

No. 74
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Tuesday, October 4, 2011.

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

Reverend Dr. Jeffery D. Robinson of Mt. Calvary Missionary Baptist Church of Detroit offered the following invocation: Eternal God, we come to You this morning, Lord, asking for a special blessing on the state of Michigan. We pray, Lord, that the spirit of love and justice flow from heart to heart and breath to breath.

Lord, we know where we have been, but we trust in a God who holds tomorrow. We also trust, Lord, that in all of Your doings and all of Your marvelous works, as bad as things may look sometimes, that the sun shines bright on our tomorrows.

Lord, this morning, I invoke the spirit of freeness, the spirit of forgiveness. Lord, I ask that there be a focus not on policy, but on poverty; not a focus on policy, but on humanity. Lord, we ask these things of You because You are a great God. You know no differences in human beings. You know no respect of persons. You are a just God to everyone; to those who know You, and to those who don't, You are still a good God.

So, right now, Lord, I ask that You be with these men and these women as they do Your work for the people of the great state of Michigan. There is no state greater, and we know that with You all is possible. Lord, we ask these things of You because no one else can do what You do, the way You do what You do, and we've known You to do anything but fail.

These and all the blessings we ask in the name of the Lord our Saviour, and the people say it together, amen.

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

Motions and Communications

Senators Gleason and Hood entered the Senate Chamber.

The following communication was received and read:
Office of the Senate Majority Leader

October 4, 2011

Pursuant to MCL 324.32202, I am appointing Senator Rebekah Warren to replace Senator Tom Casperson to serve on the Great Lakes Commission for a term from October 1, 2011 to December 31, 2014.

If you have any questions, please do not hesitate to contact Teri L. Ambs in my office at 373-3543.

Respectfully yours,
Randy Richardville
Senate Majority Leader

The communication was referred to the Secretary for record.

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

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

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

Senator Meekhof moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor. The motion prevailed, a majority of the members serving voting therefor.

Recess

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

10:13 a.m.

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

During the recess, Senator Green introduced the Croswell-Lexington Little League Girls Softball Team, 2011 Junior League World Series Champions; and coaches Andrew Young, Bob Young, and Chris Smith.

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

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, September 28:
House Bill Nos. 4564 4689 4881 4893

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, September 29, for his approval the following bill:

Enrolled Senate Bill No. 237 at 11:40 a.m.

The Secretary announced the enrollment printing and presentation to the Governor on Friday, September 30, for his approval the following bills:

Enrolled Senate Bill No. 160 at 11:32 a.m.

Enrolled Senate Bill No. 494 at 11:34 a.m.

Enrolled Senate Bill No. 495 at 11:36 a.m.

Enrolled Senate Bill No. 496 at 11:38 a.m.

Enrolled Senate Bill No. 507 at 11:40 a.m.

The Secretary announced that the following official bills were printed on Wednesday, September 28, and are available at the legislative website:

Senate Bill Nos. 709 710

**House Bill Nos. 5007 5008 5009 5010 5011 5012 5013 5014 5015 5016 5017 5018 5019 5020
 5021 5022 5023 5024 5025 5026 5027 5028 5029 5030 5031**

The Secretary announced that the following official bills were printed on Thursday, September 29, and are available at the legislative website:

Senate Bill Nos. 705 706 707 708 711 712

Messages from the Governor

The following messages from the Governor were received:

Date: September 27, 2011
 Time: 2:47 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 213 (Public Act No. 155), being

An act to amend 1978 PA 368, entitled “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,” by amending sections 7405, 17708, 17751, and 17763 (MCL 333.7405, 333.17708, 333.17751, and 333.17763), sections 7405, 17708, and 17763 as amended by 2009 PA 150 and section 17751 as amended by 2006 PA 672.

(Filed with the Secretary of State on September 27, 2011, at 3:56 p.m.)

Date: September 27, 2011
 Time: 2:54 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 212 (Public Act No. 153), being

An act to provide firefighter training programs to certain individuals; and to provide for certain firefighter examinations.

(Filed with the Secretary of State on September 27, 2011, at 3:52 p.m.)

Date: September 29, 2011
Time: 2:35 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 237 (Public Act No. 157), being

An act to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2011; and to provide for the expenditure of the appropriations.

(Filed with the Secretary of State on September 30, 2011, at 1:20 p.m.)

Respectfully,
Brian Calley
Acting and Lieutenant Governor

The following messages from the Governor were received and read:

September 7, 2011

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

Michigan Citizen-Community Emergency Response Coordinating Council

Marc C. Breckenridge of 3332 Endsleigh Lane, Ypsilanti, Michigan 48197, county of Washtenaw, representing individuals with technical expertise related to emergency response, is appointed for a term expiring December 31, 2011.

September 7, 2011

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

Michigan Early Stage Venture Investment Corporation Board of Directors

Peter W. Farner of 3315 Lorriane Avenue, Kalamazoo, Michigan 49008, county of Kalamazoo, succeeding Hugh D. Camitta, is appointed for a term expiring June 13, 2014.

September 14, 2011

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

Michigan State Waterways Commission

Alex J. Declercq of 1026 Balfour Drive, Grosse Pointe Park, Michigan 48230, county of Macomb, representing a person who represents the marine-trades industry who does not own or operate a harbor or marina, succeeding Bob Brown, for a term expiring September 18, 2014.

Gary F. Marowske of 254 Grosse Pointe Boulevard, Grosse Pointe Farms, Michigan 48236, county of Macomb, representing the general public, succeeding himself, for a term expiring September 18, 2014.

September 15, 2011

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

Crime Victim Services Commission

Donald P. Condit of 2555 Frederick, S.E., Grand Rapids, Michigan 49506, county of Kent, representing a member of the medical profession and Republicans, succeeding Frank Ochberg, is appointed for a term expiring September 27, 2014.

Victor A. Fitz of 22401 Shady Lane, Cassopolis, Michigan 49031, county of Cass, representing a member admitted to practice law in this state not less than five years immediately preceding his appointment and Republicans, succeeding Frank Rhodes, is appointed for a term expiring September 27, 2014.

September 16, 2011

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

Michigan Potato Industry Commission

William C. Kitchen of 3098 US 131 S., Michigan 49730, county of Antrim, representing a shipper/retailer, is appointed for a term expiring July 1, 2013.

September 28, 2011

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

Flint Review Team

Roger W. Fraser of 4794 Holly Way, Ann Arbor, Michigan 48103, county of Washtenaw, representing the State Treasurer, is appointed for a term expiring at the pleasure of the Governor.

Darnell Earley of 3139 Davenport Avenue, Apt. #9, Saginaw, Michigan 48602, county of Saginaw, representing the Governor, is appointed for a term expiring at the pleasure of the Governor.

Laura L. Argyle of 7803 Teaberry Drive, Freeland, Michigan 48623, county of Saginaw, representing the Speaker of the House, is appointed for a term expiring at the pleasure of the Governor.

Doug A. Ringler of 2624 S. Edgar Road, Mason, Michigan 48854, county of Ingham, representing the Director of the Department of Technology, Management and Budget, is appointed for a term expiring at the pleasure of the Governor.

Thomas (Brom) A. Stibitz of 4114 Wharf Drive, Okemos, Michigan 48864, county of Ingham, representing the Governor, is appointed for a term expiring at the pleasure of the Governor.

Robert L. Emerson of 524 Nantucket Drive, Lansing, Michigan 48906, county of Ingham, representing the Governor, is appointed for a term expiring at the pleasure of the Governor.

Frederick B. Headen of 5571 White Ash Lane, Haslett, Michigan 48840, county of Ingham, representing the Governor, is appointed for a term expiring at the pleasure of the Governor.

Gene W. Dennis of 9095 S. Saginaw Road #12, Grand Blanc, Michigan 48439, county of Genesee, representing the Senate Majority Leader, is appointed for a term expiring at the pleasure of the Governor.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Meekhof moved that the Committee on Economic Development be discharged from further consideration of the following bills:

Senate Bill No. 359, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," (MCL 450.1101 to 450.2098) by adding chapter 9A.

Senate Bill No. 360, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending sections 105, 106, 202, 211, and 911 (MCL 450.1105, 450.1106, 450.1202, 450.1211, and 450.1911), section 105 as amended by 2001 PA 57, section 106 as amended by 2006 PA 68, section 202 as amended by 1989 PA 121, section 211 as amended by 2008 PA 402, and section 911 as amended by 2007 PA 182.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

Senator Meekhof moved that the bills be referred to the Committee on Reforms, Restructuring and Reinventing.

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:

House Bill No. 4721

Senate Bill No. 427

House Bill No. 4005

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

Messages from the House

Senate Bill No. 522, entitled

A bill to amend 1974 PA 163, entitled "C.J.I.S. policy council act," by amending section 4 (MCL 28.214), as amended by 2005 PA 311.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

Senator Meekhof moved that further consideration of the bill be postponed for today.

The motion prevailed.

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 Pavlov 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. 4721, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 10a and 10b (MCL 400.10a and 400.10b), as added by 1996 PA 190, and by adding section 10c.

House Bill No. 4005, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 302 and 644g (MCL 168.302 and 168.644g), section 302 as amended by 2005 PA 71 and section 644g as amended by 2004 PA 293, and by adding section 642c.

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

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

Senate Bill No. 29, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 224a (MCL 750.224a), as amended by 2006 PA 457.

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. 30, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending the title and sections 5f, 5k, and 5o (MCL 28.425f, 28.425k, and 28.425o), the title as amended and section 5k as added by 2000 PA 381, section 5f as amended by 2008 PA 194, and section 5o as amended by 2008 PA 407.

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. 427, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 5, and 614 (MCL 380.4, 380.5, and 380.614), section 4 as amended by 2008 PA 1, section 5 as amended by 2009 PA 205, and section 614 as amended by 2004 PA 419.

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. 93, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 11b and 16m of chapter XVII (MCL 777.11b and 777.16m), section 11b as amended by 2008 PA 538 and section 16m as amended by 2005 PA 106.

Substitute (S-1).

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

1. Amend page 5, line 6, by striking out "**750.224A(6)(A)**" and inserting "**750.224A(6)**".

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.

During the Committee of the Whole, Senators Smith and Johnson entered the Senate Chamber.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

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

- Senate Bill No. 29**
- Senate Bill No. 30**
- Senate Bill No. 93**

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:

- House Bill No. 4110**
- Senate Bill No. 29**
- Senate Bill No. 30**
- Senate Bill No. 93**

The motion prevailed.

Senator Meekhof moved to reconsider the vote by which the following bill was passed:

House Bill No. 4110, 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 2010 PA 132.

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

The question being on the passage of the bill,

Senator Meekhof offered the following amendment:

1. Amend page 4, line 7, by striking out all of enacting section 2 and inserting:

“Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 160 of the 96th Legislature is enacted into law.”.

The amendment was adopted, a majority of the members serving voting therefor.

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. 544

Yeas—29

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

Nays—9

Anderson	Hopgood	Smith	Whitmer
Gregory	Johnson	Warren	Young
Hood			

Excused—0

Not Voting—0

In The Chair: President

The following bill was read a third time:

Senate Bill No. 29, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 224a (MCL 750.224a), as amended by 2006 PA 457.

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. 545**Yeas—35**

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

Nays—3

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

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 30, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending the title and sections 5f, 5k, and 5o (MCL 28.425f, 28.425k, and 28.425o), the title as amended and section 5k as added by 2000 PA 381, section 5f as amended by 2008 PA 194, and section 5o as amended by 2008 PA 407.

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. 546**Yeas—35**

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

Nays—3

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

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 93, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 11b and 16m of chapter XVII (MCL 777.11b and 777.16m), section 11b as amended by 2008 PA 538 and section 16m as amended by 2005 PA 106.

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. 547**Yeas—35**

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

Nays—3

Hood	Johnson	Warren
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Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Walker introduced

Senate Joint Resolution N, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 8 of article IX, to increase the sales tax rate and to dedicate that revenue to the comprehensive transportation fund.

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

Senators Nofs, Pappageorge, Schuitmaker, Warren, Walker, Kowall, Green, Jansen, Gleason, Robertson, Brandenburg, Pavlov and Colbeck introduced

Senate Bill No. 713, entitled

A bill to amend 1917 PA 350, entitled “An act to regulate and license second hand dealers and junk dealers; and to prescribe penalties for the violation of the provisions of this act,” by amending sections 2 and 3 (MCL 445.402 and 445.403), section 2 as amended by 2008 PA 432 and section 3 as amended by 2006 PA 675.

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

Senator Walker introduced

Senate Bill No. 714, entitled

A bill to repeal 1980 PA 119, entitled “Motor carrier fuel tax act,” (MCL 207.211 to 207.234).

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

Senator Walker introduced

Senate Bill No. 715, entitled

A bill to repeal 2000 PA 403, entitled “Motor fuel tax act,” (MCL 207.1001 to 207.1170).

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

Senators Proos and Pappageorge introduced

Senate Bill No. 716, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding sections 1290 and 1503.

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

Senators Proos and Marleau introduced

Senate Bill No. 717, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 43526a.

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

Senators Bieda and Gleason introduced

Senate Bill No. 718, entitled

A bill to amend 1986 PA 268, entitled “Legislative council act,” (MCL 4.1101 to 4.1901) by adding section 703.

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

Senators Bieda and Gleason introduced

Senate Bill No. 719, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 442 (MCL 18.1442), as added by 1991 PA 72.

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

Senators Kahn, Marleau and Pappageorge introduced

Senate Bill No. 720, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2111, 3103, 3114, and 3177 (MCL 500.2111, 500.3103, 500.3114, and 500.3177), section 2111 as amended by 2002 PA 492, section 3103 as amended by 1986 PA 173, section 3114 as amended by 2002 PA 38, and section 3177 as amended by 1984 PA 426.

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

Senators Jones, Marleau, Bieda, Emmons and Schuitmaker introduced

Senate Bill No. 721, entitled

A bill to regulate the purchase and sale of certain plastic bulk merchandise containers; to require disclosures and record keeping by dealers of plastic bulk merchandise containers; and to provide for penalties and remedies.

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

Senators Marleau, Jones, Bieda, Emmons and Schuitmaker introduced

Senate Bill No. 722, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14h of chapter XVII (MCL 777.14h), as amended by 2010 PA 319.

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

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

Senate Bill No. 723, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 10301.

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

House Bill No. 4564, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17766c (MCL 333.17766c), as amended by 2011 PA 86.

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 Health Policy.

House Bill No. 4689, entitled

A bill to authorize the state administrative board to convey certain parcels of state-owned property in Wayne county; to prescribe conditions for the conveyance; to provide for certain powers and duties of certain state departments and local units of government in regard to the property; and to provide for disposition of revenue derived from the conveyance.

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 Appropriations.

House Bill No. 4881, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by repealing sections 819 and 824 (MCL 600.819 and 600.824).

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 Judiciary.

House Bill No. 4893, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16184 and 16185 (MCL 333.16184 and 333.16185), section 16184 as amended by 2006 PA 591 and section 16185 as amended by 2011 PA 55.

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 Health Policy.

Statements

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

The motion prevailed.

Senator Whitmer's statement is as follows:

I rise today to recognize the Michigan State Spartans for their victory over the Ohio State Buckeyes this past Saturday. This is the first time that I ever said something that you all clapped for. I should speak on Tuesdays more often, after Spartan games, and to finalize the terms of my friendly bet with the good Senator from the 11th District.

He is a budget and numbers guy, so I thought I would share a few pertinent numbers with you in his honor: 9, the number of sacks the Spartans' No. 1-ranked defense had on the Ohio State Buckeyes this past Saturday, which is, by the way, a new MSU record; 10-7, the final score of Michigan State vs. Ohio State game, a score that is much closer than the actual game—if you were paying attention; 400, the number of calories in the average hot fudge sundae with whipped cream and nuts and sprinkles; and watching my colleague from Macomb County eat crow—priceless.

So I think it is fitting that the Senator from the 11th District puts such an emphasis on his preferred sundae toppings, as the Spartans whipped the Buckeyes like whipped cream this weekend and turned them into crushed nuts. As for the sprinkles, I hope that he is planning on making them green and white because that tastes like victory.

So congratulations to the MSU Football Team. I want to point out that the Senator from the 11th District will have a blue-back on his desk if you want to co-sponsor the Bubba Smith Memorial Highway. We would love to have your support.

Committee Reports

The Committee on Judiciary reported

House Bill No. 4109, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 90h.

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.

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. 135, entitled

A bill to amend 1990 PA 211, entitled "The parental rights restoration act," by amending sections 3 and 4 (MCL 722.903 and 722.904).

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 and Rocca

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 321, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3107 (MCL 500.3107), as amended by 1991 PA 191.

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.

The Committee on Judiciary reported

Senate Bill No. 580, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145e.

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.

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. 626, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2008 PA 521.

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.

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 Agriculture reported

Senate Bill No. 433, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending the title and section 20 (MCL 431.320), section 20 as amended by 2006 PA 185.

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.

Joseph R. Hune
Chairperson

To Report Out:

Yeas: Senators Hune, Emmons, Hansen and Gleason

Nays: None

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

The Committee on Agriculture reported

Senate Bill No. 703, entitled

A bill to amend 2000 PA 274, entitled "Large carnivore act," (MCL 287.1101 to 287.1123) by adding section 8a.

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.

Joseph R. Hune
Chairperson

To Report Out:

Yeas: Senators Hune, Booher, Emmons, Hansen and Gleason

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 Agriculture submitted the following:

Meeting held on Wednesday, September 28, 2011, at 8:35 a.m., Room 110, Farnum Building

Present: Senators Hune (C), Booher, Emmons, Hansen and Gleason

The Committee on Families, Seniors and Human Services reported

Senate Bill No. 454, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2163a (MCL 600.2163a), as amended by 2002 PA 604.

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.

Judith K. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Rocca, Nofs and Gregory

Nays: None

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

The Committee on Families, Seniors and Human Services reported

Senate Bill No. 455, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 16i and 16o of chapter XVII (MCL 777.16i and 777.16o), section 16i as amended by 2010 PA 95 and section 16o as amended by 2010 PA 130.

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.

Judith K. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Rocca, Nofs and Gregory

Nays: None

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

The Committee on Families, Seniors and Human Services reported

Senate Bill No. 459, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 159g, 174a, and 273 (MCL 750.159g, 750.174a, and 750.273), section 159g as amended by 2010 PA 362 and section 174a as amended by 2004 PA 255.

With the recommendation that the bill pass.

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

Judith K. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Rocca, Nofs and Gregory

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Seniors and Human Services reported

Senate Bill No. 465, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2010 PA 95.

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.

Judith K. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Rocca, Nofs and Gregory
Nays: None

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

The Committee on Families, Seniors and Human Services reported

Senate Bill No. 466, entitled

A bill to prescribe the senior or vulnerable adult medical alert as the official response to reports of certain missing persons; to provide for the broadcast of information regarding those incidents; and to provide for certain civil immunity.

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.

Judith K. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Rocca, Nofs and Gregory
Nays: None

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

The Committee on Families, Seniors and Human Services reported

Senate Bill No. 468, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1a of chapter IV (MCL 764.1a), as amended by 2005 PA 106.

With the recommendation that the bill pass.

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

Judith K. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Rocca, Nofs and Gregory
Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Seniors and Human Services reported

House Bill No. 4721, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 10a and 10b (MCL 400.10a and 400.10b), as added by 1996 PA 190, and by adding section 10c.

With the recommendation that the bill pass.

