

**No. 43**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**96th Legislature**  
**REGULAR SESSION OF 2012**

---

---

Senate Chamber, Lansing, Tuesday, May 8, 2012.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Anderson—present  
Bieda—present  
Booher—present  
Brandenburg—present  
Casperson—present  
Caswell—present  
Colbeck—present  
Emmons—present  
Gleason—present  
Green—present  
Gregory—present  
Hansen—present  
Hildenbrand—present

Hood—present  
Hopgood—present  
Hune—present  
Hunter—present  
Jansen—present  
Johnson—excused  
Jones—present  
Kahn—present  
Kowall—present  
Marleau—present  
Meekhof—present  
Moolenaar—present  
Nofs—present

Pappageorge—present  
Pavlov—present  
Proos—present  
Richardville—present  
Robertson—present  
Rocca—present  
Schuitmaker—present  
Smith—present  
Walker—present  
Warren—present  
Whitmer—present  
Young—present

Senator Virgil K. Smith of the 4th District offered the following invocation:

Dear Heavenly Father, I am grateful that You have given us so much wise advice from Your amazing book of Proverbs. Lord, thank You for pointing out things that would cause problems for our lives. Give me discernment to know when someone comes into my life who has an evil eye so that I will not fall into a trap set by a manipulator. Lord, I pray for them to be set free, but I do not want to keep company with this kind of person.

Lord, also remove lust and anything else that is in my heart that is evil so that I do not yield to the temptation of the lust of the eyes nor the lust of the flesh. Put Your holy and righteous desires in my heart so that I might please You.

I ask this in the name of Jesus. Amen.

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

### Motions and Communications

Senators Richardville and Young entered the Senate Chamber.

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

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

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

**House Bill No. 4992**

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 10:06 a.m.

10:53 a.m.

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

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

The following communications were received and read:  
Office of the Senate Majority Leader

May 8, 2012

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-1) to Senate Bill 947, appoints the following members to sit on the conference committee:

Senator Mike Green, Chair  
Senator Roger Kahn  
Senator Hoon-Yung Hopgood

Thank you for your prompt consideration of this matter.

May 8, 2012

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-1) to Senate Bill 949, appoints the following members to sit on the conference committee:

Senator Darwin Booher, Chair  
Senator Roger Kahn  
Senator Glenn Anderson

Thank you for your prompt consideration of this matter.

May 8, 2012

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-1) to Senate Bill 950, appoints the following members to sit on the conference committee:

Senator John Moolenaar, Chair

Senator Roger Kahn

Senator Vincent Gregory

Thank you for your prompt consideration of this matter.

May 8, 2012

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-1) to Senate Bill 951, appoints the following members to sit on the conference committee:

Senator John Proos, Chair

Senator Roger Kahn

Senator Glenn Anderson

Thank you for your prompt consideration of this matter.

May 8, 2012

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-1) to Senate Bill 952, appoints the following members to sit on the conference committee:

Senator Howard Walker, Chair

Senator Roger Kahn

Senator Hoon-Yung Hopgood

Thank you for your prompt consideration of this matter.

May 8, 2012

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-1) to Senate Bill 953, appoints the following members to sit on the conference committee:

Senator Mike Green, Chair

Senator Roger Kahn

Senator Hoon-Yung Hopgood

Thank you for your prompt consideration of this matter.

May 8, 2012

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-1) to Senate Bill 954, appoints the following members to sit on the conference committee:

Senator John Pappageorge, Chair

Senator Roger Kahn

Senator Bert Johnson

Thank you for your prompt consideration of this matter.

May 8, 2012

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-1) to Senate Bill 955, appoints the following members to sit on the conference committee:

Senator Tonya Schuitmaker, Chair

Senator Roger Kahn

Senator Morris Hood III

Thank you for your prompt consideration of this matter.

May 8, 2012

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-1) to Senate Bill 956, appoints the following members to sit on the conference committee:

Senator Bruce Caswell, Chair

Senator Roger Kahn

Senator Vincent Gregory

Thank you for your prompt consideration of this matter.

May 8, 2012

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-1) to Senate Bill 957, appoints the following members to sit on the conference committee:

Senator John Proos, Chair

Senator Roger Kahn

Senator Bert Johnson

Thank you for your prompt consideration of this matter.

May 8, 2012

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-1) to Senate Bill 958, appoints the following members to sit on the conference committee:

Senator Mark Jansen, Chair

Senator Roger Kahn

Senator Bert Johnson

Thank you for your prompt consideration of this matter.

May 8, 2012

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-1) to Senate Bill 959, appoints the following members to sit on the conference committee:

Senator Patrick Colbeck, Chair

Senator Roger Kahn

Senator Vincent Gregory

Thank you for your prompt consideration of this matter.

May 8, 2012

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-1) to Senate Bill 960, appoints the following members to sit on the conference committee:

Senator Mike Green, Chair

Senator Roger Kahn

Senator Hoon-Yung Hopgood

Thank you for your prompt consideration of this matter.

May 8, 2012

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-1) to Senate Bill 961, appoints the following members to sit on the conference committee:

Senator Howard Walker, Chair

Senator Roger Kahn

Senator Hoon-Yung Hopgood

Thank you for your prompt consideration of this matter.

May 8, 2012

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-1) to Senate Bill 962, appoints the following members to sit on the conference committee:

Senator Patrick Colbeck, Chair

Senator Roger Kahn

Senator Vincent Gregory

Thank you for your prompt consideration of this matter.

May 8, 2012

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-1) to Senate Bill 963, appoints the following members to sit on the conference committee:

Senator John Pappageorge, Chair

Senator Roger Kahn

Senator Glenn Anderson

Thank you for your prompt consideration of this matter.

May 8, 2012

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-1) to House Bill 5365, the Senate appoints the following members to sit on the conference committee:

Senator Roger Kahn  
 Senator John Moolenaar  
 Senator Glenn Anderson

Thank you for your prompt consideration of this matter.

May 8, 2012

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-1) to House Bill 5372, the Senate appoints the following members to sit on the conference committee:

Senator Roger Kahn  
 Senator John Moolenaar  
 Senator Glenn Anderson

Thank you for your prompt consideration of this matter.

Respectfully yours,  
 Randy Richardville  
 Senate Majority Leader  
 17th District

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, May 3:

**House Bill Nos. 4718 4834 4851 4853 4856 4925 5296 5328 5329 5340 5459 5468**

The Secretary announced the enrollment printing and presentation to the Governor on Friday, May 4, for his approval the following bill:

**Enrolled Senate Bill No. 619 at 12:21 p.m.**

The Secretary announced that the following official bills were printed on Thursday, May 3, and are available at the legislative website:

**Senate Bill No. 1109**  
**House Bill No. 5591**

The Secretary announced that the following official bills were printed on Friday, May 4, and are available at the legislative website:

**Senate Bill Nos. 1110 1111 1112 1113 1114 1115 1116 1117 1118**  
**House Bill Nos. 5592 5593 5594 5595 5596 5597 5598**

### Messages from the Governor

The following message from the Governor was received on May 3, 2012, and read:

EXECUTIVE ORDER  
 No. 2012-7

**Criminal Investigations Subunit  
 Michigan Gaming Control Board  
 Criminal Justice Agency  
 Department of Treasury**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, the Michigan Gaming Control Board is responsible for enforcing the Michigan Gaming Control & Revenue Act, 1997 PA 1969, MCL 432.201 et seq.; and

WHEREAS, all of the authority, powers, and duties of the Office of Racing Commissioner created within the Department of Agriculture under Section 3 of the Horse Racing Act, 1995 PA 279, MCL 432.201 et seq. were transferred to the Executive Director of the Michigan Gaming Control Board by Executive Order 2009-45; and

WHEREAS, organized crime has historically targeted gambling as a source of illegal revenue to fund its criminal enterprises; and

WHEREAS, the Michigan Gaming Control & Revenue Act and the Horse Racing Act require the Michigan Gaming Control Board and Executive Director of the Michigan Gaming Control Board to identify criminals, detect criminal activity, and disseminate the results of its investigations; and

WHEREAS, the Michigan Gaming Control Board and Executive Director of the Michigan Gaming Control Board currently lack access to available tools that would greatly increase their ability to perform their statutory obligations; and

WHEREAS, the Michigan Gaming Control Board's and the Executive Director of the Michigan Gaming Control Board's limited ability to conduct full and complete criminal background checks is inefficient, not cost effective, and potentially harmful to the people of Michigan;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and the laws of the state of Michigan, do hereby order the following:

#### **I. CREATION**

A. The Criminal Investigations Subunit is created within the Michigan Gaming Control Board.

B. The Executive Director of the Michigan Gaming Control Board shall have responsibility for, and direct control of, the Subunit.

