565, 450.1569, 450.1611, 450.1631, 450.1641, 450.1642, 450.1643, 450.1703a, 450.1753, 450.1762, 450.1776, 450.1781, 450.1784, 450.1804, 450.1911, 450.2021, 450.2035, and 450.2041), sections 105, 123, 405, 488, 703a, and 753 as amended by 2001 PA 57, section 106 as amended by 2006 PA 68, sections 108, 202, 804, and 1035 as amended by 1989 PA 121, sections 109, 565, 643, and 1021 as amended by 1993 PA 91, sections 201, 211, 241, 564b, and 762 as amended by 2008 PA 402, section 528 as amended by 2006 PA 65, section 569 as amended by 1987 PA 1, section 611 as amended by 2006 PA 64, sections 631, 641, and 1041 as amended by 1997 PA 118, section 642 as amended by 1982 PA 407, sections 776, 781, and 784 as amended by 1989 PA 31, and section 911 as amended by 2007 PA 182, and by adding section 529 and chapter 2A; 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 Judiciary.

Senators Jones and Proos introduced

**Senate Bill No. 1321, entitled**

A bill to amend 1968 PA 330, entitled "Private security business and security alarm act," (MCL 338.1051 to 338.1092) by adding section 17a.

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

Senator Hune introduced

**Senate Bill No. 1322, entitled**

A bill to amend 1982 PA 432, entitled "Motor bus transportation act," by amending section 9 (MCL 474.109), as amended by 1996 PA 432.

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

Senator Hune introduced

**Senate Bill No. 1323, entitled**

A bill to amend 1951 PA 35, entitled "An act to authorize intergovernmental contracts between municipal corporations; to authorize any municipal corporation to contract with any person or any municipal corporation to furnish any lawful municipal service to property outside the corporate limits of the first municipal corporation for a consideration; to prescribe certain penalties; to authorize contracts between municipal corporations and with certain nonprofit public transportation corporations to form group self-insurance pools; and to prescribe conditions for the performance of those contracts," by amending section 9 (MCL 124.9), as added by 1982 PA 138.

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

Senator Hune introduced

**Senate Bill No. 1324, entitled**

A bill to amend 1965 PA 198, entitled "Motor vehicle accident claims act," by amending section 2 (MCL 257.1102).

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

Senators Emmons and Marleau introduced

**Senate Bill No. 1325, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 303a and 601 (MCL 339.303a and 339.601), section 303a as amended by 2006 PA 489 and section 601 as amended by 2008 PA 319, and by adding article 28; 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 Emmons and Marleau introduced

**Senate Bill No. 1326, entitled**

A bill to amend 1972 PA 230, entitled “Stille-DeRossett-Hale single state construction code act,” (MCL 125.1501 to 125.1531) by adding section 10a.

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

Senators Marleau and Emmons introduced

**Senate Bill No. 1327, entitled**

A bill to amend 1979 PA 152, entitled “State license fee act,” (MCL 338.2201 to 338.2277) by adding section 19.

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. 1328, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 19608, 19612, 20101, 20104, 20114, 20114c, 20114e, 20120a, 20120b, 20126, and 21304a (MCL 324.19608, 324.19612, 324.20101, 324.20104, 324.20114, 324.20114c, 324.20114e, 324.20120a, 324.20120b, 324.20126, and 324.21304a), section 19608 as amended by 2003 PA 252, section 19612 as added by 1998 PA 288, sections 20101 and 20104 as amended by 2010 PA 229, section 20114 as amended by 2010 PA 234, section 20114e as amended by 2012 PA 109, sections 20120a and 20120b as amended and section 20114c as added by 2010 PA 228, section 20126 as amended by 2010 PA 227, and section 21304a as amended by 2012 PA 108, and by adding section 20114f; 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 Natural Resources, Environment and Great Lakes.

### Statements

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

The motion prevailed.

Senator Meekhof’s statement is as follows:

I would like to rise and share some good news with my colleagues. I have the privilege of representing the 30th District in Ottawa County. In the 30th District things are great. Over the last year, Ottawa County had the fastest-growing job base in the country, outpacing the national average.

