

No. 97
STATE OF MICHIGAN
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REGULAR SESSION OF 2010

Senate Chamber, Lansing, Friday, December 3, 2010.

12:10 a.m.

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

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

Allen—present
Anderson—excused
Barcia—present
Basham—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Clark-Coleman—present
Clarke—excused
Cropsey—present
Garcia—present

George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present
Nofs—present
Olshove—present

Pappageorge—present
Patterson—excused
Prusi—present
Richardville—present
Sanborn—excused
Scott—present
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

Senator Nancy Cassis of the 15th District offered the following invocation:

Thank You, dear God, for this new day. The significance of this new day is not lost on all of us here—a new day, a commencement, the meaning of which is a new beginning. God, as we embark on this new beginning, grant us Your peace that passes all understanding as we go from being a collective whole to now into individual journeys. Guide us with Your care and compassion. Keep us always mindful of Your commitment to us: That You never close a door, but that You open a window. Along the way, please give us the serenity to accept the things we cannot change, the courage to change the things we can, and the wisdom to know the difference.

Finally, dearest Father, please keep us in the palm of Your hand until we meet again. Amen.

The President pro tempore, Senator Richardville, led the members of the Senate in recital of the *Pledge of Allegiance* and the *Pledge of Allegiance to the Flag of Michigan*.

Motions and Communications

Senators Van Woerkom, Thomas and Garcia entered the Senate Chamber.

Senator Thomas moved that Senators Clarke and Anderson be excused from today's session.
The motion prevailed.

Senator Cropsey moved that Senator Kahn be temporarily excused from today's session.
The motion prevailed.

Senator Cropsey moved that Senators Sanborn and Patterson be excused from today's session.
The motion prevailed.

Senator Cropsey moved that consideration of the motion to discharge the Committee on Government Operations from further consideration of the following resolutions be postponed for today:

Senate Resolution No. 15

Senate Resolution No. 172

The motion prevailed.

Senator Kahn entered the Senate Chamber.

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, December 2, for her approval the following bill:

Enrolled Senate Bill No. 371 at 11:49 a.m.

The Secretary announced that the following official bills were printed on Thursday, December 2, and are available at the legislative website:

Senate Bill Nos. 1592 1593

House Bill Nos. 6581 6582 6583 6584 6585 6586 6587 6588

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

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

House Bill No. 5858

The motion prevailed.

The following bill was read a third time:

House Bill No. 5858, entitled

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide

for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure thereof under the supervision of the director of the department of management and budget and the state administrative board.

The question being on the passage of the bill,
Senator Brown offered the following amendment:

1. Amend page 16, following line 2, by inserting:

“Sec. 606. The Western Michigan University Sangren hall replacement project was authorized in 2008 PA 278 and 2010 PA 111 with a total project cost of \$60,000,000.00; state building authority share \$11,699,800.00; Western Michigan University share \$48,300,000.00; and state general fund share \$200.00. Pursuant to section 246 of the management and budget act, 1984 PA 431, MCL 18.1246, the total authorized cost for the Western Michigan University Sangren hall replacement project is adjusted as follows: total authorized cost is unchanged at an amount not to exceed \$60,000,000.00, with the Western Michigan University share being decreased to \$30,000,000.00, the state building authority share being increased to \$29,999,800.00, and the state general fund/general purpose share being maintained at \$200.00.”.

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

Senator Brown offered the following amendments:

1. Amend page 5, following line 16, by inserting:

“Glen Oaks Community College library renovation - for program and planning to be paid for from community college resources (estimated total authorized cost \$1,400,000; state share \$700,000; community college share \$700,000) 100”.

2. Amend page 7, line 4, by striking out “2,000” and inserting “2,100” and adjusting the subtotals, totals, and section 201 accordingly.

The amendments were 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. 643

Yeas—25

Allen	Garcia	Kahn	Richardville
Barcia	Gleason	Kuipers	Scott
Basham	Hardiman	McManus	Stamas
Bishop	Hunter	Nofs	Switalski
Brater	Jacobs	Olshove	Van Woerkom
Clark-Coleman	Jansen	Prusi	Whitmer
Cropsey			

Nays—7

Birkholz	Cassis	Gilbert	Pappageorge
Brown	George	Jelinek	

Excused—4

Anderson	Clarke	Patterson	Sanborn
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Not Voting—1

Thomas

In The Chair: Richardville

Senator Cropsey 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.

Protests

Senators George, Pappageorge, Jelinek and Cassis, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5858.

Senator George's statement, in which Senators Pappageorge, Jelinek and Cassis concurred, is as follows:

I voted "no" on House Bill No. 5858 because this measure is fiscally unwise. It will encumber the state budget for the next 17 years with an additional \$38 million per year debt load when the state can least afford it. It would be as if I, getting my pay cut in half, were to go home to my wife, and say, "I lost half my salary, but don't worry, we're buying a new house." It makes no sense to maximize your credit card when your income is falling. That is what we have done here.

We have to have a balanced budget, and we all know that. For capital outlay projects, though, there is an exemption. The Legislature is allowed to borrow and encumber future administrations and future Legislatures. That is what we have just done, and it was a mistake. We voted on a similar measure a few weeks ago. I gave a "no" vote explanation then, and some things have changed in three weeks. The situation has gotten worse. First, the bill is bigger than it was. The state share is now \$383 million, and that is larger than the bill that passed this chamber earlier. That figure actually understates the total amount that has been borrowed because it doesn't include the amount that community colleges and universities chip in. When it is all added up, it is \$968 million of new debt on our citizens—nearly \$1 billion of additional debt.

Recall that we face a \$1.5 billion shortfall. Recall that we have a Governor-elect who has promised \$1.5 billion in tax cuts. That would be a \$3 billion hole, which we have just made bigger. You may have noted articles in *Gongwer* and *MIRS* recently listing ways in which that hole can be lessened. A memo has been circulating, apparently, in the lobby community. It is not attributed to anyone in particular, but let me read a few of its recommendations: Eliminate public support for the University of Michigan over five years; that is a great idea. We just approved a new project for them. Let's cut their state funding. Eliminate optional Medicaid services like nursing home services to senior citizens and all prescription coverage; that makes a little bit of a dent in the \$3 billion hole. Eliminate all statutory revenue sharing; that gets you \$400 million, and you are getting a little closer. Eliminate the State Police road patrols; eliminate the Library of Michigan; and you still haven't gotten out of the hole, and we just made it bigger.

What else has happened in the last three weeks? Has anybody read about Ireland? They just received a \$117 billion bailout. They aren't that unlike us. Their government made promises that it couldn't keep. Now they needed to be bailed out so their banks wouldn't fail. Do you know where \$17 billion of the bailout comes from? Their pension plan. They borrowed from their Social Security fund to bail out their banks. I don't know what the ramifications are for our state, but it is not a good omen, is it?

The third thing that has happened, you may have noticed in the papers in mid-November, the city of Hamtramck sent a letter to the State Treasurer asking to be allowed to go into bankruptcy. I would advise you to go to the state Treasury Department website. They have a fiscal scoring system which rates all our local governments—cities, villages, townships, and counties—and they are all rated for the risk of insolvency—the risk that they will default. It is on a 0 to 9 scale. Zero is no risk and that is good. Nine means bankruptcy is imminent. I advise you to look at that website and look at the score for the city of Hamtramck. Do you know what their score was on that scale? They just wrote a letter asking to go into bankruptcy. Their score was only a 5! They are in the middle of the list. They were only on the watch list. There are 67 other cities that have scores that put them at equal or more risk than the city of Hamtramck. What is the next administration going to do if all of those cities come asking for bankruptcy? Read some of the cities on the list. I bet there is one in every one of your districts. That is why I voted "no."

This bill authorizes construction for 21 beautiful new buildings all around the state, but the next Legislature is going to cut university appropriations, and the universities in turn are going to have to raise tuition. They are going to have trouble operating their new facilities. The next Governor and the next Treasurer are going to get to go to those ribbon cuttings, and they are going to be snipping those ribbons in front of campuses with fewer students or students who are going into more debt so they can make up for the borrowing we just approved. That is why I voted "no."

Senator Pappageorge's statement is as follows:

It is really tough to get out of debt by borrowing money.

Senator Jelinek's statement is as follows:

The vote for the amendments showed the worthiness of other projects as well. This is not a reflection on worthiness of projects. It is a reflection on the budget situation.

Senator Cassis' statement is as follows:

I voted "yes" on two amendments that were put forward to highlight the unequivocal unfairness of picking certain winners and others as losers.

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

The motion prevailed.

Senator Switalski's statement is as follows:

While I admire the passion of the previous speaker, it is difficult to reconcile the argument of not spending with the vote cast in favor of the amendments to add additional projects and make the bill even more expensive. If you are for fiscal conservatism and not spending anything, you can't at the same time vote to add additional projects to make the bill more expensive.

I just want to thank Senator McManus for one of the gutsiest moves in my 12 years in the Legislature when she moved the capital outlay bill through the Joint Capital Outlay Subcommittee and the Appropriations Committee, and proving once again the old adage that it is easier to ask for forgiveness than permission.

I also want to thank the Majority Leader and the majority for their hard bargaining with the House to make this bill come in at a fiscally-responsible \$375 million or so, when the original House bill was \$609 million, and the Senate bill was at \$326 million. We are actually very much closer to the fiscally-responsible \$326 million bill.

Just remember that colleges and universities spend their money first, and we have leveraged them to spend more than twice what the state is going to spend. That is going to create jobs, repair broken state facilities, and enhance educational opportunities for everyone in Michigan.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Cropsey 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 Richardville, designated Senator Jansen as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 5347, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending sections 2, 3, 4, 5, and 12 (MCL 125.2152, 125.2153, 125.2154, 125.2155, and 125.2162), section 2 as amended by 2007 PA 200, sections 3 and 12 as amended by 2000 PA 248, and section 4 as amended by 2005 PA 15, and by adding sections 12c and 12d.

The bill 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. 5346, entitled

A bill to encourage the creation of next Michigan development corporations by interlocal agreement and to prescribe their powers and duties; to foster economic opportunities in this state and prevent conditions of unemployment and underemployment and to promote economic growth; to provide for the designation of next Michigan development districts and next Michigan development businesses; and to prescribe the powers and duties of certain state and local departments, entities, and officials.

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. 5349, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 3 and 10 (MCL 125.2683 and 125.2690), section 3 as amended by 2008 PA 217 and section 10 as amended by 2008 PA 242, and by adding section 8g.

Substitute (S-4).

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 Cropsey 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. 5346

House Bill No. 5347

House Bill No. 5349

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

The following bill was read a third time:

House Bill No. 5346, entitled

A bill to encourage the creation of next Michigan development corporations by interlocal agreement and to prescribe their powers and duties; to foster economic opportunities in this state and prevent conditions of unemployment and under-employment and to promote economic growth; to provide for the designation of next Michigan development districts and next Michigan development businesses; and to prescribe the powers and duties of certain state and local departments, entities, and officials.

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. 644

Yeas—30

Allen	Cropsey	Kahn	Richardville
Barcia	Garcia	Kuipers	Scott
Basham	Gleason	McManus	Stamas
Birkholz	Hardiman	Nofs	Switalski
Bishop	Hunter	Olshove	Thomas
Brater	Jacobs	Pappageorge	Van Woerkom
Brown	Jansen	Prusi	Whitmer
Clark-Coleman	Jelinek		

Nays—3

Cassis	George	Gilbert
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Excused—4

Anderson	Clarke	Patterson	Sanborn
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Not Voting—0

In The Chair: Richardville

Senator Cropsey 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.

The following bill was read a third time:

House Bill No. 5347, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending sections 2, 3, 4, 5, and 12 (MCL 125.2152, 125.2153, 125.2154, 125.2155, and 125.2162), section 2 as amended by 2007 PA 200, sections 3 and 12 as amended by 2000 PA 248, and section 4 as amended by 2005 PA 15, and by adding section 12c.

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. 645

Yeas—29

Allen	Cropsey	Jelinek	Richardville
Barcia	Garcia	Kahn	Scott
Basham	Gleason	McManus	Stamas
Birkholz	Hardiman	Nofs	Switalski
Bishop	Hunter	Olshove	Thomas
Brater	Jacobs	Pappageorge	Van Woerkom
Brown	Jansen	Prusi	Whitmer
Clark-Coleman			

Nays—3

Cassis	George	Gilbert
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Excused—4

Anderson	Clarke	Patterson	Sanborn
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Not Voting—1

Kuipers

In The Chair: Richardville

Senator Cropsey 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 encourage local development to prevent conditions of unemployment and promote economic growth; to provide for the establishment of local development finance authorities and to prescribe their powers and duties; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to provide for the creation and implementation of development plans; to authorize the acquisition and disposal of interests in real and personal property; to permit the issuance of bonds and other evidences of indebtedness by an authority; to prescribe powers and duties of certain public entities and state officers and agencies; to reimburse authorities for certain losses of tax increment revenues; and to authorize and permit the use of tax increment financing."

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5349, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 3, 6, 8a, and 10 (MCL 125.2683, 125.2686, 125.2688a, and 125.2690), section 3 as amended by 2010 PA 64, sections 6 and 10 as amended by 2008 PA 242, and section 8a as amended by 2008 PA 116, and by adding section 8h.

The question being on the passage of the bill,
 Senator Cassis offered the following amendment:

1. Amend page 19, line 23, after “**IS**” by inserting “**FEWER THAN 1,000 OR IS**”.

The question being on the adoption of the amendment,

Senator Cassis requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 646**Yeas—7**

Brown	George	Jansen	Whitmer
Cassis	Gilbert	Jelinek	

Nays—25

Allen	Cropsey	Kuipers	Richardville
Barcia	Garcia	McManus	Scott
Basham	Hardiman	Nofs	Stamas
Birkholz	Hunter	Olshove	Switalski
Bishop	Jacobs	Pappageorge	Thomas
Brater	Kahn	Prusi	Van Woerkom
Clark-Coleman			

Excused—4

Anderson	Clarke	Patterson	Sanborn
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Not Voting—1

Gleason

In The Chair: Richardville

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. 647**Yeas—30**

Allen	Cropsey	Kahn	Richardville
Barcia	Garcia	Kuipers	Scott
Basham	Gleason	McManus	Stamas
Birkholz	Hardiman	Nofs	Switalski
Bishop	Hunter	Olshove	Thomas
Brater	Jacobs	Pappageorge	Van Woerkom
Brown	Jansen	Prusi	Whitmer
Clark-Coleman	Jelinek		

Nays—3

Cassis

George

Gilbert

Excused—4

Anderson

Clarke

Patterson

Sanborn

Not Voting—0

In The Chair: Richardville

Senator Cropsey 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.

By unanimous consent the Senate returned to the order of

Messages from the House

Senator Cropsey moved that consideration of the following bill be postponed for today:

House Bill No. 4514

The motion prevailed.

Senate Bill No. 1079, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending section 3 (MCL 207.803), as amended by 2008 PA 257.

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. 1082, entitled

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending sections 2 and 22 (MCL 207.552 and 207.572), section 2 as amended by 2008 PA 581 and section 22 as amended by 1994 PA 266.

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

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.

Senate Bill No. 1084, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9f (MCL 211.9f), as amended by 2008 PA 573.

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. 1118, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 17 of chapter XII (MCL 712.17), as amended by 2006 PA 488.

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. 1119, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 15 of chapter XII (MCL 712.15), as amended by 2006 PA 488.

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. 1120, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19b of chapter XIIA (MCL 712A.19b), as amended by 2008 PA 199.

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. 1253, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20173a (MCL 333.20173a), as amended by 2008 PA 444.

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. 589, entitled

A bill to amend 1972 PA 106, entitled “Highway advertising act of 1972,” by amending section 7a (MCL 252.307a), as added by 2006 PA 447.

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 1972 PA 106, entitled “An act to provide for the licensing, regulation, control, and prohibition of outdoor advertising adjacent to certain roads and highways; to prescribe powers and duties of certain state agencies and officials; to promulgate rules; to provide remedies and prescribe penalties for violations; and to repeal acts and parts of acts,” by amending section 7a (MCL 252.307a), as amended by 2009 PA 86.

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

Senator Cropsey 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. 648

Yeas—19

Allen	Cropsey	Jansen	Pappageorge
Birkholz	Garcia	Jelinek	Richardville
Bishop	Gilbert	Kahn	Stamas
Brown	Hardiman	McManus	Van Woerkom
Cassis	Hunter	Nofs	

Nays—13

Barcia	George	Olshove	Switalski
Basham	Gleason	Prusi	Thomas
Brater	Jacobs	Scott	Whitmer
Clark-Coleman			

Excused—4

Anderson	Clarke	Patterson	Sanborn
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Not Voting—1

Kuipers

In The Chair: Richardville

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. 944, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 435 (MCL 208.1435), as amended by 2009 PA 141.

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 section 435 (MCL 208.1435), as amended by 2009 PA 192.

Pending the order that, under rule 3.202, the bill be laid over one day,
Senator Cropsey 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. 649

Yeas—32

Allen	Cropsey	Jansen	Prusi
Barcia	Garcia	Jelinek	Richardville
Basham	George	Kahn	Scott
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Switalski
Brater	Hardiman	Nofs	Thomas
Brown	Hunter	Olshove	Van Woerkom
Clark-Coleman	Jacobs	Pappageorge	Whitmer

Nays—0

Excused—4

Anderson	Clarke	Patterson	Sanborn
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Not Voting—1

Cassis

In The Chair: Richardville

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.

By unanimous consent the Senate returned to the order of

General Orders

Senator Cropsey 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 Richardville, designated Senator Jansen as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 6027, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13m of chapter XVII (MCL 777.13m), as amended by 2006 PA 259.

The bill 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. 5821, entitled

A bill to amend 1978 PA 390, entitled "An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts," by amending section 6 (MCL 408.476), as amended by 2004 PA 534.

Substitute (S-1).

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

1. Amend page 1, line 2, after "methods" by inserting "**THAT PROTECT THE EARNINGS OF THE EMPLOYEE FROM GARNISHMENT AS REQUIRED BY 15 USC 1673, TO THE SAME EXTENT THEY WOULD BE EXEMPT WHILE HELD BY THE EMPLOYER**".

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. 5267, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 3240 (MCL 600.3240), as amended by 2006 PA 579.

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. 6026, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 7403a.

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

1. Amend page 2, line 9, after "**IN**" by striking out "**SUBDIVISION (B) AND**".
2. Amend page 2, line 10, after "**A**" by striking out "**MISDEMEANOR**" and inserting "**FELONY**".
3. Amend page 2, line 11, after the first "**THAN**" by striking out "**90 DAYS**" and inserting "**4 YEARS**".
4. Amend page 2, line 11, after the second "**THAN**" by striking out "**\$500.00**" and inserting "**\$5,000.00**".
5. Amend page 2, line 13, by striking out all of subdivision (**B**).

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Recess

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

The motion prevailed, the time being 1:48 a.m.

1:57 a.m.

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

Senator Cropsey 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:

House Bill No. 5821

House Bill No. 5267

House Bill No. 6026

House Bill No. 6027

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

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

House Bill No. 5756

House Bill No. 5550

House Bill No. 5575

House Bill No. 5576

House Bill No. 5577

House Bill No. 5578

House Bill No. 6270

House Bill No. 6271

House Bill No. 5821

House Bill No. 5267

House Bill No. 6026

House Bill No. 6027

House Bill No. 5318

The motion prevailed.

The following bill was announced:

House Bill No. 5756, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 27 (MCL 421.27), as amended by 2002 PA 192.

(This bill was read a third time on December 2 and consideration postponed. See Senate Journal No. 96, p. 2123.)

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. 650

Yeas—30

Allen	Clark-Coleman	Jacobs	Prusi
Barcia	Cropsey	Jelinek	Richardville
Basham	Garcia	Kahn	Stamas
Birkholz	George	Kuipers	Switalski
Bishop	Gilbert	McManus	Thomas
Brater	Gleason	Nofs	Van Woerkom
Brown	Hardiman	Pappageorge	Whitmer
Cassis	Hunter		

Nays—0

Excused—4

Anderson	Clarke	Patterson	Sanborn
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Not Voting—3

Jansen	Olshove	Scott
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In The Chair: Richardville

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 protect the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create certain other funds; to create the Michigan employment security commission, and to prescribe its powers and duties; to provide for the protection of the people of this state from the hazards of unemployment; to levy and provide for contributions from employers; to provide for the collection of such contributions; to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law; to furnish certain information to certain governmental agencies for use in administering public benefit and child support programs and investigating and prosecuting fraud; to provide for the payment of benefits; to provide for appeals from redeterminations, decisions and notices of assessments; and for referees and a board of review to hear and decide the issues arising from redeterminations, decisions and notices of assessment; to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner-Peyser act passed by the Congress of the United States of America; to provide for the establishment and maintenance of free public employment offices; to provide for the transfer of funds; to make appropriations for carrying out the provisions of this act; to prescribe remedies and penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5550, entitled

A bill to amend 2001 PA 34, entitled “Revised municipal finance act,” by amending section 611 (MCL 141.2611), as amended by 2002 PA 500.

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. 651

Yeas—33

Allen	Cropsey	Jansen	Prusi
Barcia	Garcia	Jelinek	Richardville
Basham	George	Kahn	Scott
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Switalski
Brater	Hardiman	Nofs	Thomas
Brown	Hunter	Olshove	Van Woerkom
Cassis	Jacobs	Pappageorge	Whitmer
Clark-Coleman			

Nays—0

Excused—4

Anderson	Clarke	Patterson	Sanborn
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Not Voting—0

In The Chair: Richardville

Senator Cropsey 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 relative to the borrowing of money and the issuance of certain debt and securities; to provide for tax levies and sinking funds; to prescribe powers and duties of certain departments, state agencies, officials, and employees; to impose certain duties, requirements, and filing fees upon political subdivisions of this state; to authorize the issuance of certain debt and securities; 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. 5575, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 462j.

The question being on the passage of the bill,

Senator Kuipers offered the following amendment:

1. Amend page 5, line 1, after “effect” by striking out the balance of the enacting section and inserting “April 1, 2011.”.

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

The question being on the passage of the bill,

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

Roll Call No. 652

Yeas—33

Allen	Cropsey	Jansen	Prusi
Barcia	Garcia	Jelinek	Richardville
Basham	George	Kahn	Scott
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Switalski
Brater	Hardiman	Nofs	Thomas
Brown	Hunter	Olshove	Van Woerkom
Cassis	Jacobs	Pappageorge	Whitmer
Clark-Coleman			

Nays—0

Excused—4

Anderson	Clarke	Patterson	Sanborn
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Not Voting—0

In The Chair: Richardville

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

“An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5576, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16w of chapter XVII (MCL 777.16w), as amended by 2006 PA 156.

The question being on the passage of the bill,

Senator Kuipers offered the following amendment:

1. Amend page 5, line 5, by striking out all of line 5 and inserting “April 1, 2011.”.

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

The question being on the passage of the bill,

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

Roll Call No. 653

Yeas—33

Allen	Cropsey	Jansen	Prusi
Barcia	Garcia	Jelinek	Richardville
Basham	George	Kahn	Scott
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Switalski
Brater	Hardiman	Nofs	Thomas
Brown	Hunter	Olshove	Van Woerkom
Cassis	Jacobs	Pappageorge	Whitmer
Clark-Coleman			

Nays—0

Excused—4

Anderson	Clarke	Patterson	Sanborn
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Not Voting—0

In The Chair: Richardville

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5577, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 159g (MCL 750.159g), as amended by 2010 PA 176.

The question being on the passage of the bill,
Senator Kuipers offered the following substitute:
Substitute (S-2).

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

The question being on the passage of the bill,

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

Roll Call No. 654

Yeas—33

Allen	Cropsey	Jansen	Prusi
Barcia	Garcia	Jelinek	Richardville
Basham	George	Kahn	Scott
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Switalski
Brater	Hardiman	Nofs	Thomas
Brown	Hunter	Olshove	Van Woerkom
Cassis	Jacobs	Pappageorge	Whitmer
Clark-Coleman			

Nays—0

Excused—4

Anderson	Clarke	Patterson	Sanborn
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Not Voting—0

In The Chair: Richardville

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

“An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5578, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 4701 (MCL 600.4701), as amended by 2007 PA 156.

The question being on the passage of the bill,
Senator Kuipers offered the following amendment:

1. Amend page 3, line 22, after “effect” by striking out the balance of the enacting section and inserting “April 1, 2011.”

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

The question being on the passage of the bill,

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

Roll Call No. 655**Yeas—33**

Allen	Cropsey	Jansen	Prusi
Barcia	Garcia	Jelinek	Richardville
Basham	George	Kahn	Scott
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Switalski
Brater	Hardiman	Nofs	Thomas
Brown	Hunter	Olshove	Van Woerkom
Cassis	Jacobs	Pappageorge	Whitmer
Clark-Coleman			

Nays—0**Excused—4**

Anderson	Clarke	Patterson	Sanborn
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Not Voting—0

In The Chair: Richardville

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:

House Bill No. 6270, entitled

A bill to amend 1967 PA 150, entitled “Michigan military act,” by amending sections 302 and 306 (MCL 32.702 and 32.706), section 302 as amended by 2002 PA 654.

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. 656**Yeas—33**

Allen	Cropsey	Jansen	Prusi
Barcia	Garcia	Jelinek	Richardville
Basham	George	Kahn	Scott
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Switalski
Brater	Hardiman	Nofs	Thomas
Brown	Hunter	Olshove	Van Woerkom
Cassis	Jacobs	Pappageorge	Whitmer
Clark-Coleman			

Nays—0

Excused—4

Anderson

Clarke

Patterson

Sanborn

Not Voting—0

In The Chair: Richardville

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 for the militia of this state and its organization, command, personnel, administration, training, supply, discipline, deployment, employment, and retirement; 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. 6271, entitled

A bill to amend 1943 PA 240, entitled “State employees’ retirement act,” by amending section 55 (MCL 38.55), as amended by 2004 PA 33.

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. 657

Yeas—32

Allen

Clark-Coleman

Jacobs

Prusi

Barcia

Cropsey

Jansen

Richardville

Basham

Garcia

Jelinek

Scott

Birkholz

George

Kahn

Stamas

Bishop

Gilbert

McManus

Switalski

Brater

Gleason

Nofs

Thomas

Brown

Hardiman

Olshove

Van Woerkom

Cassis

Hunter

Pappageorge

Whitmer

Nays—0

Excused—4

Anderson

Clarke

Patterson

Sanborn

Not Voting—1

Kuipers

In The Chair: Richardville

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 for a state employees’ retirement system; to create a state employees’ retirement board and prescribe its powers and duties; to establish certain funds in connection with the retirement system; to require contributions to the retirement system by and on behalf of members and participants of the retirement system; to create certain accounts and provide for expenditures from those accounts; to prescribe the powers and duties of certain state and local officers and employees and certain state departments and agencies; to prescribe and make appropriations for the retirement system; and to prescribe penalties and provide remedies.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5821, entitled

A bill to amend 1978 PA 390, entitled “An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts,” by amending section 6 (MCL 408.476), as amended by 2004 PA 534.

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. 658

Yeas—33

Allen	Cropsey	Jansen	Prusi
Barcia	Garcia	Jelinek	Richardville
Basham	George	Kahn	Scott
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Switalski
Brater	Hardiman	Nofs	Thomas
Brown	Hunter	Olshove	Van Woerkom
Cassis	Jacobs	Pappageorge	Whitmer
Clark-Coleman			

Nays—0

Excused—4

Anderson	Clarke	Patterson	Sanborn
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Not Voting—0

In The Chair: Richardville

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. 5267, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 3240 (MCL 600.3240), as amended by 2006 PA 579.

The question being on the passage of the bill,

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

Roll Call No. 659**Yeas—33**

Allen	Cropsey	Jansen	Prusi
Barcia	Garcia	Jelinek	Richardville
Basham	George	Kahn	Scott
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Switalski
Brater	Hardiman	Nofs	Thomas
Brown	Hunter	Olshove	Van Woerkom
Cassis	Jacobs	Pappageorge	Whitmer
Clark-Coleman			

Nays—0**Excused—4**

Anderson	Clarke	Patterson	Sanborn
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Not Voting—0

In The Chair: Richardville

Senator Cropsey 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:

House Bill No. 6026, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 7403a.

The question being on the passage of the bill,

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

Roll Call No. 660**Yeas—33**

Allen	Cropsey	Jansen	Prusi
Barcia	Garcia	Jelinek	Richardville
Basham	George	Kahn	Scott
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Switalski
Brater	Hardiman	Nofs	Thomas
Brown	Hunter	Olshove	Van Woerkom
Cassis	Jacobs	Pappageorge	Whitmer
Clark-Coleman			

Nays—0

Excused—4

Anderson

Clarke

Patterson

Sanborn

Not Voting—0

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6027, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13m of chapter XVII (MCL 777.13m), as amended by 2006 PA 259.

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. 661

Yeas—33

Allen
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Clark-Coleman

Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
Hunter
Jacobs

Jansen
Jelinek
Kahn
Kuipers
McManus
Nofs
Olshove
Pappageorge

Prusi
Richardville
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—4

Anderson

Clarke

Patterson

Sanborn

Not Voting—0

In The Chair: Richardville

Senator Cropsey 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, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5318, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 4805 (MCL 600.4805), as amended by 2003 PA 178.

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. 662**Yeas—33**

Allen
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Clark-Coleman

Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
Hunter
Jacobs

Jansen
Jelinek
Kahn
Kuipers
McManus
Nofs
Olshove
Pappageorge

Prusi
Richardville
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—4

Anderson

Clarke

Patterson

Sanborn

Not Voting—0

In The Chair: Richardville

Senator Cropsey 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.

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

House Bill No. 5614

The motion prevailed.

The following bill was read a third time:

House Bill No. 5614, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16231 and 16233 (MCL 333.16231 and 333.16233), section 16231 as amended by 1993 PA 79 and section 16233 as amended by 1995 PA 196, and by adding section 9122; 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. 663**Yeas—33**

Allen
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Clark-Coleman

Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
Hunter
Jacobs

Jansen
Jelinek
Kahn
Kuipers
McManus
Nofs
Olshove
Pappageorge

Prusi
Richardville
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0**Excused—4**

Anderson

Clarke

Patterson

Sanborn

Not Voting—0

In The Chair: Richardville

Senator Cropsey moved to reconsider the vote by which the bill was passed.
The motion prevailed, a majority of the members serving voting therefor.
The question being on the passage of the bill,
Senator Cropsey moved that further consideration of the bill be postponed temporarily.
The motion prevailed.

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

Senate Bill No. 1255, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 134a (MCL 330.1134a), as amended by 2008 PA 446.

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. 1396, entitled

A bill to amend 1939 PA 141, entitled "Grain dealers act," by amending section 8 (MCL 285.68), as amended by 2002 PA 80.

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. 1397, entitled

A bill to amend 2003 PA 198, entitled "Farm produce insurance act," by amending the title and sections 3, 7, 9, 15, 17, and 21 (MCL 285.313, 285.317, 285.319, 285.325, 285.327, and 285.331), sections 3 and 15 as amended by 2008 PA 140.

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. 77, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2010 PA 17.

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 Cropsey 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. 664**Yeas—33**

Allen	Cropsey	Jansen	Prusi
Barcia	Garcia	Jelinek	Richardville
Basham	George	Kahn	Scott
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Switalski
Brater	Hardiman	Nofs	Thomas
Brown	Hunter	Olshove	Van Woerkom
Cassis	Jacobs	Pappageorge	Whitmer
Clark-Coleman			

Nays—0**Excused—4**

Anderson	Clarke	Patterson	Sanborn
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Not Voting—0

In The Chair: Richardville

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. 283, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27 (MCL 211.27), as amended by 2003 PA 274.

The House of Representatives has amended the bill as follows:

1. Amend page 6, line 10, by striking out "2008" and inserting "2010".

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 Cropsey 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. 665**Yeas—33**

Allen	Cropsey	Jansen	Prusi
Barcia	Garcia	Jelinek	Richardville
Basham	George	Kahn	Scott
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Switalski
Brater	Hardiman	Nofs	Thomas
Brown	Hunter	Olshove	Van Woerkom
Cassis	Jacobs	Pappageorge	Whitmer
Clark-Coleman			

Nays—0

Excused—4

Anderson

Clarke

Patterson

Sanborn

Not Voting—0

In The Chair: Richardville

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. 1115, entitled

A bill to amend 1987 PA 230, entitled “Municipal health facilities corporations act,” by amending sections 103, 207, 208, 256, 257, and 306 (MCL 331.1103, 331.1207, 331.1208, 331.1256, 331.1257, and 331.1306), section 103 as amended and sections 256 and 257 as added by 1988 PA 502 and section 306 as amended by 1998 PA 62, and by adding section 305a.

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 Cropsey 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. 666

Yeas—33

Allen

Cropsey

Jansen

Prusi

Barcia

Garcia

Jelinek

Richardville

Basham

George

Kahn

Scott

Birkholz

Gilbert

Kuipers

Stamas

Bishop

Gleason

McManus

Switalski

Brater

Hardiman

Nofs

Thomas

Brown

Hunter

Olshove

Van Woerkom

Cassis

Jacobs

Pappageorge

Whitmer

Clark-Coleman

Nays—0

Excused—4

Anderson

Clarke

Patterson

Sanborn

Not Voting—0

In The Chair: Richardville

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. 1254, entitled

A bill to amend 1979 PA 218, entitled “Adult foster care facility licensing act,” by amending section 34b (MCL 400.734b), as amended by 2008 PA 442.

The House of Representatives has amended the bill as follows:

1. Amend page 11, line 16, after “if” by striking out “both” and inserting “**ALL**”.

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 Cropsey 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. 667**Yeas—33**

Allen	Cropsey	Jansen	Prusi
Barcia	Garcia	Jelinek	Richardville
Basham	George	Kahn	Scott
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Switalski
Brater	Hardiman	Nofs	Thomas
Brown	Hunter	Olshove	Van Woerkom
Cassis	Jacobs	Pappageorge	Whitmer
Clark-Coleman			

Nays—0**Excused—4**

Anderson	Clarke	Patterson	Sanborn
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Not Voting—0

In The Chair: Richardville

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. 1456, entitled

A bill to provide for the preservation of certain economic development rates or contracts; to provide for the adoption of certain rate-making policies for certain electric utilities; and to prescribe the powers and duties of certain state agencies and officials.

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 provide for the preservation of certain economic development rates or contracts; to provide for the adoption of certain rate-making policies for certain electric utilities; to prescribe the powers and duties of certain state agencies and officials; and to repeal acts and parts of acts.

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

Senator Cropsey 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. 668**Yeas—33**

Allen	Cropsey	Jansen	Prusi
Barcia	Garcia	Jelinek	Richardville
Basham	George	Kahn	Scott
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Switalski
Brater	Hardiman	Nofs	Thomas
Brown	Hunter	Olshove	Van Woerkom
Cassis	Jacobs	Pappageorge	Whitmer
Clark-Coleman			

Nays—0**Excused—4**

Anderson	Clarke	Patterson	Sanborn
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Not Voting—0

In The Chair: Richardville

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. 1484, entitled

A bill to amend 1968 PA 15, entitled "Correctional industries act," by amending sections 4 and 7 (MCL 800.324 and 800.327), as amended by 1996 PA 537.

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 21, after "**ENTITY**," by striking out the balance of the line through "**SECTION 6**," on line 24.
2. Amend page 3, line 27, after "**ITEMS**," by inserting "**OTHER THAN FOR AN INSTITUTION, GOVERNMENTAL AGENCY, OR TAX-EXEMPT ORGANIZATION DESCRIBED IN SECTION 6**,".

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 Cropsey moved that the rule be suspended.

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

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

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 669**Yeas—33**

Allen	Cropsey	Jansen	Prusi
Barcia	Garcia	Jelinek	Richardville
Basham	George	Kahn	Scott
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Switalski
Brater	Hardiman	Nofs	Thomas
Brown	Hunter	Olshove	Van Woerkom
Cassis	Jacobs	Pappageorge	Whitmer
Clark-Coleman			

Nays—0**Excused—4**

Anderson	Clarke	Patterson	Sanborn
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Not Voting—0

In The Chair: Richardville

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. 1485, entitled

A bill to amend 1968 PA 15, entitled "Correctional industries act," by amending section 6 (MCL 800.326), as amended by 2007 PA 102.