C. The Executive Director of the Michigan Gaming Control Board shall arrange for proper staffing of the Subunit.

#### **II. PURPOSE**

A. The Criminal Investigations Subunit, including the Executive Director of the Michigan Gaming Control Board, is a criminal justice agency and shall have full access to criminal justice information and criminal justice information systems. The Executive Director of the Michigan Gaming Control Board and the Michigan State Police will work together to develop appropriate agreements so as to adhere to state and federal laws for access to these systems.

B. The purpose of the Criminal Investigations Subunit is to investigate criminal activity relating to any matter under the jurisdiction and authority of the Michigan Gaming Control Board or the Executive Director of the Michigan Gaming Control Board, including, but not limited to:

1. Conducting criminal background checks on applicants for licenses and current licensees in accordance with state and federal laws for submitting fingerprints to the Michigan State Police for the processing of state and federal background checks;

2. Investigating claims of unlawful gaming or racing practices that, if true, would constitute a violation of the Michigan Penal Code;

3. Maintaining records of its criminal investigations;

4. Sharing records of its investigations with other criminal justice agencies; and

5. Reviewing information from other criminal justice agencies to assist in the enforcement and investigation of all matters under the authority of the Executive Director of the Michigan Gaming Control Board.

This Executive Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 3rd day of May, in the Year of our Lord Two Thousand Twelve.

Richard D. Snyder  
Governor

By the Governor:  
Ruth A. Johnson  
Secretary of State

The executive order was referred to the Committee on Government Operations.

#### **Messages from the House**

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

**Senate Bill No. 92**

**Senate Bill No. 499**

The motion prevailed.

#### **House Bill No. 5365, entitled**

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, capital outlay, the judicial branch, and the legislative branch for the fiscal year ending September 30, 2013; to provide for certain conditions on appropriations; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Moss, Haveman and LeBlanc as conferees.

The message was referred to the Secretary for record.

#### **House Bill No. 5372, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 4, 6, 11, 11a, 11g, 11j, 11k, 11m, 12, 15, 18, 18c, 19, 20, 20d, 22a, 22b, 22d, 22f, 24, 24a, 24c, 25, 26a, 26b, 31a, 31d, 31f, 32b, 32d, 32j, 39, 39a, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 74, 81, 93, 94a, 98, 99, 101, 104, 107, 147, 147a, 152a, 201, 201a, 202, 203, 204, 206, 207, 208, 209, 210a, 211, 212, 213, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 236, 236a, 237, 238, 239, 239a, 241, 242, 243, 244, 245, 251, 252, 253, 254, 255, 256, 257, 258, 261, 263, 263a, 264, 265, 267, 268, 269, 270, 270a, 273, 274, 274a, 275, 275a, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 289, 290, and 291 (MCL 388.1603, 388.1604, 388.1606, 388.1611, 388.1611a, 388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1612, 388.1615, 388.1618, 388.1618c, 388.1619, 388.1620, 388.1620d, 388.1622a, 388.1622b, 388.1622d, 388.1622f, 388.1624, 388.1624a, 388.1624c, 388.1625, 388.1626a, 388.1626b, 388.1631a, 388.1631d, 388.1631f, 388.1632b, 388.1632d, 388.1632j, 388.1639, 388.1639a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1693, 388.1694a, 388.1698, 388.1699, 388.1701, 388.1704, 388.1707, 388.1747, 388.1747a, 388.1752a, 388.1801, 388.1801a, 388.1802, 388.1803, 388.1804, 388.1806, 388.1807, 388.1808, 388.1809, 388.1810a, 388.1811, 388.1812, 388.1813, 388.1816, 388.1817, 388.1818, 388.1819, 388.1820, 388.1821, 388.1822, 388.1823, 388.1824, 388.1825, 388.1826, 388.1827, 388.1828, 388.1829, 388.1836, 388.1836a, 388.1837, 388.1838, 388.1839, 388.1839a, 388.1841, 388.1842, 388.1843, 388.1844, 388.1845, 388.1851, 388.1852, 388.1853, 388.1854, 388.1855, 388.1856, 388.1857, 388.1858, 388.1861, 388.1863, 388.1863a, 388.1864, 388.1865, 388.1867, 388.1868, 388.1869, 388.1870, 388.1870a, 388.1873, 388.1874, 388.1874a, 388.1875, 388.1875a, 388.1876, 388.1877, 388.1878, 388.1879, 388.1880, 388.1881, 388.1882, 388.1883, 388.1884, 388.1885, 388.1886, 388.1889, 388.1890, and 388.1891), sections 3, 19, and 101 as amended by 2010 PA 110, section 4 as amended by 2008 PA 268, sections 6, 11, 11a, 11m, 22a, 22b, 24a, 24c, 26b, 51a, 51c, 74, and 104 as amended by 2012 PA 29, sections 11g, 11k, 15, 18, 20, 20d, 22d, 24, 31a, 32b, 32d, 32j, 39, 39a, 51d, 54, 56, 61a, 81, 93, 94a, 98, 99, 107, 147, and 152a as amended and sections 12, 22f, 147a, 201, 201a, 202, 203, 204, 206, 207, 208, 209, 210a, 211, 212, 213, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 236, 236a, 237, 238, 239, 239a, 241, 242, 243, 244, 245, 251, 252, 253, 254, 255, 256, 257, 258, 261, 263, 263a, 264, 265, 267, 268, 269, 270, 270a, 273, 274, 274a, 275, 275a, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 289, 290, and 291 as added by 2011 PA 62, sections 11j, 26a, 31d, 31f, 53a, and 62 as amended by 2011 PA 299, section 18c as added by 2000 PA 297, and section 25 as amended by 2011 PA 322, and by adding sections 22g, 22i, 95, 229a, 236b, 237b, 246, 260, 265a, 273a, and 293a; and to repeal acts and parts of acts.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Rogers, Moss and Lipton as conferees.

The message was referred to the Secretary for record.

#### **Senate Bill No. 1064, entitled**

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," (MCL 125.3101 to 125.3702) by adding section 3514.

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

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

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. 269, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8401 (MCL 600.8401), as amended by 1999 PA 27.

Substitute (H-1).

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

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

#### **Roll Call No. 309**

#### **Yeas—37**

Anderson  
Bieda

Gregory  
Hansen

Kahn  
Kowall

Richardville  
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	Jones	Proos	Young
Green			

**Nays—0**

**Excused—1**

Johnson

**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. 64, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 5714 (MCL 600.5714), as amended by 2004 PA 105.

(This bill was returned from the House on May 3 and the recommendation for immediate effect postponed. See Senate Journal No. 42, p. 721.)

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. 65, entitled**

A bill to amend 1846 RS 66, entitled “Of estates in dower, by the curtesy, and general provisions concerning real estate,” by amending section 34 (MCL 554.134), as amended by 2004 PA 106.

(This bill was returned from the House on May 3 and the recommendation for immediate effect postponed. See Senate Journal No. 42, p. 721.)

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 proceeded to the order of

**General Orders**

Senator Meekhof moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Calley, designated Senator Jansen as Chairperson.

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

**Senate Bill No. 933, entitled**

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” (MCL 418.101 to 418.941) by adding section 315a.



**Senate Bill No. 505, entitled**

A bill to amend 2008 IL 1, entitled "Michigan medical marihuana act," by amending section 6 (MCL 333.26426). The bills were placed on the order of Third Reading of Bills.

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

**House Bill No. 4992, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 558, 560, 560b, 568, 591, 706, and 764a (MCL 168.558, 168.560, 168.560b, 168.568, 168.591, 168.706, and 168.764a), section 558 as amended and section 560b as added by 2002 PA 163, sections 568 and 706 as amended by 1985 PA 160, section 591 as amended by 1990 PA 109, and section 764a as amended by 1996 PA 207, and by adding sections 736b, 736c, 736d, 736e, 736f, 736g, and 764; and to repeal acts and parts of acts.

Substitute (S-3).

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

1. Amend page 15, line 17, after "**ONLY**" by inserting "**WRITTEN**".
2. Amend page 15, line 20, by striking out "**AN**" and inserting "**A BALLOT MARKING**".
3. Amend page 16, line 18, after "**THE**" by inserting "**BALLOT MARKING**".

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:

**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.

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:

**Senate Bill No. 321, entitled**

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

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:

**Senate Bill No. 505**

**Senate Bill No. 321**

**Senate Bill No. 933**

**House Bill No. 4992**

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

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

**House Bill No. 4992**

**Senate Bill No. 321**

**Senate Bill No. 933**

**Senate Bill No. 505**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4992, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 558, 560, 560b, 568, 591, 706, and 764a (MCL 168.558, 168.560, 168.560b, 168.568, 168.591, 168.706, and 168.764a), section 558 as amended and section 560b as added by 2002 PA 163, sections 568 and 706 as amended by 1985 PA 160, section 591 as amended by 1990 PA 109, and section 764a as amended by 1996 PA 207, and by adding sections 736b, 736c, 736d, 736e, 736f, 736g, and 764; and to repeal acts and parts of acts.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 310**

**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—11**

Anderson	Gregory	Hunter	Whitmer
Bieda	Hood	Smith	Young
Gleason	Hopgood	Warren	

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: Hansen

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 reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,".

The Senate agreed to the full title.

**Protest**

Senator Young, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4992 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting "no."

The motion prevailed.

Senator Young’s statement is as follows:

Mr. President, I would like to start with a quote: “As a great Senator once said, ‘I believe that voting is the first act of building a community as well as building a country.’” Mr. President, why all these new election laws? Why is the majority saying that this is about saving money when it willingly spent millions of state taxpayer dollars on its own internal primary? Why the game of redistricting? Why the games with the Oakland County Board of Commissioners? Why are there 15 more election law changes in the legislative pipeline?

Mr. President, I wish I could say that it’s all about fixing some changes here and there, a little bit of this, and a little bit of that, but we both know it’s not. We both know it’s about changing the rules in this important year when their candidate is appearing today about a quarter of a mile from this chamber. I hope the trees are the right height over there too.

What these bills do is give the Secretary of State a little more power, and they make the restrictions of how to vote a little less clear. For those reasons, I cannot and will not support this bill.

The following bill was read a third time:

**Senate Bill No. 321, entitled**

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

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. 311**

**Yeas—35**

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

**Nays—2**

Warren	Young
--------	-------

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: Hansen

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 933, entitled**

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” (MCL 418.101 to 418.941) by adding section 315a.

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. 312****Yeas—35**

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

**Nays—2**

Warren	Young
--------	-------

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: Hansen

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 505, entitled**

A bill to amend 2008 IL 1, entitled "Michigan medical marihuana act," by amending section 6 (MCL 333.26426).

The question being on the passage of the bill,

The bill was passed, 3/4 of the members serving voting therefor, as follows:

**Roll Call No. 313****Yeas—35**

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

**Nays—2**

Warren	Young
--------	-------

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: Hansen

The Senate agreed to the title of the bill.

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. 115**  
**Senate Concurrent Resolution No. 26**  
**Senate Resolution No. 34**  
**Senate Resolution No. 85**  
**Senate Resolution No. 105**  
**House Concurrent Resolution No. 29**  
**Senate Resolution No. 112**  
**House Concurrent Resolution No. 6**  
**Senate Resolution No. 120**  
**Senate Resolution No. 127**  
The motion prevailed.

The question was placed on the adoption of the following resolution consent calendar:

**Senate Resolution No. 148**  
The resolution consent calendar was adopted.

Senators Meekhof, Casperson and Pappageorge offered the following resolution:

**Senate Resolution No. 148.**

A resolution to commemorate May 12, 2012, as National Train Day in the state of Michigan.

Whereas, The United States of America has made a considerable financial commitment to expanding the nation's high-speed and intercity passenger rail (HSIPR) network, including funding for Michigan to purchase the rail corridor from Dearborn to Kalamazoo, which combined with the Amtrak rail corridor from Kalamazoo to Porter, Indiana, creating the longest passenger rail controlled corridor outside of the Northeast Corridor; and

Whereas, Developing this pipeline of national high-speed and intercity passenger rail projects will revitalize the domestic manufacturing industry and create additional American jobs, building on the 1 million good-paying, middle-class American jobs that can never be outsourced and already supported by the rail industry; and

Whereas, Ridership on Amtrak has grown eight out of the last nine years, further demonstrating the increased demand for intercity passenger rail services; and

Whereas, In highly-populated regions, Amtrak trains and infrastructure carry intercity passengers and commuters to and from work in congested metropolitan areas, providing a reliable rail option while reducing congestion on roads and in the skies; and

Whereas, Amtrak annually provides intercity passenger rail travel to over 30 million Americans residing in 46 states; and

Whereas, For many rural Americans, Amtrak represents the only major intercity transportation link to the rest of the country; and

Whereas, Passenger rail provides a more fuel-efficient transportation system, thereby providing cleaner transportation alternatives and energy security; and

Whereas, When combined with all modes of transportation, passenger railroads emit only 0.2 percent of the travel industry's total greenhouse gases, and one freight train can move a ton of freight 457 miles on one gallon of fuel; and

Whereas, In the state of Michigan, more than 880,900 people got on and off trains for fiscal year 2011; and

Whereas, Our railroad stations are a source of civic pride, a gateway to our communities, and a tool for economic growth that creates transportation-oriented development and livable communities; and

Whereas, On May 10, 1869, the “golden spike” was driven into the final tie at Promontory Summit, Utah, to join the Central Pacific and the Union Pacific Railroads, ceremonially completing the first transcontinental railroad and therefore connecting both coasts of the United States; now, therefore, be it

Resolved by the Senate, That the state of Michigan embraces Amtrak’s invitation to Discover the Rail Way<sup>SM</sup> and endorses National Train Day on May 12, 2012; and be it further

Resolved, That we recognize and celebrate the pivotal role that a robust intercity passenger rail system can provide for better mobility for persons of all abilities; and be it further

Resolved, That events be held at our railroad stations to commemorate this momentous day in railroad history and for our communities.

#### **Senate Concurrent Resolution No. 28.**

A concurrent resolution to memorialize Congress to fund the Facility for Rare Isotope Beams (FRIB) at Michigan State University to its full scheduled appropriation level.

(For text of resolution, see Senate Journal No. 29, p. 424.)

The House of Representatives has adopted the concurrent resolution and named Reps. Barnett, Bauer, Constan, Darany, LeBlanc, Liss and Talabi as co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

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

Senator Kowall introduced

#### **Senate Bill No. 1119, entitled**

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

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

#### **House Bill No. 4718, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 16626.

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

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

#### **House Bill No. 4834, entitled**

A bill to amend 2008 IL 1, entitled “Michigan medical marijuana act,” by amending section 6 (MCL 333.26426).

The House of Representatives has passed the bill by a 3/4 vote 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. 4851, entitled**

A bill to amend 2008 IL 1, entitled “Michigan medical marijuana act,” by amending sections 3 and 8 (MCL 333.26423 and 333.26428).

The House of Representatives has passed the bill by a 3/4 vote 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. 4853, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13n of chapter XVII (MCL 777.13n), as amended by 2011 PA 87.

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. 4856, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 474.

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. 4925, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81131 (MCL 324.81131), as amended by 2011 PA 107.

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 Outdoor Recreation and Tourism.

**House Bill No. 5296, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending sections 5 and 35a (MCL 117.5 and 117.35a), section 5 as amended by 2011 PA 133 and section 35a as amended by 2001 PA 173.

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 Local Government and Elections.

**House Bill No. 5328, entitled**

A bill to amend 1996 PA 305, entitled "Acknowledgment of parentage act," by amending section 7 (MCL 722.1007), as amended by 2006 PA 105; and to repeal acts and parts of acts.

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. 5329, entitled**

A bill to amend 1956 PA 205, entitled "The paternity act," by amending section 10 (MCL 722.720), as amended by 2001 PA 109.

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. 5340, entitled**

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by amending section 37 (MCL 205.737), as amended by 2006 PA 174.

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 Finance.

**House Bill No. 5459, entitled**

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 5 (MCL 15.265), as amended by 1984 PA 167.

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 Government Operations.

**House Bill No. 5468, entitled**

A bill to amend 1986 PA 32, entitled "Emergency 9-1-1 service enabling act," by amending sections 102, 401a, 401b, 401c, 401d, and 717 (MCL 484.1102, 484.1401a, 484.1401b, 484.1401c, 484.1401d, and 484.1717), section 102 as amended and sections 401c and 401d as added by 2007 PA 164 and sections 401a, 401b, and 717 as amended by 2008 PA 379.

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 Energy and Technology.

### Committee Reports

The Committee on Local Government and Elections reported

**House Bill No. 4992, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 560, 568, 706, and 764a (MCL 168.560, 168.568, 168.706, and 168.764a), sections 568 and 706 as amended by 1985 PA 160 and section 764a as amended by 1996 PA 207, and by adding sections 560c, 706a, and 764.

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

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

David B. Robertson  
Chairperson



## To Report Out:

Yeas: Senators Robertson, Meekhof and Brandenburg

Nays: Senator Young

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Local Government and Elections submitted the following:

Meeting held on Wednesday, May 2, 2012, at 3:00 p.m., Room 100, Farnum Building

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

The Committee on Natural Resources, Environment and Great Lakes reported

**Senate Bill No. 1052, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30301, 30305, 30306, 30312, 32501, 32502, 32503, 32505, 32510, 32512, 32512a, and 32513 (MCL 324.30301, 324.30305, 324.30306, 324.30312, 324.32501, 324.32502, 324.32503, 324.32505, 324.32510, 324.32512, 324.32512a, and 324.32513), sections 30301, 30306, 30312, and 32512a as amended by 2009 PA 120, sections 30305, 32501, and 32512 as amended by 2003 PA 14, sections 32502, 32505, and 32510 as added by 1995 PA 59, section 32503 as amended by 2004 PA 325, and section 32513 as amended by 2011 PA 90; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Thomas A. Casperson  
Chairperson

## To Report Out:

Yeas: Senators Casperson, Pavlov, Green, Kowall and Meekhof

Nays: Senators Warren and Hood

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources, Environment and Great Lakes reported

**Senate Bill No. 1090, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20120e (MCL 324.20120e), as added by 2010 PA 228.

With the recommendation that the bill pass.

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

Thomas A. Casperson  
Chairperson

## To Report Out:

Yeas: Senators Casperson, Pavlov, Green, Kowall and Meekhof

Nays: Senators Warren and Hood

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, May 3, 2012, at 8:30 a.m., Room 210, Farnum Building

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

The Committee on Regulatory Reform reported

**Senate Bill No. 570, entitled**

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," (MCL 125.1501 to 125.1531) by adding section 13f.

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, Meekhof, Pavlov and Warren

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Regulatory Reform reported

**Senate Bill No. 1077, entitled**

A bill to amend 1972 PA 382, entitled "Traxler-McCauley-Law-Bowman bingo act," by amending sections 3 and 12 (MCL 432.103 and 432.112), section 3 as amended by 2009 PA 41 and section 12 as amended by 1999 PA 108.

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, Meekhof, Pavlov and Warren

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Regulatory Reform submitted the following:

Meeting held on Thursday, May 3, 2012, at 12:30 p.m., Room 210, Farnum Building

Present: Senators Rocca (C), Jones, Hune, Meekhof, Pavlov and Warren

Excused: Senator Johnson

The Committee on Banking and Financial Institutions reported

**House Bill No. 5287, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 622 and 1223 (MCL 380.622 and 380.1223), as amended by 2009 PA 22.

With the recommendation that the bill pass.

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

Darwin L. Booher  
Chairperson

## To Report Out:

Yeas: Senators Booher, Nofs, Green, Rocca and Hunter

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Banking and Financial Institutions reported

**House Bill No. 5288, entitled**

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending section 142 (MCL 389.142), as amended by 2009 PA 179.

With the recommendation that the bill pass.

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

Darwin L. Booher  
Chairperson

## To Report Out:

Yeas: Senators Booher, Nofs, Green, Rocca and Hunter

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Banking and Financial Institutions reported

**House Bill No. 5289, entitled**

A bill to amend 1943 PA 20, entitled "An act relative to the investment of funds of public corporations of the state; and to validate certain investments," by amending section 1 (MCL 129.91), as amended by 2009 PA 21.

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

Darwin L. Booher  
Chairperson

To Report Out:

Yeas: Senators Booher, Nofs, Green, Rocca and Hunter  
Nays: None  
The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:  
Meeting held on Thursday, May 3, 2012, at 1:32 p.m., Room 100, Farnum Building  
Present: Senators Booher (C), Nofs, Green, Rocca and Hunter  
Excused: Senators Marleau and Smith

The Committee on Health Policy reported

**Senate Bill No. 1086, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 9208 (MCL 333.9208), as amended by 2000 PA 90.

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

James A. Marleau  
Chairperson

To Report Out:

Yeas: Senators Marleau, Robertson, Emmons, Hune, Jones, Warren and Gleason  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

**Senate Bill No. 1087, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 167 (MCL 388.1767), as amended by 2006 PA 342.

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

James A. Marleau  
Chairperson

To Report Out:

Yeas: Senators Marleau, Robertson, Emmons, Hune, Jones, Warren and Gleason  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

**Senate Bill No. 1088, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1177 (MCL 380.1177), as amended by 2000 PA 91.

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

James A. Marleau  
Chairperson

To Report Out:

Yeas: Senators Marleau, Robertson, Emmons, Hune, Jones, Warren and Gleason  
Nays: None  
The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Thursday, May 3, 2012, at 2:30 p.m., Sparrow Hospital, Lower Level Auditorium, 1215 East Michigan Avenue, Lansing

Present: Senators Marleau (C), Robertson, Emmons, Hune, Jones, Warren and Gleason

Excused: Senator Schuitmaker

## COMMITTEE ATTENDANCE REPORT

The Committee on Outdoor Recreation and Tourism submitted the following:

Meeting held on Thursday, May 3, 2012, at 12:30 p.m., Room 110, Farnum Building

Present: Senators Hansen (C), Hildenbrand, Casperson, Moolenaar, Gleason and Young

Excused: Senator Meekhof

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Retirement submitted the following:

Meeting held on Thursday, May 3, 2012, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jansen (C), Caswell, Colbeck and Hood

**Scheduled Meetings**

**Appropriations** - Wednesday, May 9, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

**Banking and Financial Institutions** - Thursday, May 10, 1:30 p.m., Room 100, Farnum Building (373-5324)

**Economic Development** - Wednesday, May 9, 1:30 p.m., Room 110, Farnum Building (373-5323)

**Finance** - Wednesday, May 9, 12:30 p.m., Room 210, Farnum Building (373-5307)

**Judiciary** - Thursday, May 10, 9:30 a.m., Room 100, Farnum Building (373-5323)

**Local Government and Elections** - Wednesday, May 9, 3:00 p.m., Room 100, Farnum Building (373-5314) (CANCELED)

**Natural Resources, Environment and Great Lakes** - Thursday, May 10, 9:00 a.m., Room 210, Farnum Building (373-5323)

**Outdoor Recreation and Tourism** - Thursday, May 10, 12:30 p.m., Room 210, Farnum Building (373-5323)

**Reforms, Restructuring and Reinventing** - Wednesday, May 9, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-5307)

**Regulatory Reform** - Thursday, May 10, 12:30 p.m., Room 110, Farnum Building (373-5307)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 11:30 a.m.

The Assistant President pro tempore, Senator Hansen, declared the Senate adjourned until Wednesday, May 9, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