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

Judith K. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Rocca, Nofs and Gregory
Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Seniors and Human Services submitted the following:

Meeting held on Wednesday, September 28, 2011, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Emmons (C), Rocca, Nofs and Gregory

The Committee on Economic Development reported

Senate Bill No. 556, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 5, 88b, and 88h (MCL 125.2005, 125.2088b, and 125.2088h), section 5 as amended by 2008 PA 224, section 88b as amended by 2011 PA 3, and section 88h as added by 2005 PA 225, and by adding section 88r.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Michael W. Kowall
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons, Hansen, Hunter and Smith

Nays: None

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

The Committee on Economic Development reported

Senate Bill No. 644, entitled

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending section 8 (MCL 12.258), as amended by 2009 PA 183.

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, Nofs, Emmons, Hansen, Hunter 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 Wednesday, September 28, 2011, at 1:32 p.m., Room 110, Farnum Building

Present: Senators Kowall (C), Hildenbrand, Nofs, Emmons, Hansen, Hunter and Smith

The Committee on Education reported

Senate Bill No. 618, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 501, 502, 502a, 503, 504, 505, 507, 522, 523, 524, 528, 551, 552, 553, 553a, 556, 559, 561, and 1231 (MCL 380.501, 380.502, 380.502a, 380.503, 380.504, 380.505, 380.507, 380.522, 380.523, 380.524, 380.528, 380.551, 380.552, 380.553, 380.553a, 380.556, 380.559, 380.561, and 380.1231), section 501 as amended and section 528 as added by 2003 PA 179, sections 502, 503, 504, 507, 522, 523, and 524 as amended and sections 502a, 551, 552, 553, 553a, 556, 559, and 561 as added by 2009 PA 205, section 505 as amended by 1994 PA 416, and section 1231 as amended by 2002 PA 735, and by adding section 1231a; and to repeal acts and parts of acts.

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.

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons and Colbeck

Nays: Senators Hopgood and Young

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

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Wednesday, September 28, 2011, at 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Pavlov (C), Emmons, Colbeck, Hopgood and Young

The Committee on Local Government and Elections reported

Senate Bill No. 427, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 5, and 614 (MCL 380.4, 380.5, and 380.614), section 4 as amended by 2008 PA 1, section 5 as amended by 2009 PA 205, and section 614 as amended by 2004 PA 419.

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.

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Hansen and Brandenburg

Nays: Senator Young

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

The Committee on Local Government and Elections reported

House Bill No. 4005, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 302 and 644g (MCL 168.302 and 168.644g), section 302 as amended by 2005 PA 71 and section 644g as amended by 2004 PA 293, and by adding section 642c.

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.

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Hansen and Brandenburg

Nays: Senator Young

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

COMMITTEE ATTENDANCE REPORT

The Committee on Local Government and Elections submitted the following:

Meeting held on Wednesday, September 28, 2011, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Robertson (C), Hansen, Brandenburg and Young

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Thursday, September 29, 2011, at 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Caswell (C) and Jansen

Excused: Senators Proos and Gregory

Scheduled Meetings

Administrative Rules - Thursday, October 6, 9:00 a.m., Room 426, Capitol Building (373-5773)

Appropriations -

Subcommittees -

Corrections and House Corrections Appropriations Subcommittee - Thursday, October 6, 3:00 p.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Human Services Department; Families, Seniors and Human Services; House Human Services Appropriations Subcommittee; and House Families, Children, and Seniors - Thursday, October 6, 8:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

K-12, School Aid, Education - Wednesday, October 5, 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police and Military Affairs and House Military and Veterans Affairs Appropriations Subcommittee - Thursday, October 6, 2:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Banking and Financial Institutions - Thursday, October 6, 1:30 p.m., Room 100, Farnum Building (373-5324)

Economic Development - Wednesday, October 5, 1:30 p.m., Room 110, Farnum Building (373-5312)

Education - Wednesday, October 5, 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

Health Policy - Thursday, October 6, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

Michigan Law Revision Commission - Thursday, October 13, 11:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212) (CANCELED)

Natural Resources, Environment and Great Lakes - Thursday, October 6, 8:30 a.m., Room 210, Farnum Building (373-5323)

Outdoor Recreation and Tourism - Thursday, October 6, 12:30 p.m., Room 210, Farnum Building (373-5323)

Reforms, Restructuring and Reinventing - Wednesday, October 5, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-5324)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 10:52 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, October 5, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate