

No. 79  
STATE OF MICHIGAN  
**Journal of the Senate**  
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REGULAR SESSION OF 2011

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Senate Chamber, Lansing, Thursday, October 13, 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—excused  
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—excused  
Smith—present  
Walker—present  
Warren—present  
Whitmer—excused  
Young—present

Pastor Chuck Towersey of Fresh Wind Christian Community of Beulah offered the following invocation:

Almighty God, our Father in heaven and throughout the earth, we praise You for who You are, for Your countless blessings, and for this very day with all its beauty. As we look about us, we are reminded that You are the Lord of all creation, and You have created magnificently.

We ask this morning Your blessing upon the work of this Senate, including Your wisdom and guidance for all these here You have established in leadership and authority in our great state. I feel especially led to pray this morning for each man and woman in this room who have given themselves to the noble and needed task of governance, as well as all those who aid them.

Father God, bless the men and women seated in this chamber. Bless them not only in their capacity as Senators and aides, but bless them in every area of their lives. Bless their spouses and their marriages. Bless their children and grandchildren. Bless them in the care of aging parents and in all of their relationships in this world. Give strength, grace, and wisdom, we pray, in every conceivable area of their lives, well beyond the public persona they are required to display day in and day out. They are Your very sons and daughters, Lord, who need You and seek You not so much in spite of their position in this world, but especially because of the demands and burdens which have been placed before and upon them.

We are grateful, Father, that we are not left alone in this world to rely on mere human wisdom and strength, but You make Yourself available to us as a relational God who loves us and is for us. Shower Your love and grace upon all who hear this prayer and beyond. Help all of us live confidently in Your abiding presence with the peace that passes all understanding.

May God bless Michigan. May God bless America. May God bless each of us. Indeed, we thank You, Father God, that You already have. It is in Jesus' name, we pray. Amen.

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

### **Motions and Communications**

Senator Kahn entered the Senate Chamber.

Senator Meekhof moved that Senator Moolenaar be temporarily excused from today's session.  
The motion prevailed.

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

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

Senator Hopgood moved that Senator Whitmer be excused from today's session.  
The motion prevailed.

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senator Richardville 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.

Senator Young entered the Senate Chamber.

### **Recess**

Senator Meekhof moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:06 a.m.

10:18 a.m.

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

During the recess, Senator Richardville introduced the Michigan Regiment Young Marines, Executive Officer Don Cannon, and Adjutant Shari Litten; and presented Senate Resolution No. 87, recognizing October 17, 2011, as Young Marines Day. Mr. Cannon responded briefly.

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

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, October 12:

**House Bill Nos. 4751 4875 4991**

The Secretary announced that the following official bills and joint resolutions were printed on Wednesday, October 12, and are available at the legislative website:

**Senate Bill Nos. 742 743 744 745 746 747 748 749 750 751 752 753 754**  
**Senate Joint Resolutions O P**  
**House Bill Nos. 5050 5051 5052 5053 5054 5055 5056**

### Messages from the Governor

The following message from the Governor was received:

Date: October 11, 2011  
Time: 3:36 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 160 (Public Act No. 168), being**

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 750.1 to 750.568) by adding section 90h.

(Filed with the Secretary of State on October 12, 2011, at 9:58 a.m.)

Respectfully,  
Rick Snyder  
Governor

By unanimous consent the Senate proceeded to the order of

### Third Reading of Bills

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

**Senate Bill No. 561**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 561, entitled**

A bill to amend 1990 PA 271, entitled “Limousine transportation act,” by amending sections 5, 7, 13, and 15 (MCL 257.1905, 257.1907, 257.1913, and 257.1915), section 7 as amended by 2000 PA 487; and to repeal acts and parts of acts.

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. 576****Yeas—26**

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

**Nays—9**

Anderson	Hopgood	Johnson	Warren
Gregory	Hunter	Smith	Young
Hood			

**Excused—3**

Green	Schuitmaker	Whitmer
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**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

**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 Jansen 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 with a substitute therefor, the following bill:

**House Bill No. 4452, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 27 (MCL 421.27), as amended by 2011 PA 14.

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:

**House Bill No. 4369, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7333a (MCL 333.7333a), as amended by 2011 PA 108.

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.

### Resolutions

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

**Senate Resolution No. 34**

**Senate Resolution No. 67**

The motion prevailed

**Senate Concurrent Resolution No. 18.**

A concurrent resolution to memorialize Congress to take immediate action to close the O'Brien Lock and Dam in the Chicago Waterway System to prevent Asian carp from entering Lake Michigan and the Great Lakes watershed.

Substitute (H-1).

The question being on concurring in the substitute made to the concurrent resolution by the House,

The substitute was concurred in.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of

### Motions and Communications

Senator Meekhof moved that the following bills, now on the order of General Orders, be referred to the Committee on Finance:

**Senate Bill No. 658, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 107, 117, 431, 500, and 503 (MCL 208.1107, 208.1117, 208.1431, 208.1500, and 208.1503), sections 107 and 117 as amended and section 500 as added by 2011 PA 39, section 431 as amended by 2009 PA 126, and section 503 as amended by 2009 PA 185, and by adding section 512.

**Senate Bill No. 668, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 623 (MCL 206.623), as added by 2011 PA 38.

**Senate Bill No. 673, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 663 (MCL 206.663), as added by 2011 PA 38.

**Senate Bill No. 678, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding section 699.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

### Introduction and Referral of Bills

Senator Jones introduced

**Senate Bill No. 755, entitled**

A bill to amend 1966 PA 189, entitled "An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts," by amending section 2a (MCL 780.652a), as added by 1996 PA 186.

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

Senators Walker, Booher, Moolenaar, Jones, Nofs and Kahn introduced

**Senate Bill No. 756, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 320a and 732 (MCL 257.320a and 257.732), section 320a as amended by 2010 PA 58 and section 732 as amended by 2010 PA 59, and by adding section 602c.

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

Senators Jansen, Meekhof and Marleau introduced

**Senate Bill No. 757, entitled**

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending section 166 (MCL 389.166), as added by 2008 PA 359.

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

**House Bill No. 4751, entitled**

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

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

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

**House Bill No. 4875, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11511 and 11511b (MCL 324.11511 and 324.11511b), section 11511 as amended by 2004 PA 325 and section 11511b as added by 2005 PA 236.

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 Natural Resources, Environment and Great Lakes.

**House Bill No. 4991, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 71.

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 Transportation.

### Committee Reports

The Committee on Judiciary reported

**Senate Bill No. 689, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2102 (MCL 600.2102) and by adding chapter 21A.

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, 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 Education reported

**Senate Bill No. 620, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 3 and 5 (MCL 380.3 and 380.5), section 3 as amended by 2007 PA 45 and section 5 as amended by 2009 PA 205, and by adding part 6d.

With the recommendation that the substitute (S-4) 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, October 12, 2011, at 12:00 noon, Room 110, Farnum Building

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

The Committee on Appropriations reported

**Senate Bill No. 413, entitled**

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 68c (MCL 38.68c), as amended by 2010 PA 185.

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, 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

**Senate Bill No. 611, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109 (MCL 400.109), as amended by 2011 PA 53.

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, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**Senate Bill No. 691, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 25 (MCL 388.1625), as amended by 2005 PA 155.

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, Walker and Johnson

Nays: Senator Anderson

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. 4914, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the headings of parts 631 and 633 and sections 1301, 9115, 63101, 63103, 63103a, 63103b, 63103c, 63103d, and 63103e (MCL 324.1301,

324.9115, 324.63101, 324.63103, 324.63103a, 324.63103b, 324.63103c, 324.63103d, and 324.63103e), section 1301 as amended by 2009 PA 120, section 9115 as amended by 2000 PA 504, section 63101 as amended by 2004 PA 449, section 63103 as added by 1995 PA 57, sections 63103a and 63103c as amended by 2004 PA 325, and sections 63103b, 63103d, and 63103e as added by 1997 PA 149; and to repeal acts and parts of acts.

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, Walker and Anderson

Nays: Senators Gregory, Hood and Johnson

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, October 12, 2011, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

Excused: Senator Schuitmaker

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, October 12, 2011, at 8:30 a.m., Rooms 402 and 403, Capitol Building

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Wednesday, October 12, 2011, at 1:35 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

#### Scheduled Meetings

##### Appropriations -

###### Subcommittee -

**Human Services Department; Families, Seniors and Human Services; House Families, Children, and Seniors; and House Human Services Appropriations Subcommittee** - Thursday, October 27, 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**Families, Seniors and Human Services; Human Services Department Appropriations Subcommittee; House Families, Children, and Seniors; and House Human Services Appropriations Subcommittee** - Thursday, October 27, 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5312)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 10:29 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Tuesday, October 18, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate