

No. 100
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Thursday, December 15, 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

Bishop Bernard Hebda of the Diocese of Gaylord offered the following invocation:

Good and gracious God, Creator of the beauty and light that dance across the landscapes of our peninsulas, we recognize that You are the Lord and there is no other. We come before You, this day and always, with thankful hearts, grateful for the blessings of freedom and earnestly desiring to secure those blessings undiminished not only for ourselves and our posterity, but especially for those who in these turbulent times find themselves weighed down by poverty, predicament, or prejudice.

Pour out Your wisdom in abundance into the hearts and minds of the men and women of this body; helping this Senate to shine as a beacon of justice and right judgment; illuminating the way for all those who strive to create a society that values the gift of life and protects the dignity of the human person; ever mindful of the heights to which we can expect our children to climb when equipped with a solid education and the freedom to pursue their dreams and to follow their consciences.

In all things, O Lord, help these public servants to recognize and pursue Your loving plan for the citizens of this great state, and help them to find satisfaction as they pour themselves out in service of their brothers and sisters. May their successes give glory to Your name and their challenges remind us of our never-ending need for You who lives and reigns forever and ever. Amen.

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

Motions and Communications

Senator Gleason entered the Senate Chamber.

Senator Hopgood moved that Senators Hood, Hunter and Young 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:

House Bill No. 5087
House Bill No. 5192
House Bill No. 4940
House Bill No. 4949
House Bill No. 4950
House Bill No. 5194
House Bill No. 5195

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

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, December 14:

House Bill Nos. 4647 5108 5186

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, December 15:

House Bill Nos. 5072 5095 5106

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, December 14, and are available at the legislative website:

House Bill Nos. 5206 5207 5208 5209 5210 5211 5212 5213 5214 5215 5216 5217 5218 5219
5220 5221 5222 5223 5224 5225
House Joint Resolution JJ

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.

10:27 a.m.

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

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

Messages from the House

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

Senate Bill No. 291

House Bill No. 4369

The motion prevailed.

Senate Bill No. 453, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.155) by adding section 57b. The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1893 PA 206, entitled “An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts,” (MCL 211.1 to 211.155) by adding section 110.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Meekhof moved that the rule be suspended.

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

The question being on concurring in the 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. 817

Yeas—36

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

Nays—0

Excused—0

Not Voting—2

Jones

Richardville

In The Chair: President

Senator Meekhof moved to reconsider the vote by which the House substitute was concurred in. 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 10:32 a.m.

10:41 a.m.

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

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. 818**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	Pros	Young
Green	Jones		

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the title as amended. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 563, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 2008 PA 337.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Meekhof moved that the rule be suspended.

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

The question being on concurring in the 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. 819**Yeas—37**

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

Nays—1

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. 748, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding section 31a.

The House of Representatives has amended the bill as follows:

1. Amend page 4, line 24, after "unless" by striking out "Senate Bill No. 790" and inserting "House Bill No. 5157".

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

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Meekhof moved that the rule be suspended.

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

The question being on concurring in the amendment made to the bill by the House,

The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 820**Yeas—36**

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

Nays—2

Caswell	Meekhof
---------	---------

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. 197, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 11j, 11m, 22a, 22b, 26a, 31d, 31f, 51a, 51c, 53a, and 62 (MCL 388.1611, 388.1611j, 388.1611m, 388.1622a, 388.1622b, 388.1626a, 388.1631d, 388.1631f, 388.1651a, 388.1651c, 388.1653a, and 388.1662), as amended by 2011 PA 62.

The House of Representatives has amended the bill as follows:

1. Amend page 31, line 2, by striking out all of enacting section 2.

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

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Meekhof moved that the rule be suspended.

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

The question being on concurring in the amendment made to the bill by the House,

The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 821**Yeas—37**

Anderson	Gregory	Jones	Proos
Bieda	Hansen	Kahn	Robertson
Booher	Hildenbrand	Kowall	Rocca
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Smith
Caswell	Hune	Moolenaar	Walker

Colbeck
Emmons
Gleason
Green

Hunter
Jansen
Johnson

Nofs
Pappageorge
Pavlov

Warren
Whitmer
Young

Nays—0

Excused—0

Not Voting—1

Richardville

In The Chair: President

Senator Meekhof moved to reconsider the vote by which the House amendment was concurred in. The motion prevailed, a majority of the members serving voting therefor. The question being on concurring in the amendment made to the bill by the House, The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 822

Yeas—37

Anderson
Bieda
Booher
Brandenburg
Casperson
Colbeck
Emmons
Gleason
Green
Gregory

Hansen
Hildenbrand
Hood
Hopgood
Hune
Hunter
Jansen
Johnson
Jones

Kahn
Kowall
Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov
Proos

Richardville
Robertson
Rocca
Schuitmaker
Smith
Walker
Warren
Whitmer
Young

Nays—0

Excused—0

Not Voting—1

Caswell

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.

Senator Meekhof moved that rule 3.311 be suspended to permit reconsideration of the vote by which the House amendment was concurred in.

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

Senator Meekhof moved to reconsider the vote by which the House amendment was concurred in.

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

The question being on concurring in the amendment made to the bill by the House,

The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 823

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the full title.

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

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, and 561 (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, and 380.561), 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, and section 505 as amended by 1994 PA 416; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4) and amended the title to read as follows:

A bill to amend 1976 PA 451, entitled An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by

amending sections 501, 502, 502a, 503, 504, 505, 507, 522, 523, 524, 528, 551, 552, 553, 553a, 556, 559, 561, and 1211 (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 380.1211), 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 1211 as amended by 2010 PA 216, and by adding sections 503c, 523c, 553c, 1277b, and 1280e; and to repeal acts and parts of acts.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Meekhof moved that the rule be suspended.

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

The question being on concurring in the 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. 824

Yeas—22

Booher	Hildenbrand	Meekhof	Proos
Brandenburg	Hune	Moolenaar	Richardville
Colbeck	Jansen	Nofs	Robertson
Emmons	Kahn	Pappageorge	Schuitmaker
Green	Kowall	Pavlov	Walker
Hansen	Marleau		

Nays—16

Anderson	Gleason	Hunter	Smith
Bieda	Gregory	Johnson	Warren
Casperson	Hood	Jones	Whitmer
Caswell	Hopgood	Rocca	Young

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 not concurred in, 2/3 of the members serving not voting therefor.

The Senate agreed to the title as amended.

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

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 Proos as Chairperson.

After some time spent therein, the Committee arose; and the Assistant President pro tempore, Senator Hansen, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 5157, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 9 (MCL 125.2689), as amended by 2008 PA 495.

House Bill No. 4940, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 701 (MCL 206.701), as amended by 2011 PA 194.

House Bill No. 4949, 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.

House Bill No. 4950, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 671 (MCL 206.671), as amended by 2011 PA 185.

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

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 11:11 a.m.

11:54 a.m.

The Senate was called to order by the President pro tempore, Senator Schuitmaker.

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 at the head of the Third Reading of Bills calendar:

House Bill No. 5157

House Bill No. 4940

House Bill No. 4949

House Bill No. 4950

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

The following bill was read a third time:

House Bill No. 5157, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 9 (MCL 125.2689), as amended by 2008 PA 495.

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. 825**Yeas—32**

Anderson	Hansen	Kahn	Richardville
Bieda	Hildenbrand	Kowall	Robertson
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Moolenaar	Smith
Casperson	Hunter	Nofs	Walker
Gleason	Jansen	Pappageorge	Warren
Green	Johnson	Pavlov	Whitmer
Gregory	Jones	Pros	Young

Nays—6

Caswell
Colbeck

Emmons
Hune

Meekhof

Rocca

Excused—0

Not Voting—0

In The Chair: Schuitmaker

The President, Lieutenant Governor Calley, resumed the Chair.

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 create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4940, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 701 (MCL 206.701), as amended by 2011 PA 194.

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. 826

Yeas—38

Anderson
Bieda
Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
Gleason
Green

Gregory
Hansen
Hildenbrand
Hood
Hopgood
Hune
Hunter
Jansen
Johnson
Jones

Kahn
Kowall
Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov
Pros

Richardville
Robertson
Rocca
Schuitmaker
Smith
Walker
Warren
Whitmer
Young

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4949, 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.

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. 827

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	Pros	Young
Green	Jones		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds

of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4950, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 671 (MCL 206.671), as amended by 2011 PA 185.

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. 828

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	Pros	Young
Green	Jones		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Meekhof moved that the rules be suspended and that the following concurrent resolutions, now on Committee Reports, be placed on the Resolutions calendar for consideration today:

House Concurrent Resolution No. 36

House Concurrent Resolution No. 37

House Concurrent Resolution No. 38

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

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 34

Senate Resolution No. 67

The motion prevailed.

House Concurrent Resolution No. 36.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Trustees of Western Michigan University relative to the Western Michigan University Sangren Hall Replacement project.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Boji Tower.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 829

Yeas—37

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

Nays—1

Hune

Excused—0

Not Voting—0

In The Chair: President

House Concurrent Resolution No. 37.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and School District of the City of Dearborn relative to the Henry Ford Community College Science Building Improvements project.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Boji Tower.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 830**Yeas—37**

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

Nays—1

Hune

Excused—0**Not Voting—0**

In The Chair: President

House Concurrent Resolution No. 38.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Washtenaw Community College relative to the Washtenaw Community College Skilled Trades Training Program Renovations project.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Boji Tower.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 831**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
Emmons
Gleason
Green

Hunter
Jansen
Johnson
Jones

Pappageorge
Pavlov
Proos

Warren
Whitmer
Young

Nays—0

Excused—0

Not Voting—0

In The Chair: President

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Hansen introduced

Senate Bill No. 884, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20155 (MCL 333.20155), as amended by 2006 PA 195, and by adding section 20155a.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors and Human Services.

House Bill No. 4647, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 2164a.

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. 5072, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 8158, 8162, and 8163 (MCL 600.8158, 600.8162, and 600.8163).

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. 5095, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8160 (MCL 600.8160).

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. 5106, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 526 (MCL 600.526).

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. 5108, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 803, 8112, 8156, and 8159 (MCL 600.803, 600.8112, 600.8156, and 600.8159), section 803 as amended by 2002 PA 715 and section 8112 as amended by 1998 PA 13.

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. 5186, entitled

A bill to authorize the state administrative board to accept and convey certain parcels of property in Branch county; to prescribe certain conditions for the acceptance and conveyance of those parcels; and to provide for disposition of certain revenue.

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.

Recess

Senator Meekhof moved that the Senate recess until 1:30 p.m.

The motion prevailed, the time being 12:18 p.m.

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

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 1:31 p.m.

2:15 p.m.

The Senate was called to order by the President pro tempore, Senator Schuitmaker.

By unanimous consent the Senate returned 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 pro tempore, Senator Schuitmaker, designated Senator Proos as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Schuitmaker, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 865, entitled

A bill to provide for the removal of a local government from receivership; to provide for a receivership transition advisory board; and to prescribe the powers and duties of the governor, other state departments and officials, and officials and employees of units of local government, including school districts.

Substitute (S-1).

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

1. Amend page 2, line 4, after "governor" by inserting "and the state treasurer".

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.

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

House Bill No. 5194, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1225 (MCL 380.1225), as amended by 2006 PA 285.

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. 5195, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 17a (MCL 388.1617a), as amended by 2006 PA 342.

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.

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 at the head of the Third Reading of Bills calendar:

Senate Bill No. 865

House Bill No. 5194

House Bill No. 5195

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

The following bill was read a third time:

Senate Bill No. 865, entitled

A bill to provide for the removal of a local government from receivership; to provide for a receivership transition advisory board; and to prescribe the powers and duties of the governor, other state departments and officials, and officials and employees of units of local government, including school districts.

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. 832

Yeas—26

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

Nays—12

Anderson	Gregory	Hunter	Warren
Bieda	Hood	Johnson	Whitmer
Gleason	Hopgood	Smith	Young

Excused—0

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

Protests

Senators Whitmer, Johnson, Smith, Hood, Gregory, Anderson, Hopgood, Hunter and Young, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 865.

Senators Whitmer and Young moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Whitmer’s statement, in which Senators Johnson, Smith, Hood, Gregory, Anderson, Hopgood and Hunter concurred, is as follows:

I rise today to oppose this legislation to implement protocols for the ill-advised and misguided emergency financial manager legislation. I opposed the original legislation to establish emergency managers in Michigan, and I equally oppose this unnecessary legislation to extend it. This bill before us simply continues the overreach of state government into local affairs, a move that contradicts the usual Republican mantra of smaller government. Further, it is completely unnecessary.

An emergency manager transition team isn’t needed because the current law already allows for a consent agreement to maintain continued jurisdiction over local governments. So what is really going on here with this bill? I am curious as to why these protocols are being offered as a standalone bill instead of amending an existing public act. Might the real motive of this new act be to subvert the petition process as the people of Michigan currently work to overturn the emergency manager bill?

Our communities, just like our hardworking citizens, are facing significant financial challenges, many of which were caused by the decisions imposed on them by the Republicans in this body. Yet the Legislature and the Governor are trying to capitalize on our cities’ financial distress by appointing these emergency financial manager dictators who can oust elected officials and overtake local governments without any accountability to the community.

These managers have the power to break contracts for the services the state has required our cities to provide, undo collective bargaining, privatize government services, and lay off public employees with little supervision or accountability. It is a brazen power grab that gives these appointed, not elected, managers the ability to operate above the law and against the will of our people, and today’s legislation only continues that.

I urge my colleagues to abandon this effort to continue the emergency manager legislation and stifle the public’s opposition to it.

Senator Young’s statement is as follows:

Madam President, I would like to start with a quote: “All lawful government is founded on the consent of those who founded it.”—James Wilson. Madam President, Abraham Lincoln famously declared that ours is a government of, by, and for the people. I must state my strong opposition to the passage of this bill because it is a slap in the face of the voters of Michigan. The original EM bill from earlier this session removed the voice of the people in local government by allowing the emergency manager to strip elected officials of their powers.

By moving this current bill forward, we are usurping the rights, the freedoms, and the liberties of the people to repeal laws passed by the Legislature. There is currently an initiative, which I collected signatures for, to place the EM law on the ballot and have it overturned. We sit here today prepared to vote on a bill that will replace the much-despised, hated, the draconian EM law if the people of Michigan choose to get rid of it. My colleagues on the other side of the aisle pay lip service to respecting the will of the voters, but this bill says the will of the voters be damned. We will impose these draconian measures if we please. Voting to move this bill forward is to make a statement that voters of Michigan no longer have a say in how their government is to be run.

If you are looking for an example of the success of EMs, look no further than DPS. We have an emergency dictator over there, and they still have books that don’t show up, they still have Internet that doesn’t work, and they have fifty kids to a class. The 1999 takeover had folks who were supposed to be fixing school districts, but instead they started to rape, rob, pillage, raid, and blame the school district. We must reject these municipal marauders as they come into our districts and take away our freedom and emancipation. It is wrong. It is unconstitutional. It is illegal. If we want to preserve the sovereignty of this state and the foundation and fabrics of the Constitution, we have to reject this legislation. The people have said no, not no, let’s take it up next week; or no, let’s take it up next month; or no, let’s take it up the year after that; or no, let’s take it biannually. They have said, no, don’t bring it again. No, take it back. We don’t want it. We don’t need it. We’re mad as hell. We’re not going to take it anymore. Don’t bring this bill up.

How many times do the people of Michigan have to take a stand and say no? Do they have to say it in Spanish? Do they have to say in Japanese? How many times do the people of this state say no to this legislation, and yet we keep bringing it back?

Madam President, the definition of insanity is doing the same thing over and over again and expecting a different result. Let’s listen to the people. Let’s listen to the supreme will. Let’s listen to the power and authority that we derive our

authority from and vote this legislation down. This republic is run for the people and by the people. If they choose to suspend the EM law, we must respect that.

I urge my colleagues to put their words into action and support the will of the voters and let the people know that their will will reign supreme by voting “no” on this bill.

The following bill was read a third time:

House Bill No. 5194, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1225 (MCL 380.1225), as amended by 2006 PA 285.

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. 833

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: Schuitmaker

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

The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5195, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 17a (MCL 388.1617a), as amended by 2006 PA 342.

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. 834**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: Schuitmaker

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

The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Resolutions

Senators Bieda, Kowall, Emmons, Gregory, Hood, Young, Proos, Booher, Pavlov, Hopgood, Anderson, Hildenbrand, Kahn, Pappageorge, Walker, Robertson, Jones, Hune, Marleau, Casperson, Warren, Gleason, Smith, Whitmer, Hunter, Jansen, Schuitmaker, Meekhof, Nofs, Rocca, Brandenburg, Hansen, Johnson and Richardville offered the following resolution:

Senate Resolution No. 105.

A resolution to memorialize Congress and the U.S. Department of Treasury to restore the option of purchasing U.S. savings bonds in paper form at any time.

Whereas, The Bureau of the Public Debt within the U.S. Department of Treasury is ending the sale of paper savings bonds at financial institutions as of January 1, 2012. This is a continuation of a move to electronic transactions over the past few years, and it includes the termination of paper savings bonds through payroll deduction and a greater emphasis on web-based sales. The aim of this move is to reduce the costs involved in the printing and management of paper products; and

Whereas, While there is little disputing the advantages and flexibility of purchasing savings bonds online, there are many people who strongly feel that eliminating the option of purchasing paper savings bonds (except through tax refunds) is a shortsighted move that should be reconsidered and reversed. Savings bonds are more than a vehicle for saving; they also represent a strong expression of support for our country. Paper savings bonds also play a unique role as an introduction into the concept of saving for many of our youngest citizens. Certainly, the well-established tradition of grandparents buying savings bonds as gifts and a means to save for college illustrates the value that Americans place in paper savings bonds; and

Whereas, The decision to halt the purchase of paper savings bonds from banks and other financial institutions ignores the realities facing many of our citizens. More than a quarter of all Americans do not have regular access to the Internet, and the figure for poorer Americans is thought to be twice as high. Ironically, the lower-income people least likely to have Internet access include many of those most in need of encouragement in savings and financial literacy, which are hidden benefits of savings bonds; and

Whereas, It seems especially inappropriate to deny millions of Americans the option of expressing support for our country through the purchase of savings bonds through, what is to many, the easiest or only way to do so; now, therefore, be it

Resolved by the Senate, That we memorialize Congress and the U.S. Department of Treasury to restore the option of purchasing U.S. savings bonds in paper form at any time; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Secretary of the U.S. Department of Treasury.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Meekhof moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Meekhof moved that the resolution be referred to the Committee on Banking and Financial Institutions.

The motion prevailed.

Senators Smith, Hunter, Gregory, Young, Hood, Gleason and Johnson offered the following resolution:

Senate Resolution No. 106.

A resolution to urge the Governor not to appoint an emergency manager for Detroit but to address the long-term issues that have created the economic conditions in Detroit and to work with elected city officials, Detroit legislators, community leaders, and all stakeholders to develop solutions for Detroit's long-term financial health.

Whereas, The financial challenges facing Detroit have been created due to the loss of its tax base, years of shrinking population, and dwindling shared revenue from the state. Appointing an emergency manager (EM) does not and will not solve these root problems for Detroit or any other Michigan city faced with the same challenges; and

Whereas, Until the fundamental issues of how city revenue is obtained are addressed, an EM for Detroit will meet with the same lack of success we have seen in other EMs for other cities in the state and for Detroit Public Schools. The problem is deeper than how money is spent—the tax structure for the city of Detroit is broken and needs reform. Allowing state control over the budget of Detroit does not solve this problem; and

Whereas, Property taxes, revenue sharing, and income taxes worked in the past to fund the city, but there is clearly a need for a new structure now. Property values in Detroit have fallen by over half in the last ten years. Even if the population trend reversed tomorrow, there would still be a need for a new revenue structure to fully fund the city. An EM is not needed. What Detroit needs is an open dialog regarding creating a new system to generate revenue; and

Whereas, Should an EM be appointed for Detroit, over half the African-American population in the state of Michigan will have been placed under the oversight of an appointed official, unanswerable to the citizens. This action amounts to the disenfranchisement of the people of Detroit. It sends the message that the citizens of Michigan's largest city are unable to face difficult solutions on their own and makes the state government appear heavy-handed. This action will not be positive for the public image of our state; and

Whereas, Recognizing that difficult choices will have to be made to solve Detroit's current budget deficit and that Detroit's leaders are working together to meet that challenge, the best course of action is to allow those elected by the citizens to make these decisions and not an unelected appointee; and

Whereas, The long-term solution to fix the budgetary issues in the city of Detroit is to increase the population and reverse the trend of the shrinking tax base. Appointing an EM will be detrimental to this effort. No American would choose to live in an area where their right to elect their leaders has been removed; now, therefore, be it

Resolved by the Senate, That we urge the Governor not to appoint an emergency manager for Detroit but to work with elected city officials, Detroit legislators, community leaders, and all stakeholders to develop long-term solutions for the city's financial problems; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senator Anderson was name co-sponsor of the resolution.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 2:45 p.m.

3:12 p.m.

The Senate was called to order by the Assistant President pro tempore, Senator Hansen.

By unanimous consent the Senate returned 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 Assistant President pro tempore, Senator Hansen, designated Senator Proos as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Calley, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 5087, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 411, 537, and 603 (MCL 436.1411, 436.1537, and 436.1603), section 411 as added by 2000 PA 395 and sections 537 and 603 as amended by 2010 PA 213.

The bill was placed on the order of Third Reading of Bills.

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 bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

House Bill No. 5087

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

The following bill was read a third time:

House Bill No. 5087, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 411, 537, and 603 (MCL 436.1411, 436.1537, and 436.1603), section 411 as added by 2000 PA 395 and sections 537 and 603 as amended by 2010 PA 213.

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. 835

Yeas—37

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

Nays—1

Excused—0

Not Voting—0

In The Chair: President

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

The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

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

The Senate agreed to the full title.

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

The motion prevailed.

Senator Jansen’s statement is as follows:

This is kind of a sad day for my office. We are going to lose one of our very, very good employees, Kelley Clevenger, who left the Department of Community Health a number of years ago and decided to come and join my office. I think she has a better offer again, and she is going back—not that she doesn’t like our office—but she is going to go back into employment with the state of Michigan.

One thing I find that is kind of exciting that I appreciate is she has a love for the state of Michigan, and she has a love to serve the state and to make sure this state is a better place. She has been a tremendous asset for our office. I would just ask that my colleagues would help me thank her for her service and her willingness to stay in state government.

By unanimous consent the Senate returned 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 Proos as Chairperson.

Recess

Senator Meekhof moved that the Committee of the Whole recess subject to the call of the Chairperson.

The motion prevailed, the time being 3:22 p.m.

5:39 p.m.

The Committee of the Whole was called to order by the Chairperson, Senator Proos.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Calley, resumed the Chair.

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

The motion prevailed.

Senator Richardville's statement is as follows:

Senator Whitmer and I are here to recognize the Michigan Information and Research Service, commonly known as *MIRS*, on their 50th anniversary. Since 1961, *MIRS* has served an integral role in keeping lobbyists, elected officials, and the general public informed of legislative activities. I know a lot of us in this chamber have enjoyed seeing their names in bold print from time to time, but today, I am happy to present this tribute to John Reurink, Susan Demas, and Kyle Melinn, to recognize him and these folks and their colleagues for helping to keep the public informed regarding activities here in the Legislature.

We look forward to another 50 years of coverage. Members, can you please help me to congratulate the folks over at *MIRS* for their work in covering what we do.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 5:44 p.m.

5:57 p.m.

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

By unanimous consent the Senate returned 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 Proos 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. 5125, entitled

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 6 of chapter IV (MCL 224.6), as amended by 2009 PA 39.

Substitute (S-5).

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. 5126, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 11 (MCL 46.11), as amended by 2003 PA 94.

Substitute (S-5).

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.

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 at the head of the Third Reading of Bills calendar:

House Bill No. 5125

House Bill No. 5126

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

The following bill was read a third time:

House Bill No. 5125, entitled

A bill to amend 1909 PA 283, entitled “An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies,” by amending section 6 of chapter IV (MCL 224.6), as amended by 2009 PA 39.

The question being on the passage of the bill,

Senator Gleason offered the following amendment:

1. Amend page 5, line 12, after “**COMMISSIONERS.**” by inserting “**THE COUNTY BOARD OF COMMISSIONERS SHALL GIVE NOTICE AS REQUIRED UNDER THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275, OF THE TIME AND PLACE OF EACH PUBLIC HEARING REQUIRED UNDER THIS SUBDIVISION. THE COUNTY BOARD OF COMMISSIONERS SHALL NOT ADOPT A RESOLUTION TRANSFERRING THE POWERS, DUTIES, AND FUNCTIONS OF THE BOARD OF COUNTY ROAD COMMISSIONERS TO THE COUNTY BOARD OF COMMISSIONERS LESS THAN 28 DAYS AFTER THE TIME THE FIRST NOTICE OF A PUBLIC HEARING IS GIVEN UNDER THIS SUBDIVISION.**”.

The amendment was not adopted, a majority of the members serving not 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. 836

Yeas—20

Brandenburg	Hansen	Marleau	Richardville
Casperson	Hildenbrand	Meekhof	Robertson
Colbeck	Hune	Nofs	Rocca
Gleason	Jones	Pappageorge	Smith
Gregory	Kowall	Pavlov	Whitmer

Nays—18

Anderson	Green	Johnson	Schuitmaker
Bieda	Hood	Kahn	Walker
Booher	Hopgood	Moolenaar	Warren
Caswell	Hunter	Proos	Young
Emmons	Jansen		

Excused—0

Not Voting—0

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 title of the bill.

The following bill was read a third time:

House Bill No. 5126, entitled

A bill to amend 1851 PA 156, entitled “An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act,” by amending section 11 (MCL 46.11), as amended by 2003 PA 94.

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. 837

Yeas—20

Brandenburg	Hansen	Marleau	Richardville
Casperson	Hildenbrand	Meekhof	Robertson
Colbeck	Hune	Nofs	Rocca
Gleason	Jones	Pappageorge	Smith
Gregory	Kowall	Pavlov	Whitmer

Nays—18

Anderson	Green	Johnson	Schuitmaker
Bieda	Hood	Kahn	Walker
Booher	Hopgood	Moolenaar	Warren
Caswell	Hunter	Proos	Young
Emmons	Jansen		

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 title of the bill.

By unanimous consent the Senate returned 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 Proos 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:

Senate Bill No. 534, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 811t. 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. 5105, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 504, 803, 805, 810a, 8121, 8123, 8132, 8136, 8138, and 8150 (MCL 600.504, 600.803, 600.805, 600.810a, 600.8121, 600.8123, 600.8132, 600.8136, 600.8138, and 600.8150), sections 504 and 803 as amended by 2002 PA 715, section 805 as amended by 1988 PA 134, section 810a as amended by 2004 PA 492, section 8121 as amended by 2001 PA 258, section 8123 as amended by 2000 PA 448, section 8132 as amended by 1998 PA 47, and section 8138 as amended by 1998 PA 46.

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

1. Amend page 1, line 4, after "63" by striking out "59" and inserting "60".
2. Amend page 2, line 21, by striking out all of subsection (4) and renumbering the remaining subsections.
3. Amend page 13, line 14, after "(1)" by striking out "The" and inserting "UNTIL 12 NOON, JANUARY 1, 2015, THE".
4. Amend page 13, line 15, after "judge." by inserting "BEGINNING 12 NOON, JANUARY 1, 2015, THE SIXTY-FIFTH-A DISTRICT CONSISTS OF THE COUNTY OF CLINTON AND IS A DISTRICT OF THE FIRST CLASS. UNDER SECTION 810A, THE PROBATE JUDGE FOR THE COUNTY OF CLINTON SHALL SERVE AS A JUDGE OF THE SIXTY-FIFTH-A DISTRICT.".
5. Amend page 13, line 16, after "(2)" by striking out "UNTIL APRIL 1, 2012, THE" and inserting "The".
6. Amend page 13, line 18, after "judge." by striking out the balance of the subsection.

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 the Bills.

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 at the head of the Third Reading of Bills calendar:

House Bill No. 5105
Senate Bill No. 534

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

The following bill was read a third time:

House Bill No. 5105, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 504, 803, 805, 810a, 8121, 8123, 8132, 8136, 8138, and 8150 (MCL 600.504, 600.803, 600.805, 600.810a, 600.8121, 600.8123, 600.8132, 600.8136, 600.8138, and 600.8150), sections 504 and 803 as amended by 2002 PA 715, section 805 as amended by 1988 PA 134, section 810a as amended by 2004 PA 492, section 8121 as amended by 2001 PA 258, section 8123 as amended by 2000 PA 448, section 8132 as amended by 1998 PA 47, and section 8138 as amended by 1998 PA 46.

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. 838

Yeas—33

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

Nays—5

Booher	Proos	Schuitmaker	Warren
Casperson			

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 revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 534, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 811t.

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. 839

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The Assistant President pro tempore, Senator Hansen, resumed the Chair.

By unanimous consent the Senate returned 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 Assistant President pro tempore, Senator Hansen, designated Senator Proos as Chairperson.

After some time spent therein, the Committee arose; and the Assistant President pro tempore, Senator Hansen, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 5190, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 10d (MCL 460.10d), as amended by 2008 PA 286.

Substitute (S-3).

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

1. Amend page 4, line 7, after "**RATES.**" by striking out the balance of the page and inserting "**BY FEBRUARY 1, 2012, THE COMMISSION SHALL COMMENCE ON ITS OWN MOTION A PROCEEDING FOR EACH AFFECTED UTILITY TO DETERMINE THE MANNER IN WHICH ALL MONEY IN THE LOW-INCOME AND ENERGY EFFICIENCY FUND, INCLUDING ANY UNSPENT FUNDS RETURNED BY GRANTEES, AND ALL MONEY BEING HELD IN ESCROW FOR THE LOW-INCOME AND ENERGY EFFICIENCY FUND WILL BE REFUNDED TO CUSTOMERS. THE REFUND SHALL BE ALLOCATED AMONG EACH RATE SCHEDULE PROPORTIONAL TO THE AMOUNT PAID BY EACH RATE SCHEDULE, EXCEPT THAT THE REFUND TO CUSTOMERS USING 10 MEGAWATTS OR MORE SHALL BE WITHIN AT LEAST 6.5% OF THE ACTUAL AMOUNT PAID AND ESCROWED BY THAT CUSTOMER. AS USED IN THIS SUBSECTION, "AFFECTED UTILITY" MEANS A REGULATED ELECTRIC OR NATURAL GAS UTILITY THAT WAS AUTHORIZED BY THE COMMISSION TO COLLECT IN RETAIL RATES AN AMOUNT THAT WAS DESIGNATED TO BE CONTRIBUTED TO THE LOW-INCOME AND ENERGY EFFICIENCY FUND, AND THAT SINCE JULY 21, 2011 HAS BEEN HOLDING THAT COLLECTED AMOUNT IN ESCROW.**" and renumbering the remaining subsection.

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

By unanimous consent the Senate returned to the order of
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 at the head of the Third Reading of Bills calendar:

House Bill No. 5190

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

The following bill was read a third time:

House Bill No. 5190, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment

clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” by amending section 10d (MCL 460.10d), as amended by 2008 PA 286.

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. 840

Yeas—36

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

Nays—1

Hune

Excused—0

Not Voting—1

Smith

In The Chair: Hansen

Senator Meekhof moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of
Resolutions

Senator Meekhof offered the following concurrent resolution:

Senate Concurrent Resolution No. 24.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Thursday, December 15, 2011, it stands adjourned until Wednesday, December 28, 2011, at 11:30 a.m.; and be it further

Resolved, That when the Legislature adjourns on Wednesday, December 28, 2011, it stands adjourned without day.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Meekhof moved that the rule be suspended.

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

The concurrent resolution was adopted.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 6:36 p.m.

6:52 p.m.

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

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

Senate Bill No. 569, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 9, 29a, and 29d (MCL 125.2009, 125.2029a, and 125.2029d), section 9 as amended by 1987 PA 278 and sections 29a and 29d as added by 2008 PA 75, and by adding section 29h.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Meekhof moved that the rule be suspended.

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

The question being on concurring in the 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. 841

Yeas—35

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

Nays—3

Green	Hune	Robertson
-------	------	-----------

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. 855, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 107 and 434 (MCL 208.1107 and 208.1434), section 107 as amended by 2011 PA 209 and section 434 as amended by 2010 PA 114.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 2007 PA 36, entitled "An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations," by amending sections 107, 117, 434, 500, 510, and 511 (MCL 208.1107, 208.1117, 208.1434, 208.1500, 208.1510, and 208.1511), sections 107, 117, and 500 as amended by 2011 PA 209, section 434 as amended by 2010 PA 114, and section 510 as amended by 2011 PA 77.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Meekhof moved that the rule be suspended.

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

The question being on concurring in the 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. 842**Yeas—35**

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

Nays—3

Brandenburg	Caswell	Green
-------------	---------	-------

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 title as amended.

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

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

The motion prevailed.

Senator Johnson's statement is as follows:

I rise today to speak in support of these advanced battery credits. I am glad that my colleagues on the other side of the aisle have joined the Democratic line of thinking that these targeted tax credits can, in fact, help create jobs. I know in the past you have called this type of credit picking winners and losers. I hope that your support of this bill signifies your readiness to move beyond that silly argument.

I must confess, however, that I am surprised at where these credits are being offered. I was under the impression that this chamber voted to eliminate the job-killing MBT. According to bill in front of us, the MBT still, in fact, exists, and we are using it to create jobs, not kill them. I guess the MBT has some usefulness to the businesses of Michigan after all.

Again, thank you to my colleagues for supporting this Democratic job-creating policy. I am pleased that you have realized we have been on the right track to creating jobs all along.

Statements

Senators Casperson, Caswell and Richardville asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Casperson's statement is as follows:

Colleagues, yesterday was the 175th anniversary of a milestone event in Michigan's history. On December 14, 1836, the good people of our state got the better end of the deal when, in order to resolve a border war, the federal government granted to Michigan the territory that we now affectionately call the Upper Peninsula, and the only thing Ohio got was Toledo. If it hadn't been for that providential occurrence, I'd be doing my legislative time in Madison, Wisconsin. But as you already know, my interstate loyalty only extends as far as Green Bay. So it was by the grace of God 175 years ago that I now have the distinct privilege of serving the people of Michigan here with you.

I'm very grateful for what happened all those years ago. The vast resources of the Upper Peninsula have been credited to Michigan's account, and we're working to make sure those resources continue to assist the rest of the state in our drive forward economically. Many of you recently signed a letter of support for a road-building project that will encourage that very thing in the Marquette area. I welcome the rest of my colleagues to do the same.

While I brag on the Upper Peninsula, I would be wrong not to brag on the Lower Peninsula as well. Every one of you come from a district that has difficulties and opportunities, challenges and potential. Last Friday, I and two of my staff members took a drive and spent the day in one of those districts. I want to thank my friend, the Senator from the 2nd District, for the welcome that we received there.

Being a Yooper, I have no special love for Toledo. Simply put, we won; they lost. Being a Michigander, there is a special place in my heart for Detroit. I trust the Senator from the 2nd District felt some of the love last Friday.

As the chair of the Transportation Committee, I take seriously the need that Metro Detroit has for an efficient means of public transportation. Detroit is our largest city, and it needs to be known once again as a jewel in Michigan's crown. It cannot do that if we have not mastered the art of mass transit. That was the reason for my visit with the Senator from the 2nd District, and that is the reason I am speaking to you now. Oprah Winfrey was right: "Lots of people want to ride with you in the limo, but what you want is someone who will take the bus with you when the limo breaks down." I took that ride, and I saw a lot of things. I saw a young woman with little children getting on and off the bus, trying to make her way. Unfortunately, a lot of it was difficult. I got the chance to see, switching from bus to bus, how difficult that was. We stood outside waiting for a bus that came late, and we darn near froze. So I was privileged to experience what was happening, and we do need to come together.

Let's not focus merely on what it is. Let's reach for what can be. I experienced the difficulties last Friday, and I saw the challenges, but I also saw some of the opportunities and the potential.

The Upper Peninsula has its own struggles, and I would hate to think that my downstate colleagues would turn their backs on us, give us the cold shoulder, and make us face those difficulties alone. I'm not going to turn my back on those below the bridge either. There's more than just the Mighty Mac that holds our state together.

I'm asking my colleagues to take a walk in those shoes of the Senator from the 2nd District's constituents and the others Senators who represent that area by our delegation from Detroit. Take a walk with the Senator from the 2nd District, ride the bus, and catch the vision of what our biggest city—the birthplace of American auto-making, Motown, the home of our beloved Lions and Tigers and Pistons and Red Wings—can be and should be in Michigan's crown.

When we come back here next year, we will be looking at a means to help provide an efficient, practical, and economical regional transportation authority for Metro Detroit. We're looking for a solution to the problem that I got a taste of last Friday. That solution won't be easy, and it won't be simple. So before we try to get our heads around the paperwork, I'm asking you to put your boots on the ground and see the need for yourself.

Let someone else take the limo this time. If we care about our brothers and sisters, and if we've got any solidarity as Michiganders, then it's our turn to ride that bus.

Senator Caswell's statement is as follows:

As we approach the Christmas season, we received news in the state that at the end of this year, we expect to have \$553 million in the General Fund. We also expect to have approximately \$880 million in the School Aid Fund. However, as we look out two years, assuming that we continue to spend our money at the present rate and our estimates for income are accurate, the \$553 million of General Fund will become \$76 million in two years. The \$880 million in the School Aid Fund will become \$338 million in two years.

I might point out to my colleagues that this year we have inserted into the School Aid budget for K-12 systems \$445 million of one-time money. If we leave that money in the budget, then we will have a \$100 million deficit in two years in the School Aid Fund.

While the numbers look good now, I would just urge my colleagues to continue to be very fiscally frugal in how we spend money. We are now looking into the future as businesses and individuals have to do. The future doesn't show us that we are going to have a lot of money. We need to continue to be careful with the money that the taxpayers send us.

Senator Richardville's statement is as follows:

As we draw close to the end of this year, I wanted to reflect on a few things that this body has done. Unquestionably, this has been one of the most productive in recent history for the Michigan Legislature. We committed early in the year to improving our environment for economic recovery, to protecting the rights of the citizens who elected us, to improving educational options for students and parents, and to streamlining state government.

We know that our government cannot create jobs, but we can improve the environment for our job providers, and we began the year by replacing the burdensome Michigan business tax with a simple corporate income tax. We passed a balanced, reforms-based budget in record time, the earliest in the past 30 years. We reformed government regulations and streamlined our state bureaucracy. We passed legislation to reform unemployment insurance and pay down our debt to the federal government.

We recognized the stewards of our environment, our farmers, and the importance that agriculture plays in our economy. We supported the third-largest industry in our state by voting for legislation to boost tourism in Michigan.

Recently, we have seen Wall Street recognize the progress in our state and upgrade our economic outlook from stable to positive. We have received national recognition from Bloomberg as the state with the second-fastest economic recovery in the nation. For the first time in three years, our unemployment rate has fallen below 10 percent. We passed a fair, constitutional, and legal redistricting plan with bipartisan support.

We recognized how important public education is to the communities we represent, and we tackled a number of reforms to improve the learning environment in our schools by supporting our high-performing teachers and expanding educational options for students and parents.

We also know that the health of Michigan is directly related to the health and stability of our municipalities, and we passed legislation to improve our emergency manager laws and established a list of factors to identify struggling communities before they find themselves in financial stress.

We cut bureaucratic red tape, passed legislation to promote competition in government, and brought public employee benefits in line with their private-sector counterparts. We focused on protections for our most vulnerable populations through senior protection legislation, anti-bullying legislation, and cracking down on mortgage fraud.

All of this would not have been possible without the hard work and dedication of my fellow lawmakers. I am proud to work amongst these men and women who made a commitment to the citizens of Michigan on both sides of the aisle. We did not shy away from complex issues that have evaded resolution in years past. We came ready to work. We came ready to build a better Michigan.

Next year will offer new opportunities for improvement and a chance for this Senate to show the citizens of Michigan that we can and will continue to improve our great state. As we close our final session day of 2011, I want to once again thank my colleagues for their commitment to Michigan and to wish everyone a very happy and healthy holiday season.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 7:12 p.m.

7:33 p.m.

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

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

Senate Bill No. 364, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2012; and to provide for the expenditure of the appropriations.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3) and ordered that it be given immediate effect.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Meekhof moved that the rule be suspended.

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

The question being on concurring in the 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. 843

Yeas—35

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

Nays—2

Hune	Rocca
------	-------

Excused—0

Not Voting—1

Hood

In The Chair: President

Senator Hunter moved that Senator Hood be temporarily excused from the balance of today's session.
 The motion prevailed.

Senator Meekhof moved that the bill be given immediate effect.

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

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

Senator Hood entered the Senate Chamber.

Senate Bill No. 864, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” by amending sections 6e, 9q, and 10u (MCL 460.6e, 460.9q, and 460.10u), section 6e as added by 1980 PA 50, section 9q as added by 2009 PA 171, and section 10u as added by 2000 PA 141.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3) and ordered that it be given immediate effect.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Meekhof moved that the rule be suspended.

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

The question being on concurring in the 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. 844

Yeas—37

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

Nays—1

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

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 Wednesday, December 28, at 11:30 a.m.

The motion prevailed.

Senator Meekhof moved that, pursuant to rule 1.114, upon receipt of Senate bills returned from the House of Representatives, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bills to the Governor.

The motion prevailed.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 7:41 p.m.

7:48 p.m.

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

By unanimous consent the Senate returned to the order of

Resolutions

Senator Meekhof moved that rule 3.204 be suspended to permit immediate consideration of the following concurrent resolution:

Senate Concurrent Resolution No. 25

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

Senator Meekhof offered the following concurrent resolution:

Senate Concurrent Resolution No. 25.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, December 15, 2011, it stands adjourned until Wednesday, December 28, 2011, at 11:30 a.m.; and be it further

Resolved, That when the House of Representatives adjourns on Friday, December 16, 2011, it stands adjourned until Wednesday, December 28, 2011, at 11:30 a.m.; and be it further

Resolved, That when the Legislature adjourns on Wednesday, December 28, 2011, it stands adjourned without day.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Committee Reports

The Committee on Regulatory Reform reported

House Bill No. 5087, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 411, 537, and 603 (MCL 436.1411, 436.1537, and 436.1603), section 411 as added by 2000 PA 395 and sections 537 and 603 as amended by 2010 PA 213.

With the recommendation that the bill pass.

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

Tory Rocca
Chairperson

To Report Out:

Yeas: Senators Rocca, Jones, Hune, Pavlov, Johnson and Warren

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Reforms, Restructuring and Reinventing reported

House Bill No. 5192, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare

and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 15 (MCL 423.215), as amended by 2011 PA 103.

With the recommendation that the bill pass.

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

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Jansen, Colbeck, Casperson, Kowall, Robertson and Young

Nays: Senator Warren

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, December 14, 2011, at 9:30 a.m., Rooms 402 and 403, Capitol Building

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

The Committee on Finance reported

House Bill No. 4940, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 701 (MCL 206.701), as amended by 2011 PA 194.

With the recommendation that the bill pass.

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

Jack M. Brandenburg
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 4949, 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.

With the recommendation that the bill pass.

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

Jack M. Brandenburg
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 4950, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 671 (MCL 206.671), as amended by 2011 PA 185.

With the recommendation that the bill pass.

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

Jack M. Brandenburg
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, December 14, 2011, at 12:30 p.m., Room 210, Farnum Building
Present: Senators Brandenburg (C), Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

The Committee on Appropriations reported

House Concurrent Resolution No. 36.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Trustees of Western Michigan University relative to the Western Michigan University Sangren Hall Replacement project.

(For text of resolution, see Senate Journal No. 95, p. 2717.)

With the recommendation that the concurrent resolution be adopted.

Roger Kahn, M.D.
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

House Concurrent Resolution No. 37.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and School District of the City of Dearborn relative to the Henry Ford Community College Science Building Improvements project.

(For text of resolution, see Senate Journal No. 95, p. 2718.)

With the recommendation that the concurrent resolution be adopted.

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 concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

House Concurrent Resolution No. 38.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Washtenaw Community College relative to the Washtenaw Community College Skilled Trades Training Program Renovations project.

(For text of resolution, see Senate Journal No. 95, p. 2719.)

With the recommendation that the concurrent resolution be adopted.

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 concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

House Bill No. 5194, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1225 (MCL 380.1225), as amended by 2006 PA 285.

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. 5195, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 17a (MCL 388.1617a), as amended by 2006 PA 342.

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.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, December 14, 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, Schuitmaker, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 7:49 p.m.

Pursuant to Senate Concurrent Resolution No. 24, the President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, December 28, 2011, at 11:30 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