Ottawa County has long been blessed with many companies that are committed to growing the economy and providing good-paying jobs for local residents—companies like Gentex, Shape, Johnson Controls, Herman Miller, Request Foods, Haworth, Sara Lee, and many more. Many of these companies were forced to lay off employees for the first time ever during the recession.

But now, thanks in part to the major tax reform passed by this body last year, these companies are hiring back laid-off employees and creating brand-new jobs at a record pace. Colleagues, I want to thank you for supporting the elimination of the Michigan business tax. As I talk to employers in my district, they uniformly cite the MBT elimination as the top reason they are now able to create new jobs. I know that the economic benefit of this tax reform has not yet affected every area of Michigan, but I am confident over time that job growth that I have seen in Ottawa County will be seen across the state.

Senator Schuitmaker’s statement is as follows:

Colleagues, today is the sixth National Day of Remembrance. It’s a day that was started by Robert and Charlotte Hullinger, who lost their daughter Lisa. Lisa was a smart, attractive 19-year-old student who broke off an abusive relationship with Bill Coday. Lisa then went to Germany as an exchange student. Bill followed her to Germany, and on September 25, 1978, he used a hammer to hit her in the head 12 times. Lisa died from those injuries two weeks later. Grief-stricken by their loss, Lisa’s parents started a support group for themselves and other grieving parents and named the new group Parents of Murdered Children or POMC.

Michigan chapters of POMC started up in the 1980s. Unfortunately, every month POMC has new families showing up. The list of names of murdered victims of POMC family members is 102 pages long—thousands and thousands of murdered victims and each one a personal tragedy to their family. In just the past decade, Michigan families lost over 6,000 loved ones to murder. To quote from the *Detroit Free Press* series on murder last November, “From January 2003 through November 6, more people were killed in Detroit—3,313—than have died among U.S. forces in 10 years of fighting in Afghanistan.”

So, Mr. President, I rise today to speak up for those who so often feel that no one cares and no one wants to remember their loss. For the families, anniversaries are hard. Birthdays are hard. Sights, smells, favorite foods, and favorite places to go are hard. Probably the hardest of all are the holidays. But today is POMC's National Day of Remembrance to remember their lost loved ones. As they come together tonight across the state to remember their lost loved ones, I'd encourage everyone to keep these families in your thoughts and prayers.

I would also like to encourage everyone to keep thinking about what it is we can do to make a difference, to better focus resources and efforts, to reduce victimization, and to make our communities safer places to live—until the violence ends.

By unanimous consent the Senate returned to the order of

### **Motions and Communications**

Senator Meekhof moved that when the Senate adjourns today, it stand adjourned until Thursday, September 27, at 10:00 a.m.

The motion prevailed.

### **Committee Reports**

The Committee on Appropriations reported

#### **Senate Bill No. 1189, entitled**

A bill to amend 2002 PA 100, entitled "Public employee retirement benefit protection act," (MCL 38.1681 to 38.1689) by amending the title and by adding section 8a.

With the recommendation that the bill pass.

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

Roger Kahn, M.D.  
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources, Environment and Great Lakes reported

#### **Senate Bill No. 1206, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3131 (MCL 324.3131), as added by 1997 PA 29.

With the recommendation that the bill pass.

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

Thomas A. Casperson  
Chairperson

To Report Out:

Yeas: Senators Casperson, Pavlov, Green and Kowall

Nays: Senators Warren and Hood

The bill was referred to the Committee of the Whole.

### **COMMITTEE ATTENDANCE REPORT**

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

Meeting held on Thursday, September 20, 2012, at 8:30 a.m., Room 100, Farnum Building

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

The Committee on Economic Development reported

#### **Senate Bill No. 1230, entitled**

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending section 16 (MCL 125.2316), as amended by 2006 PA 328.

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

Michael W. Kowall  
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Emmons, Hansen and Smith  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Economic Development reported

**Senate Bill No. 1291, entitled**

A bill to register and regulate providers of internet protocol-enabled premises security, monitoring, and control systems; to provide for the assessment of registration fees; and to prescribe the powers and duties of certain state departments, agencies, officers, and political subdivisions.

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

Michael W. Kowall  
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Emmons, Hansen and Smith  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Economic Development reported

**Senate Bill No. 1292, entitled**

A bill to amend 1968 PA 330, entitled "Private security business and security alarm act," by amending section 2 (MCL 338.1052), as amended by 2010 PA 68.

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

Michael W. Kowall  
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Emmons, Hansen and Smith  
Nays: None  
The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Thursday, September 20, 2012, at 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators Kowall (C), Hildenbrand, Nofs, Emmons, Hansen and Smith  
Excused: Senator Hunter

The Committee on Appropriations reported

**House Bill No. 5581, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 8317 (MCL 324.8317), as amended by 2008 PA 18.

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.

Roger Kahn, M.D.  
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

Nays: None  
The bill and the substitute recommended by the committee were referred to the Committee of the Whole.



The Committee on Appropriations reported

**House Bill No. 5793, entitled**

A bill to amend 1935 PA 120, entitled "An act to prescribe a method for the fingerprinting of residents of the state, and to provide for the recording and filing thereof by the central records division of the department of state police," by amending section 3 (MCL 28.273), as amended by 2010 PA 178.

With the recommendation that the bill pass.

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

Roger Kahn, M.D.  
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**House Bill No. 5819, entitled**

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 1060 (MCL 450.3060), as amended by 2007 PA 87.

With the recommendation that the bill pass.

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

Roger Kahn, M.D.  
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**House Bill No. 5820, entitled**

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 1101 (MCL 450.5101), as amended by 2007 PA 86.

With the recommendation that the bill pass.

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

Roger Kahn, M.D.  
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**House Bill No. 5821, entitled**

A bill to amend 2002 PA 733, entitled "State plumbing act," by amending sections 31 and 35 (MCL 338.3541 and 338.3545), as amended by 2008 PA 370.

With the recommendation that the bill pass.

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

Roger Kahn, M.D.  
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**House Bill No. 5822, entitled**

A bill to amend 1984 PA 192, entitled "Forbes mechanical contractors act," by amending section 10 (MCL 338.980), as amended by 2008 PA 372.

With the recommendation that the bill pass.

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

Roger Kahn, M.D.  
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**House Bill No. 5823, entitled**

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 3 (MCL 338.883), as amended by 2008 PA 371.

With the recommendation that the bill pass.

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

Roger Kahn, M.D.  
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**House Bill No. 5824, entitled**

A bill to amend 1986 PA 54, entitled "Building officials and inspectors registration act," by amending section 13 (MCL 338.2313), as amended by 2008 PA 373.

With the recommendation that the bill pass.

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

Roger Kahn, M.D.  
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**House Bill No. 5826, entitled**

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds," by amending section 11 (MCL 247.911), as amended by 2011 PA 145.

With the recommendation that the bill pass.

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

Roger Kahn, M.D.  
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**House Bill No. 5893, entitled**

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 1060 (MCL 450.2060), as amended by 2008 PA 402.

With the recommendation that the bill pass.

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

Roger Kahn, M.D.  
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Thursday, September 20, 2012, at 12:10 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Kahn (C), Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

#### COMMITTEE ATTENDANCE REPORT

The Committee on Insurance submitted the following:

Meeting held on Thursday, September 20, 2012, at 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Hune (C), Marleau, Brandenburg, Hansen, Robertson, Smith and Bieda

#### Scheduled Meetings

**Administrative Rules** - Thursday, September 27, 8:30 a.m., Room 405, Capitol Building (373-5773)

#### Appropriations -

##### Subcommittees -

**Human Services Department** - Tuesday, October 2, and Wednesday, October 10, 2:00 p.m., Room 405, Capitol Building (373-2768)

**Retirement** - Thursday, September 27, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Families, Seniors and Human Services** - Thursday, September 27, 1:30 p.m., Room 100, Farnum Building (373-5312)

**Natural Resources, Environment and Great Lakes** - Thursday, September 27, 8:00 a.m., Room 100, Farnum Building (373-5323)

**Reforms, Restructuring and Reinventing** - Thursday, September 27, 2:00 p.m., Rooms 402 and 403, Capitol Building (373-5323)

**Regulatory Reform** - Thursday, September 27, 12:30 p.m., Room 110, Farnum Building (373-5314)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 11:05 a.m.

In pursuance of the order previously made, the President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, September 27, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate