

No. 92  
STATE OF MICHIGAN  
**Journal of the Senate**  
96th Legislature  
REGULAR SESSION OF 2011

---

---

Senate Chamber, Lansing, Tuesday, November 29, 2011.

10:00 a.m.

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

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

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

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

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

Reverend Lee Wensky of St. Paul Lutheran Church of Pigeon offered the following invocation:

Heavenly Father, author of law and justice, raise up men and women who will fashion and shape laws that will not only check brutality, but will also encourage all to live in peace. Keep our lawmakers from enacting laws that are marred by prejudice, favoritism, or inequity. Restrain them from acting hastily or reacting in vengeance. Give them the ability to work for what is necessary to keep the peace, and let them exercise care lest their laws become impossible burdens.

Enable our lawmakers to foster legislation that provides government with strength and power, tempered by justice. Inspire them with the wisdom to write and enact laws that will guarantee safety, protection, and integrity. Cause lawmakers to encourage goodwill among the people and that all citizens may grow in their appreciation of justice. Use the efforts of those who write the laws and those who interpret them for the accomplishment of what is pleasing to You. We ask it in Jesus' name. Amen.

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

### Motions and Communications

Senators Green and Hunter entered the Senate Chamber.

The following communications were received and read:

Office of the Auditor General

November 10, 2011

Enclosed is a copy of the following audit report:

Follow-up of the performance audit of the Court Originated Liability Section, Medical Services Administration, Department of Community Health.

November 17, 2011

Enclosed is a copy of the following audit report:

Performance audit of the Retail Sales System, Department of Natural Resources and Department of Technology, Management, and Budget.

November 18, 2011

Enclosed is a copy of the following audit report:

Performance audit of the Hospital and Health Plan Reimbursement Division, Medical Services Administration, Department of Community Health.

Sincerely,  
Thomas H. McTavish, C.P.A.  
Auditor General

The audit reports were referred to the Committee on Government Operations.

The following communication was received:

Plante & Moran, PLLC

October 31, 2011

We have audited the accompanying basic financial statements of Kellogg Community college (the "College") as of and for the years ended June 30, 2011 and 2010 as listed in the table of contents. These financial statements are the responsibility of the College's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. In addition, the basic financial statements were audited in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the basic financial statements referred to above present fairly, in all material respects, the financial position of Kellogg Community College as of June 30, 2011 and 2010 and the changes in financial position and cash flows for the years then ended, in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated October 31, 2011 on our consideration of the College’s internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements, and other matters for the year ended June 30, 2011. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide opinions on the internal control or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

The management’s discussion and analysis presented on pages 2 through 13 is not a required part of the basic financial statements but is supplemental information required by the Governmental Accounting Standards Board. We have applied certain limited procedures, which consisted principally of inquiries of management, regarding the methods of measurement and presentation of the supplemental information. However, we did not audit the information and express no opinion on it.

The communication was referred to the Secretary for record.

The following communication was received:  
Department of State

Administrative Rules  
Notice of Filing

November 2, 2011

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2009-039-LR (Secretary of State Filing #11-11-01) on this date at 3:15 p.m. for the Department of Licensing and Regulatory Affairs, entitled “Chiropractic - General Rules.”

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,  
Ruth Johnson  
Secretary of State  
Robin L. Houston, Departmental Supervisor  
Office of the Great Seal

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, November 10:  
**House Bill Nos. 4163 4820**

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, November 16, for his approval the following bill:  
**Enrolled Senate Bill No. 427 at 12:05 p.m.**

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, November 17, for his approval the following bills:  
**Enrolled Senate Bill No. 435 at 2:19 p.m.**  
**Enrolled Senate Bill No. 436 at 2:21 p.m.**  
**Enrolled Senate Bill No. 437 at 2:23 p.m.**  
**Enrolled Senate Bill No. 438 at 2:25 p.m.**  
**Enrolled Senate Bill No. 439 at 2:27 p.m.**  
**Enrolled Senate Bill No. 440 at 2:29 p.m.**

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

<b>Senate Bill Nos.</b>	<b>810</b>	<b>811</b>	<b>812</b>	<b>813</b>	<b>814</b>	<b>815</b>	<b>816</b>	<b>817</b>	<b>818</b>	<b>819</b>	<b>820</b>	<b>821</b>	<b>822</b>	<b>823</b>
	<b>824</b>	<b>825</b>	<b>829</b>	<b>830</b>	<b>831</b>	<b>832</b>	<b>833</b>	<b>834</b>	<b>835</b>	<b>836</b>	<b>837</b>	<b>838</b>	<b>839</b>	<b>840</b>
	<b>841</b>	<b>842</b>	<b>843</b>	<b>844</b>	<b>845</b>	<b>846</b>	<b>847</b>	<b>848</b>	<b>849</b>					

<b>Senate Joint Resolution</b>	<b>Q</b>													
<b>House Bill Nos.</b>	<b>5159</b>	<b>5160</b>	<b>5161</b>	<b>5162</b>	<b>5163</b>	<b>5164</b>	<b>5165</b>	<b>5166</b>	<b>5167</b>	<b>5168</b>	<b>5169</b>	<b>5170</b>	<b>5171</b>	<b>5172</b>
	<b>5173</b>	<b>5174</b>	<b>5175</b>	<b>5176</b>										

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

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

**Senate Bill No. 653**

**Senate Bill No. 666**

**Senate Bill No. 673**

**Senate Bill No. 678**

**Senate Bill No. 807**

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

### Messages from the Governor

The following messages from the Governor were received:

Date: November 15, 2011

Time: 3:16 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 396 (Public Act No. 220), being**

An act to amend 1857 PA 72, entitled "An act amendatory to the several acts in relation to the Wesleyan Seminary at Albion, and the Albion Female Collegiate Institute," by amending section 2 (MCL 390.702) and by adding sections 1a, 7, 7a, 7b, and 7c; and to repeal acts and parts of acts.

(Filed with the Secretary of State on November 15, 2011, at 3:56 p.m.)

Date: November 15, 2011

Time: 3:18 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 281 (Public Act No. 221), being**

An act to require the operators of bowling centers to give certain notices to bowlers; and to grant immunity from civil liability to operators of bowling centers.

(Filed with the Secretary of State on November 15, 2011, at 3:58 p.m.)

Date: November 15, 2011

Time: 3:20 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 235 (Public Act No. 222), being**

An act to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services; to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data

and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 16221 (MCL 333.16221), as amended by 2004 PA 214.

(Filed with the Secretary of State on November 15, 2011, at 4:00 p.m.)

Date: November 22, 2011

Time: 8:40 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 436 (Public Act No. 226), being**

An act to amend 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide remedies and penalties,” by amending section 2a of chapter XIA (MCL 712A.2a), as amended by 1998 PA 474.

(Filed with the Secretary of State on November 22, 2011, at 11:34 a.m.)

Date: November 22, 2011

Time: 8:42 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 437 (Public Act No. 227), being**

An act to amend 1935 PA 220, entitled “An act to provide family home care for children committed to the care of the state, to create the Michigan children’s institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act,” by amending section 3 (MCL 400.203), as amended by 2004 PA 470.

(Filed with the Secretary of State on November 22, 2011, at 11:36 a.m.)

Date: November 22, 2011

Time: 8:44 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 438 (Public Act No. 228), being**

An act to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending sections 1 and 5 (MCL 722.111 and 722.115), as amended by 2010 PA 379.

(Filed with the Secretary of State on November 22, 2011, at 11:38 a.m.)

Date: November 22, 2011

Time: 8:46 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 439 (Public Act No. 229), being**

An act to amend 2008 PA 260, entitled “An act to provide for assistance payments to certain guardians of minors; and to provide for duties and responsibilities of certain state departments and agencies,” by amending section 6 (MCL 722.876), as amended by 2009 PA 15.

(Filed with the Secretary of State on November 22, 2011, at 11:40 a.m.)

Date: November 22, 2011

Time: 8:48 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 440 (Public Act No. 230), being**

An act to amend 1939 PA 280, entitled “An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates,” by amending sections 18c and 115j (MCL 400.18c and 400.115j), section 115j as amended by 2009 PA 17.

(Filed with the Secretary of State on November 22, 2011, at 11:42 a.m.)

Date: November 22, 2011

Time: 10:40 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 435 (Public Act No. 225), being**

An act to establish a program for youths at least 18 years of age who choose to remain under certain state care up to 21 years of age; and to prescribe the powers and duties of certain state departments and agencies.

(Filed with the Secretary of State on November 22, 2011, at 11:32 a.m. )

Respectfully,  
Rick Snyder  
Governor

The following messages from the Governor were received and read:

October 11, 2011

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

**Chair - Electrical Administrative Board**

Thomas A. Erdman of 6725 Sohn Road, Vassar, Michigan 48768, county of Tuscola, succeeding Mark Bauer as Chair, is appointed for a term expiring at the pleasure of the Governor.

October 19, 2011

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

**Michigan Truck Safety Commission**

Thomas W. O'Brien of 6748 Lake Drive, Fremont, Michigan 49412, county of Newaygo, representing Michigan Community Colleges, succeeding himself, is reappointed for a term expiring August 4, 2013.

Keith D. Ferris of 2434 Kathryn Drive, Hastings, Michigan 49058, county of Barry, representing the general public, succeeding David Zick, is appointed for a term expiring August 4, 2013.

October 20, 2011

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

**Barrier Free Design Board**

Brett E. Holt of 598 Pilgrim Drive E., Saginaw, Michigan 48638, county of Saginaw, representing the hearing impaired, succeeding himself, is reappointed for a term expiring October 31, 2014.

Roger L. Donaldson of 4787 Tartan Lane, Holt, Michigan 48842, county of Ingham, representing architects, succeeding himself, is reappointed for a term expiring October 31, 2014.

Karla C. Hudson of 6009 Skyline Drive, East Lansing, Michigan 48823, county of Ingham, representing the visually impaired, succeeding herself, is reappointed for a term expiring October 31, 2014.



October 31, 2011

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

**State Boundary Commission**

James A. Stewart of 9972 Holt Highway, Dimondale, Michigan 48821, county of Eaton, succeeding Kenneth Verburg, is appointed for a term expiring November 15, 2014.

October 31, 2011

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

**Complete Streets Advisory Council**

Carolyn L. Grawi of 1490 Northbrook Drive, Ann Arbor, Michigan 48103, county of Washtenaw, representing organizations for disabled persons, succeeding James K. Magyar, is appointed for a term expiring September 30, 2013.

October 31, 2011

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

**Michigan Iron Industry Museum Advisory Board**

Robert E. Niemela of 26344 West M-64, Ontonagon, Michigan 49953, county of Ontonagon, representing the mineral industry, succeeding Allan Koski, for a term expiring October 4, 2015.

Charles M. Swanson of 1021 Allouez, Marquette, Michigan 40855, county of Marquette, representing the Marquette County Historical Society, succeeding Rachel Crary, for a term expiring October 4, 2015.

November 1, 2011

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

**Michigan Board of Auctioneers**

Lee R. Smittendorf of 16943 East "Y" Avenue, Fulton, Michigan 49052, county of Kalamazoo, representing auctioneers, succeeding himself, is reappointed for a term expiring October 1, 2015.

Timothy H. Narhi of 13907 Barnes Road, Byron, Michigan 48418, county of Shiawassee, representing auctioneers, succeeding Deatra Lynn Lechtanski, is appointed for a term expiring October 1, 2015.

Nathan E. Tagg of 614 W. Green Street, Hastings, Michigan 49058, county of Barry, representing the general public, succeeding Kristin Gail Simmons, is appointed for a term expiring October 1, 2015.

November 1, 2011

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

**Michigan Board of Nursing**

Paul D. Hopper of 455 Oak Hills Drive, Concord, Michigan 49237, county of Jackson, representing registered professional nurses with a master's degree from an accredited college with a major in nursing engaged in nursing education in less than a baccalaureate program, succeeding a vacancy, is appointed for a term expiring June 30, 2015.

November 3, 2011

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

**Occupational Health Standards Commission**

Brian D. Potter of 9875 Davenport Road, Woodland, Michigan 48897, county of Barry, representing employers with 200 or fewer employees, succeeding Gary R. Novak, is appointed for a term expiring August 5, 2014.

David L. Glynn of 40400 80th Avenue, Decatur, Michigan 49045, county of Van Buren, representing management of principal industries in the state with 200 or less employees, succeeding himself, is reappointed for a term expiring August 5, 2014.

November 8, 2011

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

**Chair - Crime Victim Services Commission**

Catherine M. Garcia-Lindstrom of 3693 Nicole Court, Walker, Michigan 59434, county of Kent, is appointed for a term expiring at the pleasure of the Governor.

November 8, 2011

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

**Michigan Board of Nursing**

Kristoffer L. Tobbe of 725 West Main Street, Brighton, Michigan 48116, county of Livingston, representing the general public, succeeding a vacancy, is appointed for a term expiring June 30, 2014.

Sincerely,  
Rick Snyder  
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of  
**Introduction and Referral of Bills**

**House Bill No. 4163, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310b. The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title.

Senator Meekhof moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders for consideration today.

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

By unanimous consent the Senate returned to the order of  
**General Orders**

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

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

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

**House Bill No. 4163, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310b. The bill was placed on the order of Third Reading of Bills.

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

Senator Meekhof moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

**House Bill No. 4163**

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

The following bill was read a third time:

**House Bill No. 4163, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310b.

The question being on the passage of the bill,

Senator Anderson offered the following amendment:

1. Amend page 4, following line 7, by inserting:

**"(7) THE DEPARTMENT SHALL ESTABLISH A FORM AND PROCEDURE FOR SCHOOL DISTRICTS AND PUBLIC SCHOOL ACADEMIES TO REPORT INCIDENTS OF BULLYING TO THE DEPARTMENT ON AN ANNUAL BASIS AND SHALL MAKE THIS INFORMATION READILY AVAILABLE TO THE PUBLIC. A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL REPORT INCIDENTS OF BULLYING TO THE DEPARTMENT ACCORDING TO THE FORM AND PROCEDURES ESTABLISHED BY THE DEPARTMENT."** and renumbering the remaining subsections.

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

Senator Hunter 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. 697**

**Yeas—11**

Anderson  
 Bieda  
 Gleason

Gregory  
 Hood  
 Hopgood

Hunter  
 Smith  
 Warren

Whitmer  
 Young



**Nays—26**

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

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

Senator Anderson offered the following amendment:

1. Amend page 4, line 25, by striking out all of subdivision (B) and inserting:

**“(B) “BULLYING” MEANS CONDUCT, INCLUDING, BUT NOT LIMITED TO, CONDUCT IN PERSON OR USING A TELECOMMUNICATIONS ACCESS DEVICE, THAT MEETS ALL OF THE FOLLOWING:**

**(i) IS DIRECTED AT 1 OR MORE PUPILS.**

**(ii) SUBSTANTIALLY INTERFERES WITH EDUCATIONAL OPPORTUNITIES, BENEFITS, OR PROGRAMS OF 1 OR MORE PUPILS.**

**(iii) ADVERSELY AFFECTS THE ABILITY OF A PUPIL TO PARTICIPATE IN OR BENEFIT FROM THE SCHOOL DISTRICT’S OR PUBLIC SCHOOL’S EDUCATIONAL PROGRAMS OR ACTIVITIES BY PLACING THE PUPIL IN REASONABLE FEAR OF PHYSICAL HARM OR BY CAUSING EMOTIONAL DISTRESS.**

**(iv) IS BASED ON A PUPIL’S ACTUAL OR PERCEIVED RELIGION, RACE, COLOR, NATIONAL ORIGIN, AGE, SEX, SEXUAL ORIENTATION, DISABILITY, HEIGHT, WEIGHT, GENDER IDENTITY, SOCIOECONOMIC STATUS, OR ANY OTHER DISTINGUISHING CHARACTERISTIC OR IS BASED ON ASSOCIATION WITH ANOTHER PERSON WHO HAS OR IS PERCEIVED TO HAVE ANY OF THESE CHARACTERISTICS.”.**

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

Senator Anderson 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. 698****Yeas—11**

Anderson	Gregory	Hunter	Whitmer
Bieda	Hood	Smith	Young
Gleason	Hopgood	Warren	

**Nays—26**

Booher	Hansen	Marleau	Proos
Brandenburg	Hildenbrand	Meekhof	Richardville
Casperson	Hune	Moolenaar	Robertson

Caswell  
Colbeck  
Emmons  
Green

Jansen  
Jones  
Kahn  
Kowall

Nofs  
Pappageorge  
Pavlov

Rocca  
Schuitmaker  
Walker

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

Senator Johnson offered the following amendment:

1. Amend page 4, line 21, after “**PREMISES**” by striking out the balance of the subdivision and inserting a period. The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Hunter 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. 699**

**Yeas—12**

Anderson  
Bieda  
Gleason

Gregory  
Hood  
Hopgood

Hunter  
Rocca  
Smith

Warren  
Whitmer  
Young

**Nays—25**

Booher  
Brandenburg  
Casperson  
Caswell  
Colbeck  
Emmons  
Green

Hansen  
Hildenbrand  
Hune  
Jansen  
Jones  
Kahn

Kowall  
Marleau  
Meekhof  
Moolenaar  
Nofs  
Pappageorge

Pavlov  
Proos  
Richardville  
Robertson  
Schuitmaker  
Walker

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

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. 700****Yeas—35**

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

**Nays—2**

Anderson                      Green

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

Senator Meekhof moved that the bill be given immediate effect.

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

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

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

The Senate agreed to the full title.

**Protest**

Senator Anderson, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4163 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Anderson’s statement is as follows:

This has been a long journey. I first introduced legislation to address bullying in our schools in 2005, and prior to that, Senator Buzz Thomas did it in 1998. No bill passed, and as of today, only Michigan and two other states remain without legislation to address this problem.

I have personally agonized over whether to support this flawed legislation; whether to do, as many others will say, something is better than nothing; or claim victory that this bill rather than the horrible bill passed by this Senate is the one we're voting on. Passage of that legislation was an embarrassment to our state, and I know there is a rush to recover from that and move on. The urge is strong to just pass something.

This bill falls far short of what we should be doing to protect our young people across Michigan. The bill does nothing to require reporting of bullying incidents to the Department of Education for us or our successors to measure whether or not we are having an impact in addressing the problem. It also fails to protect the most discriminated against children in our schools.

We were sent here to do the tough work, not to take the easy way out. Passing this bill is taking the easy way out. Therefore, I have decided to oppose this bill. We can and should insist on a better bill to protect our kids. Make no mistake, when we pass this bill today, no one sitting here will ever have another opportunity to vote on an anti-bullying bill or modify what is in statute. Don't think that we can come back and revisit it because it is not going to happen. By passing this bill without amending it, this Legislature has failed the children of this state. I ask members to think about this, and vote "no" on the final passage of this bill.

Senator Anderson asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Anderson's first statement is as follows:

My amendment would add a requirement that local school districts report statistics on the instances of bullying annually to the State Board of Education. Without these reports, we have no way to ensure that this bullying policy has any effect in reducing the instances of bullying. Schools are already compelled to report information to the state, and it would be no increased burden and no increased cost to add this to their report. There is no value, as this bill stands, only requiring school districts to report to themselves. How ridiculous is that? How would we possibly measure if we are making any progress in protecting our kids and our schools? I urge my colleagues to support this amendment and add some ability to measure the impact of the legislation.

Senator Anderson's second statement is as follows:

This amendment is one that I have offered in the past, and this amendment would add enumeration to this bill. It has been widely publicized that enumeration makes a difference in legislation when discrimination is involved, and this is a form of discrimination. The Supreme Court in *Romer v. Evans* has clearly stated that it does not exclude the rights of anyone else by including enumeration.

I would ask members to consider voting "yes" and to vote "yes" on this amendment to protect those children who are the most subjected to bullying in our state. I think it is extremely important that we really do something that is worthwhile here today and not just pass legislation to say we passed it.

Senator Anderson's third statement is as follows:

I rise to speak on this amendment to offer strong protections for cyberbullying. We are surrounded by technology in our society today, and it is impossible to escape from social networking and text messaging. Students use websites like Facebook both in and out of school to attack their fellow students. There are even cases where parents have created fake MySpace accounts to attack peers of their children. By posting these attacks online, the bully has the ability to broadcast his or her statements to a large audience in a few keystrokes, making life even more miserable for the student being bullied, as all of his or her friends now are on the assault.

This amendment prohibits cyberbullying in all circumstances because these attacks don't just happen on school grounds. They can even come from home or a cell phone in any location. The effects still permeate our schools and affect the learning environment for our kids. We must stop cyberbullying no matter where it originates. I ask for support of this amendment.

By unanimous consent the Senate returned to the order of

#### **Motions and Communications**

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

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

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

November 29, 2011

Pursuant to Senate Rule 3.203, I am hereby re-referring Senate Bills 829 through 844 from the Senate Committee on Redistricting to the Senate Committee on Judiciary.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,  
Randy Richardville  
Senate Majority Leader

The communication was referred to the Secretary for record.

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

The motion prevailed.

Senator Richardville's statement is as follows:

I rise today to thank Howard Ryan who left the Senate earlier this year after more than 19 years of service to the Michigan Senate. His professionalism on behalf of the Senate has contributed considerably to the institution and to the people of this state. On behalf of lawmakers, staff, and all who have worked with him, we extend our best wishes to this talented and dedicated individual in his new position and on all of his future endeavors.

Howard received a Master of Business Administration from the University of Michigan. He also holds a Master of Science from Carnegie Mellon University's Heinz School of Public Policy. Howard began his Senate service in 1991 as a policy advisor with the Senate Majority Policy Office, where he served as principal staff to the Michigan Senate's Finance Committee. His research and advice as an expert in finance and tax issues have earned him the respect of the Senate Republican Caucus and other individuals throughout the Capitol and throughout the state.

Howard worked closely with Governor Engler's tax staff in crafting what is now known as Proposal A. Howard's proudest legislative achievement is requiring locals to realize a net present value savings when refunding and refinancing bonds.

Howard's wife of nearly 29 years, Michelle, has joined us today. I would like to ask all members, staff, and guests in the Gallery to please join me in thanking Howard and congratulating him on his new move to the administration and for his service to the people of the state of Michigan.

Senator Meekhof moved that a respectful message be sent to the House of Representatives requesting the return of the following bills:

**House Bill No. 4309**

**House Bill No. 4311**

**House Bill No. 4312**

The motion prevailed.

### Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:49 a.m.

12:16 p.m.

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

During the recess, Senator Johnson entered the Senate Chamber.

### Messages from the House

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

**Senate Bill No. 291**

**House Bill No. 4369**

The motion prevailed.

**Senate Bill No. 166, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2010 PA 155.

The House of Representatives has substituted (H-8) the bill.

The House of Representatives has passed the bill as substituted (H-8), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

**Senate Bill No. 271, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 45 (MCL 24.245), as amended by 2004 PA 491.

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.

Pursuant to rule 3.202, the bill was laid over one day.

**Senate Bill No. 272, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 32, 40, 43, 61, and 64 (MCL 24.232, 24.240, 24.243, 24.261, and 24.264), section 40 as amended by 1999 PA 262, section 43 as amended by 1989 PA 288, and section 61 as amended by 1982 PA 413.

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

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1969 PA 306, entitled "An act to provide for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations, and other matters; to provide for the printing, publishing, and distribution of certain publications; to provide for state agency administrative procedures and contested cases and appeals from contested cases in licensing and other matters; to create and establish certain committees and offices; to provide for declaratory judgments as to rules; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date," by amending sections 40 and 64 (MCL 24.240 and 24.264), section 40 as amended by 1999 PA 262.

Pursuant to rule 3.202, the bill was laid over one day.

**Senate Bill No. 273, entitled**

A bill to amend 1984 PA 27, entitled "An act to provide immunity from civil action to members of the legislature of this state for acts done pursuant to duty as legislators; to prohibit members of the legislature of this state from being made parties to contested cases or other administrative proceedings for acts done pursuant to duty as legislators; and to provide for certain exemptions from subpoenas," by amending section 2 (MCL 4.552).

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. 274, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 35 and 45a (MCL 24.235 and 24.245a), section 35 as amended by 1995 PA 178 and section 45a as amended by 2004 PA 491.

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. 275, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1303, 1305, 1307, and 1311 (MCL 324.1303, 324.1305, 324.1307, and 324.1311), as added by 2004 PA 325.

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 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 1303, 1305, and 1311 (MCL 324.1303, 324.1305, and 324.1311), as added by 2004 PA 325.

Pursuant to rule 3.202, the bill was laid over one day.

#### **Senate Bill No. 276, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 3, 39, and 122 (MCL 24.203, 24.239, and 24.322), section 3 as amended by 1988 PA 277, section 39 as amended by 2004 PA 23, and section 122 as added by 1984 PA 196, and by adding section 45b.

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 1969 PA 306, entitled "An act to provide for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations, and other matters; to provide for the printing, publishing, and distribution of certain publications; to provide for state agency administrative procedures and contested cases and appeals from contested cases in licensing and other matters; to create and establish certain committees and offices; to provide for declaratory judgments as to rules; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date," by amending section 122 (MCL 24.322), as added by 1984 PA 196, and by adding section 45b.

Pursuant to rule 3.202, the bill was laid over one day.

#### **Senate Bill No. 277, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 27.

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. 502, entitled**

A bill to amend 1998 PA 58, entitled "An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," (MCL 436.1101 to 436.2303) by adding section 513a.

The House of Representatives has concurred in the Senate amendment to the House substitute (H-1).

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

#### **Senate Bill No. 759, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 151d (MCL 600.151d), as amended by 2009 PA 151.

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.

By unanimous consent the Senate returned to the order of

### **General Orders**

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

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

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

#### **Senate Bill No. 453, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 57b.

#### **Senate Bill No. 807, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 661 (MCL 206.661), as amended by 2011 PA 191.

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

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

#### **Senate Bill No. 298, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 4501 and 4503 (MCL 500.4501 and 500.4503), as added by 1995 PA 276.

Substitute (S-1).

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

1. Amend page 6, line 3, after "policy," by inserting "**BENEFIT CONTRACT OF A SELF-FUNDED PLAN,**".

2. Amend page 6, line 20, by striking out "or".

3. Amend page 6, line 20, after "state" by inserting a comma and "**OR AN UNLICENSED HEALTH CARE PROVIDER**".

4. Amend page 6, line 26, after "**PECUNIARY**" by inserting "**OR OTHER**".

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

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

#### **Senate Bill No. 653, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 607 (MCL 206.607), as added by 2011 PA 38.

Substitute (S-1).

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

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

#### **Senate Bill No. 666, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 605 (MCL 206.605), as added by 2011 PA 38.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 673, entitled**

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

Substitute (S-1).

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

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

**Senate Bill No. 678, entitled**

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

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

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

**Senate Bill No. 539**

**Senate Bill No. 516**

**Senate Bill No. 748**

**Senate Bill No. 790**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 539, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 5313 and 5433 (MCL 700.5313 and 700.5433), section 5313 as amended by 2000 PA 463, and by adding sections 5202a and 5301a.

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. 701**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Hansen

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 516, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 627, 688, 722, and 801 (MCL 257.627, 257.688, 257.722, and 257.801), section 627 as amended by 2006 PA 85, section 688 as amended by 2006 PA 14, section 722 as amended by 2009 PA 146, and section 801 as amended by 2011 PA 159, and by adding section 30c.

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. 702**

**Yeas—35**

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

**Nays—3**

Green	Hood	Young
-------	------	-------

**Excused—0**

**Not Voting—0**

In The Chair: Hansen

The Senate agreed to the title of the bill.

The President, Lieutenant Governor Calley, resumed the Chair.

The following bill was read a third time:

**Senate Bill No. 748, entitled**

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

The 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. 703**

**Yeas—36**

Anderson	Gregory	Jones	Richardville
Bieda	Hansen	Kahn	Robertson
Booher	Hildenbrand	Kowall	Rocca
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Colbeck	Hune	Nofs	Walker

Emmons  
Gleason  
Green

Hunter  
Jansen  
Johnson

Pappageorge  
Pavlov  
Proos

Warren  
Whitmer  
Young

**Nays—2**

Caswell

Meekhof

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 790, entitled**

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

The question being on the passage of the bill,

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

**Roll Call No. 704**

**Yeas—36**

Anderson  
Bieda  
Booher  
Brandenburg  
Casperson  
Colbeck  
Emmons  
Gleason  
Green

Gregory  
Hansen  
Hildenbrand  
Hood  
Hopgood  
Hune  
Hunter  
Jansen  
Johnson

Jones  
Kahn  
Kowall  
Marleau  
Moolenaar  
Nofs  
Pappageorge  
Pavlov  
Proos

Richardville  
Robertson  
Rocca  
Schuitmaker  
Smith  
Walker  
Warren  
Whitmer  
Young

**Nays—2**

Caswell

Meekhof

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

**Resolutions**

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

**Senate Resolution No. 34**

**Senate Resolution No. 67**

The motion prevailed.

Senators Hildenbrand and Jansen offered the following resolution:

**Senate Resolution No. 101.**

A resolution offered as a memorial to the life and accomplishments of Frederik Gerhard Hendrik Meijer.

Whereas, It is with deep sadness that we have learned of the passing of Fred Meijer, an innovative businessman, outstanding philanthropist, and dedicated member of the community. With genuine respect for his legacy of accomplishment, we join with the Grand Rapids community, West Michigan, and the entire state in extending our deepest condolences to his family and many friends; and

Whereas, Fred Meijer was born on December 7, 1919, on his family's farm in Greenville, Michigan. His early life was spent in Greenville, where he worked on the family farm and delivered milk door to door by horse-drawn wagon. In the midst of the Great Depression in 1934, he and his father made a decision that would set into motion the eventual creation of the modern-day supermarket. The Meijer family's first grocery store opened in Greenville in 1934. In 1942, a second store was opened in Cedar Springs. Then in 1949, a third store was added in the city of Grand Rapids. The Meijer family was quickly developing a strong reputation for providing quality groceries at a fair and responsible price; and

Whereas, In 1962, Fred Meijer embarked on an unprecedented business experiment: offering both groceries and general-discount merchandise in one store. With this, the modern-day supermarket was created. The store's model was an instant success, and more stores followed throughout Michigan and eventually into adjacent states. Fred Meijer's success has led to Meijer stores being ranked as the fifteenth-largest private company in the country. The success of this company also has led to the employment of roughly 60,000 individuals. To this day, the business remains a private, family-run operation, despite countless efforts to go public; and

Whereas, The importance of Fred Meijer to keep his business here in Michigan and in his family is not truly appreciated until one looks at the countless employers and their employees who do business with Meijer each and every day. The vast economic impact this company has had here in Michigan is truly awe-inspiring. Certainly, the Grand Rapids region and the entire state are the beneficiaries of Fred Meijer's longstanding commitment to Michigan; and

Whereas, Fred Meijer was not only a prudent businessman, but he was also an engaged community activist and philanthropist. He often tackled social and cultural issues at a time when most were inclined to keep with the status quo. He was active in the Grand Rapids Urban League, where he tirelessly advocated for civil rights and equality. Fred Meijer also shared his vast wealth with many organizations, such as Spectrum Health, Grand Valley State University, and countless others throughout West Michigan. His philanthropy is responsible for such landmarks as the Fred Meijer Gardens and Sculpture Park, the Fred Meijer White Pine Trail, Pickeral Lake Fred Meijer Nature Preserve, and numerous others; and

Whereas, Fred Meijer is survived by his wife Lena and sons Hank, Doug, and Mark. To this day, it is family that reflects the values and ideals instilled by Fred Meijer throughout the years; and

Whereas, The life of Frederik Gerhard Hendrik Meijer is a testament to the power of hard work, dedication, and commitment to his business, family, and the entire state. We are certainly grateful for his achievements, which will continue to have an impact on many people across Michigan and beyond in the years to come; now, therefore, be it

Resolved by the Senate, That we hereby offer our words of praise as a memorial for Frederik Gerhard Hendrik Meijer. May his family find comfort in their faith and their memories of this fine man, his life's work, and the many people whose lives he touched; and be it further

Resolved, That a copy of this resolution be transmitted to the family of Frederik Gerhard Hendrik Meijer as a token of our highest esteem.

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

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

The resolution was adopted.

Senator Meekhof moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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



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

The motion prevailed.

Senator Hildenbrand's statement is as follows:

Michigan lost another one of its finest last Friday, and I just wanted to read a little bit of this resolution:

"It is with deep sadness that we have learned of the passing of Fred Meijer, an innovative businessman, outstanding philanthropist, and dedicated member of the community. With genuine respect for his legacy of accomplishment, we join with the Grand Rapids community, West Michigan, and the entire state in extending our deepest condolences to his family and many friends.

Fred Meijer was born on December 7, 1919, on his family's farm in Greenville, Michigan. His early life was spent in Greenville, where he worked on the family farm and delivered milk door to door by horse-drawn wagon. In the midst of the Great Depression in 1934, he and his father made a decision that would set into motion the eventual creation of the modern-day supermarket. The Meijer family's first grocery store opened in Greenville in 1934. In 1942, a second store was opened in Cedar Springs. Then in 1949, a third store was added in the city of Grand Rapids. The Meijer family was quickly developing a strong reputation for providing quality groceries at a fair and responsible price.

Fred Meijer was not only a prudent businessman, but he was also an engaged community activist and philanthropist. He often tackled social and cultural issues at a time when most were inclined to keep with the status quo. He was active in the Grand Rapids Urban League, where he tirelessly advocated for civil rights and equality. Fred Meijer also shared his vast wealth with many organizations in West Michigan.

Fred Meijer is survived by his wife Lena and sons Hank, Doug, and Mark. To this day, it is a family business that reflects the values and ideals instilled by Fred Meijer throughout the years; and be it further

Resolved, That a copy of this resolution be transmitted to the family of Frederik Gerhard Hendrik Meijer as a token of our highest esteem."

By unanimous consent the Senate returned to the order of

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

Senators Colbeck and Kowall introduced

#### **Senate Bill No. 826, entitled**

A bill to amend 1919 PA 339, entitled "Dog law of 1919," by amending section 17 (MCL 287.277), as amended by 1998 PA 390.

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

Senator Johnson introduced

#### **Senate Bill No. 827, entitled**

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

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

Senator Johnson introduced

#### **Senate Bill No. 828, entitled**

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

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

Senators Bieda, Hood and Rocca introduced

#### **Senate Bill No. 850, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 31a (MCL 388.1631a), as amended by 2011 PA 62.

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

Senator Young introduced

#### **Senate Bill No. 851, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding section 672.

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

Senator Young introduced

**Senate Bill No. 852, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding section 672. The bill was read a first and second time by title and referred to the Committee on Finance.

Senators Emmons, Hildenbrand, Hune, Kowall, Moolenaar, Proos, Robertson, Rocca, Jones, Colbeck, Casperson, Walker, Nofs, Pappageorge, Richardville, Kahn, Jansen, Hansen, Brandenburg, Green, Marleau and Schuitmaker introduced

**Senate Bill No. 853, entitled**

A bill to amend 2006 PA 384, entitled "Driver education provider and instructor act," by amending sections 29, 35, and 59 (MCL 256.649, 256.655, and 256.679).

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

Senator Hunter introduced

**Senate Bill No. 854, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19b of chapter XIII (MCL 712A.19b), as amended by 2010 PA 7.

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

Senator Kowall introduced

**Senate Bill No. 855, entitled**

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

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

**House Bill No. 4820, entitled**

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 6 (MCL 125.2786), as amended by 2010 PA 137.

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

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

### Statements

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

The motion prevailed.

Senator Kahn's statement is as follows:

We left for a district work period and break time on November 10. That day, the day before Veterans Day, the Senator from East Lansing rose to call that break an unwarranted vacation. Our people have the right to and do expect attention to their needs. In regard to our people's needs, Mr. President, through you, I want to tell our people that I and all of us, at least on this side of the aisle, devoted time to constituent needs and pending legislation during the district work period. Yes, we went hunting. After all, we are in Michigan. Yes, we celebrated Thanksgiving because, after all, we are Americans. Yes, we worked on constituent needs because, after all, we are reinventing Michigan.

It was sadly not surprising to hear the gentle lady call the Senate majority out of touch in efforts to create jobs and protect children. I want to help the good Senator's memory. I believe that she was here when we passed the state budget in June for the first time in more than a quarter of a century. I think she was here when we rewrote the tax code to empower job creators. I also think she was here when we fixed issues in the school code like tenure abuse. I hope she wasn't, but I imagine she was a "no" vote on each of these landmark pieces of legislation.

What has been the result of this Legislature's work that the gentle lady forgets or ignores? We are \$500 million over budget projections this year. We have 70,000 net new jobs in Michigan this year, and yet we have trimmed back government by 5,000 jobs. We have gone from a bottom-of-the-heap business climate to a read of a job-creating climate in Michigan that is now second in the nation.

It was surprising, however, that on the eve of Veterans Day to hear the gentle lady harshly call Senate Bill No. 637, which asks schoolchildren to say the *Pledge of Allegiance*, social pandering and a waste. The dictionary calls pandering “assisting the baser passions or evil designs of others.” Mr. President, the *Pledge of Allegiance* is about assisting and developing the noblest passions and best hopes of our people. It is about keeping the torch of liberty lit and passing that light on. That is not a waste, and if there be evil designs here, it is not in saying the pledge.

All but seven states have a law requiring school recitation of the pledge because its recitation inculcates and demonstrates love and respect for America and for liberty. It reminds us of the sacrifices so many have made for us.

When I was a little boy, I heard Red Skelton recite the *Pledge of Allegiance*. Perhaps, it was around Veterans Day. The Senator from East Lansing is much younger than I, and maybe she never heard him. For her and for the chamber, I would like to recite the pledge as Red Skelton did for us all:

“I—meaning me, an individual, a committee of one.

Pledge—dedicate all of my worldly goods to give without self pity.

Allegiance—my love and my devotion.

To the Flag—our standard, Old Glory, a symbol of freedom. Wherever she waves, there is respect because your loyalty has given her a dignity that shouts freedom is everybody’s job.

Of the United—that means that we have all come together.

States—individual communities that have united into 48 great states. 48 individual communities with pride and dignity and purpose, all divided with imaginary boundaries, yet united to a common cause, and that’s love of country.

Of America.

And to the Republic—a republic, a state in which sovereign power is invested in representatives chosen by the people to govern. And government is the people and it’s from the people to the leaders, not from the leaders to the people.

For which it stands!

One nation—meaning, so blessed by God.

Indivisible—incapable of being divided.

With Liberty—which is freedom and the right of power to live one’s life without threats or fear or any sort of retaliation.

And justice—The principle and quality of dealing fairly with others.

For all.—which means, boys and girls, it’s as much your country as it is mine.

Since I was a small boy, two states have been added to our nation, and two words have been added to the Pledge of Allegiance ‘under God.’ ”

### Committee Reports

The Committee on Finance reported

**Senate Bill No. 60, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 30 (MCL 206.30), as amended by 2009 PA 134.

With the recommendation that the bill be referred to the Committee on Judiciary.

Jack M. Brandenburg  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee on Judiciary.

The Committee on Finance reported

**Senate Bill No. 61, entitled**

A bill to provide compensation and other relief for individuals wrongfully imprisoned for crimes; to prescribe the powers and duties of certain state governmental officers and agencies; and to provide remedies.

With the recommendation that the bill be referred to the Committee on Judiciary.

Jack M. Brandenburg  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee on Judiciary.

The Committee on Finance reported

**Senate Bill No. 349, 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.

With the recommendation that the bill pass.

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

Jack M. Brandenburg  
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge and Proos

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**Senate Bill No. 483, entitled**

A bill to authorize the issuance of bonds, notes, or other financial instruments; to create funds and accounts; to create an authority; to prescribe the powers and duties of the authority, the state treasurer, and certain other state officials and state employees; and to make appropriations and prescribe certain conditions for the appropriations.

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

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

Jack M. Brandenburg  
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Finance reported

**Senate Bill No. 484, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending the title and section 2 (MCL 421.2) and by adding sections 10a and 26a.

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

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

Jack M. Brandenburg  
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Finance reported

**Senate Bill No. 653, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 607 (MCL 206.607), as added by 2011 PA 38.

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

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

Jack M. Brandenburg  
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Finance reported

**Senate Bill No. 666, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 605 (MCL 206.605), as added by 2011 PA 38.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.  
The committee further recommends that the bill be given immediate effect.

Jack M. Brandenburg  
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson and Warren  
Nays: None

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

The Committee on Finance reported

**Senate Bill No. 673, entitled**

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

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.  
The committee further recommends that the bill be given immediate effect.

Jack M. Brandenburg  
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson and Warren  
Nays: None

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

The Committee on Finance reported

**Senate Bill No. 678, entitled**

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

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.  
The committee further recommends that the bill be given immediate effect.

Jack M. Brandenburg  
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson and Warren  
Nays: None

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

The Committee on Finance reported

**Senate Bill No. 807, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 661 (MCL 206.661), as amended by 2011 PA 191.

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

Jack M. Brandenburg  
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson and Warren  
Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Thursday, November 10, 2011, at 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Brandenburg (C), Jansen, Pappageorge, Proos, Robertson and Warren

Excused: Senator Bieda

The Committee on Outdoor Recreation and Tourism reported

**Senate Bill No. 685, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40114 (MCL 324.40114), as amended by 2010 PA 87.

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

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

Goeffrey M. Hansen  
Chairperson

To Report Out:

Yeas: Senators Hansen, Hildenbrand, Brandenburg, Casperson, Moolenaar and Gleason

Nays: None

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

The Committee on Outdoor Recreation and Tourism reported

**Senate Bill No. 717, entitled**

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

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Goeffrey M. Hansen  
Chairperson

To Report Out:

Yeas: Senators Hansen, Hildenbrand, Brandenburg, Casperson, Moolenaar, Gleason and Young

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Outdoor Recreation and Tourism submitted the following:

Meeting held on Thursday, November 10, 2011, at 12:30 p.m., Room 210, Farnum Building

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

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Retirement submitted the following:

Meeting held on Thursday, November 10, 2011, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, November 22, 2011, at 12:00 noon, Rooms 402 and 403, Capitol Building

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

Excused: Senators Colbeck and Warren

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Retirement submitted the following:

Meeting held on Tuesday, November 22, 2011, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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



**Scheduled Meetings****Appropriations -****Subcommittee -**

**General Government; K-12, School Aid, Education; and Education -** Tuesday, December 6, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

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

**Education -** Wednesday, November 30, 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

**Education; General Government and K-12, School Aid, Education Appropriations Subcommittees -** Tuesday, December 6, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5314)

**Families, Seniors and Human Services -** Wednesday, November 30, 3:00 p.m., Room 210, Farnum Building (373-5312)

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

**Health Policy -** Thursday, December 1, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

**Local Government and Elections -** Wednesday, November 30, 3:00 p.m., Room 100, Farnum Building (373-5323)

**Michigan Law Revision Commission -** Wednesday, December 7, 11:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

**Natural Resources, Environment and Great Lakes -** Thursday, December 1, 8:30 a.m., Room 210, Farnum Building (373-5323)

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

Senator Meekhof moved that the Senate adjourn.  
The motion prevailed, the time being 12:55 p.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, November 30, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