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 6, after "or" by inserting a comma and "**EXCEPT AS PROVIDED IN SUBSECTION (5),**".
2. Amend page 1, line 8, after "(b)" by striking out "Any" and inserting "**EXCEPT AS PROVIDED IN SUBSECTION (5), ANY**".
3. Amend page 2, line 5, after "(c)" by striking out "Any" and inserting "**EXCEPT AS PROVIDED IN SUBSECTION (5), ANY**".
4. Amend page 2, line 8, after "state." by inserting "**HOWEVER, THIS SUBDIVISION NO LONGER APPLIES BEGINNING ON THE LATER OF THE FOLLOWING DATES:**"
 - (i) **THE DATE CUT AND SEWN TEXTILES ARE BEING MANUFACTURED UNDER THE PRISONER INDUSTRY ENHANCEMENT CERTIFICATION PROGRAM UNDER SECTION 4(H) AND SOLD, EXCHANGED, OR PURCHASED UNDER SUBDIVISION (D).**
 - (ii) **JUNE 1, 2015.**"

- 5. Amend page 2, line 9, after “(D)” by inserting “EXCEPT AS PROVIDED IN SUBSECTION (5),”.
- 6. Amend page 2, line 27, after “in” by striking out “subsections (4) and (5)” and inserting “SUBSECTION (4)”.
- 7. Amend page 3, following line 23, by inserting:

“(5) AN INDIVIDUAL WHO IS A MEMBER OF THE STATE SENATE OR HOUSE OF REPRESENTATIVES SHALL NOT BE PERMITTED TO PARTICIPATE, DIRECTLY OR INDIRECTLY, EITHER PERSONALLY OR THROUGH AN AFFILIATE, IN ANY PROGRAM INVOLVING THE SALE, EXCHANGE, PURCHASE, OR MANUFACTURE OF CORRECTIONAL INDUSTRIES PRODUCTS UNTIL 2 YEARS AFTER THE DATE ON WHICH THE INDIVIDUAL’S TERM OF SERVICE IN THE SENATE OR HOUSE OF REPRESENTATIVES ENDS.”.

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 Cropsey moved that the rule be suspended.

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

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

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 670

Yeas—31

Allen	Clark-Coleman	Jacobs	Prusi
Barcia	Cropsey	Jansen	Richardville
Basham	Garcia	Jelinek	Scott
Birkholz	George	Kahn	Stamas
Bishop	Gilbert	Kuipers	Switalski
Brater	Gleason	Nofs	Van Woerkom
Brown	Hardiman	Olshove	Whitmer
Cassis	Hunter	Pappageorge	

Nays—1

Thomas

Excused—4

Anderson	Clarke	Patterson	Sanborn
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Not Voting—1

McManus

In The Chair: Richardville

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. 223, entitled

A bill to amend 2004 PA 452, entitled "Identity theft protection act," by amending sections 9, 11, 12, and 12b (MCL 445.69, 445.71, 445.72, and 445.72b), sections 12 and 12b as added by 2006 PA 566, and by adding sections 19, 19a, 19b, and 19c.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 2004 PA 452, entitled "An act to prohibit certain acts and practices concerning identity theft; to require notification of a security breach of a database that contains certain personal information; to provide for the powers and duties of certain state and local governmental officers and entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 9, 11, 12, and 12b (MCL 445.69, 445.71, 445.72, and 445.72b), sections 12 and 12b as added by 2006 PA 566, and by adding section 19.

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

Senator Cropsey 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. 671**Yeas—33**

Allen	Cropsey	Jansen	Prusi
Barcia	Garcia	Jelinek	Richardville
Basham	George	Kahn	Scott
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Switalski
Brater	Hardiman	Nofs	Thomas
Brown	Hunter	Olshove	Van Woerkom
Cassis	Jacobs	Pappageorge	Whitmer
Clark-Coleman			

Nays—0**Excused—4**

Anderson	Clarke	Patterson	Sanborn
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Not Voting—0

In The Chair: Richardville

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.

Senate Bill No. 225, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 10c of chapter II (MCL 762.10c), as added by 2004 PA 453.

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 Cropsey 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. 672**Yeas—33**

Allen	Cropsey	Jansen	Prusi
Barcia	Garcia	Jelinek	Richardville
Basham	George	Kahn	Scott
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Switalski
Brater	Hardiman	Nofs	Thomas
Brown	Hunter	Olshove	Van Woerkom
Cassis	Jacobs	Pappageorge	Whitmer
Clark-Coleman			

Nays—0**Excused—4**

Anderson	Clarke	Patterson	Sanborn
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Not Voting—0

In The Chair: Richardville

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 full title.
 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
Resolutions

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

Senate Resolution No. 41

Senate Resolution No. 75

Senate Resolution No. 88

Senate Resolution No. 168

Senate Resolution No. 169

Senate Concurrent Resolution No. 48

The motion prevailed.

Senator Cropsey offered the following concurrent resolution:

Senate Concurrent Resolution No. 59.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Friday, December 3, 2010, it stands adjourned until Wednesday, December 29, 2010, at 11:00 a.m. for the House of Representatives and 11:30 a.m. for the Senate; and be it further

Resolved, That when the Legislature adjourns on Wednesday, December 29, 2010, 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 Cropsey moved that the rule be suspended.
The motion prevailed, a majority of the members serving voting therefor.
The concurrent resolution was adopted.

Senators Cropsey and Allen offered the following concurrent resolution:

Senate Concurrent Resolution No. 60.

A concurrent resolution providing for the final adjournment of the Legislature.
Resolved by the Senate (the House of Representatives concurring), That on Wednesday, December 29, 2010, the Legislature shall stand adjourned without day.
Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,
Senator Cropsey moved that the rule be suspended.
The motion prevailed, a majority of the members serving voting therefor.
The concurrent resolution was adopted.

Senators Garcia, Jelinek and Switalski offered the following concurrent resolution:

Senate Concurrent Resolution No. 58.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Michigan State Police Headquarters.
Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the State Administrative Board, the Attorney General, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the State of Michigan (the "State") may be conveyed to the State Building Authority (the "Authority"); and
Whereas, The site for the Michigan State Police Headquarters located in Ingham County (the "Facility") will be acquired by the State from a third party; and
Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State may enter into a lease with the Authority upon a showing of a public purpose; and
Whereas, Providing additional space to be used by the State pursuant to the lease for the Facility is a recognized public purpose; and
Whereas, A lease between the Authority and the State has been prepared providing for the leasing of the Facility by the Authority to the State (the "Lease"); and
Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it
Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the Michigan State Police Headquarters shall not exceed \$52,000,000 (the Authority share is \$52,000,000 and the State General Fund/General Purpose share is \$0), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$52,000,000, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further
Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further
Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further
Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$3,840,000 and \$4,389,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further
Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease between the State and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That a copy of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, and the State Budget Director.

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

Senator Cropsey moved that the rule be suspended.

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

The 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. 673

Yeas—27

Barcia	Garcia	Jelinek	Richardville
Basham	Gilbert	Kahn	Scott
Birkholz	Gleason	Kuipers	Stamas
Bishop	Hardiman	McManus	Thomas
Brater	Hunter	Olshove	Van Woerkom
Clark-Coleman	Jacobs	Pappageorge	Whitmer
Cropsey	Jansen	Prusi	

Nays—5

Allen	Cassis	George	Nofs
Brown			

Excused—4

Anderson	Clarke	Patterson	Sanborn
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Not Voting—1

Switalski

In The Chair: Richardville

Senators Birkholz, Gleason and Pappageorge were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 54.

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 Charles Stewart Mott Community College relative to the Charles Stewart Mott Community College Library Consolidation and Renovations project.

(For text of resolution, see Senate Journal No. 95, p. 2021.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 57.

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 Jackson Community College relative to the Jackson Community College Whiting Hall Renovation.

(For text of resolution, see Senate Journal No. 95, p. 2023.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Cropsey moved that the rules be suspended and that the following bills, now on the order of General Orders, be placed on their immediate passage:

House Bill No. 4130

House Bill No. 5684

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

Senator Cropsey moved that if the House of Representatives does not adopt Senate Concurrent Resolution No. 59, when the Senate adjourns today, it stand adjourned until Wednesday, December 15, at 10:00 a.m.; when the Senate adjourns on Wednesday, December 15, it stand adjourned until Wednesday, December 29, at 11:30 a.m.; and when the Senate adjourns on Wednesday, December 29, it stand adjourned without day.

The motion prevailed.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 6374

House Bill No. 5684

House Bill No. 4130

House Bill No. 5614

The motion prevailed.

The following bill was read a third time:

House Bill No. 6374, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2009 (MCL 339.2009), as amended by 1988 PA 463.

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. 674**Yeas—32**

Allen	Clark-Coleman	Jacobs	Pappageorge
Barcia	Cropsey	Jansen	Prusi
Basham	Garcia	Jelinek	Richardville
Birkholz	George	Kahn	Scott
Bishop	Gilbert	Kuipers	Stamas
Brater	Gleason	McManus	Thomas
Brown	Hardiman	Nofs	Van Woerkom
Cassis	Hunter	Olshove	Whitmer

Nays—0

Excused—4

Anderson

Clarke

Patterson

Sanborn

Not Voting—1

Switalski

In The Chair: Richardville

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 revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations and to regulate certain persons and activities relative to those occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to provide immunity from certain civil liability for certain entities and certain related occupations under certain circumstances; to repeal certain parts of this act on a specific date; 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. 5684, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 16340 and part 186.

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. 675**Yeas—33**

Allen
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Clark-Coleman

Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
Hunter
Jacobs

Jansen
Jelinek
Kahn
Kuipers
McManus
Nofs
Olshove
Pappageorge

Prusi
Richardville
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0**Excused—4**

Anderson

Clarke

Patterson

Sanborn

Not Voting—0

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4130, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” (MCL 791.201 to 791.285) by adding section 47.

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. 676

Yeas—33

Allen	Cropsey	Jansen	Prusi
Barcia	Garcia	Jelinek	Richardville
Basham	George	Kahn	Scott
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Switalski
Brater	Hardiman	Nofs	Thomas
Brown	Hunter	Olshove	Van Woerkom
Cassis	Jacobs	Pappageorge	Whitmer
Clark-Coleman			

Nays—0

Excused—4

Anderson	Clarke	Patterson	Sanborn
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Not Voting—0

In The Chair: Richardville

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

“An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to provide for a lifetime electronic monitoring program; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act.”.

The Senate agreed to the full title.

The following bill was announced:

House Bill No. 5614, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16231 and 16233 (MCL 333.16231 and 333.16233), section 16231 as amended by 1993 PA 79 and section 16233 as amended by 1995 PA 196, and by adding section 9122; and to repeal acts and parts of acts.

(This bill was passed earlier today and the vote reconsidered. See p. 2155.)

The question being on the passage of the bill,

Senator Kuipers offered the following amendment:

1. Amend page 6, following line 12, by striking out all of section **16413**.

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

The question being on the passage of the bill,

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

Roll Call No. 677

Yeas—33

Allen	Cropsey	Jansen	Prusi
Barcia	Garcia	Jelinek	Richardville
Basham	George	Kahn	Scott
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Switalski
Brater	Hardiman	Nofs	Thomas
Brown	Hunter	Olshove	Van Woerkom
Cassis	Jacobs	Pappageorge	Whitmer
Clark-Coleman			

Nays—0

Excused—4

Anderson	Clarke	Patterson	Sanborn
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Not Voting—0

In The Chair: Richardville

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.

Senator Kuipers offered to amend the title to read as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 16231 and 16233 (MCL 333.16231 and 333.16233), section 16231 as amended by 1993 PA 79 and section 16233 as amended by 1995 PA 196, and by adding sections 9122, and 17819; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 3:39 a.m.

3:49 a.m.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Cropsey 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.

Committee Reports

The Committee on Commerce and Tourism reported

House Bill No. 5724, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78m (MCL 211.78m), as amended by 2006 PA 498.

With the recommendation that the bill pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Nofs and Hunter

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Tourism reported

House Bill No. 6245, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 15a (MCL 125.1415a), as amended by 1994 PA 363.

With the recommendation that the bill pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Nofs and Hunter

Nays: None

The bill was referred to the Committee of the Whole.

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 3:50 a.m.

In pursuance of the order previously made, the President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, December 15, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate