

No. 50
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Tuesday, June 7, 2011.

10:00 a.m.

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

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

Pastor Daniel Hester of People's Baptist Church of Bay City offered the following invocation:

Our Heavenly Father, what a joy, privilege, and honor it is to be standing in this place today. We thank You, Lord God, for being a great and gracious God. Thank You for the great country that You have given to us and for the freedoms that You have given to us, Lord. Thank You for making America the greatest nation upon the face of the earth. Today, we pray for Your richest blessing to be upon our national leaders and our President, Vice President, and our Congress.

We pray today that You would also bless this Senate today, Lord, and everything that is said and done, may it be done to Your honor and glory. We pray that You give each man and woman here today the wisdom, the guidance, and the direction they need to lead this state. Thank You, Lord, for the freedoms You have given to us, and bless this day. We pray in Your name. Amen.

The President pro tempore, Senator Schuitmaker, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

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

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, June 1:
House Bill Nos. 4623 4624

The Secretary announced that the following official bills were printed on Wednesday, June 1, and are available at the legislative website:

Senate Bill No. 400
House Bill Nos. 4687 4688 4689 4690 4691 4692 4693 4694 4695 4696 4697 4698 4699 4700
4701 4702

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

Senate Bill Nos. 399 401 402 403
House Bill Nos. 4703 4704

Messages from the Governor

The following messages from the Governor were received and read:

April 28, 2011

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

Michigan Electronic Recording Commission

John E. Nixon of 500 E. Michigan, Lansing, Michigan 48912, county of Ingham, is appointed for a term expiring at the pleasure of the Governor.

Bambi L. Somerlott of 4333 Dawn Drive, Hillsdale, Michigan 49242, county of Hillsdale, representing county registers of deeds, is appointed for a term expiring January 1, 2013.

Christian E. Meyer of 1410 Pontiac Road, S.E., Grand Rapids, Michigan 49506, county of Kent, representing attorneys licensed to practice law in the state and whose practice emphasizes real property matters, is appointed for a term expiring January 1, 2013.

Diane M. Adams of 4375 W. David Highway, Saranac, Michigan 48881, county of Ionia, representing county registers of deeds, is appointed for a term expiring January 1, 2012.

Mary L. Hollinrake of 1586 Innes, N.E., Grand Rapids, Michigan 49503, county of Kent, representing county registers of deeds, is appointed for a term expiring January 1, 2012.

Thomas D. Richardson of 3368 Oak Hollow, Ann Arbor, Michigan 48103, county of Washtenaw, representing individuals engaged in the land title profession, is appointed for a term expiring January 1, 2014.

Linda M. Landheer of 7344 W. Lake Drive, Fremont, Michigan 49412, county of Newaygo, representing county registers of deeds, is appointed for a term expiring January 1, 2012.

Alessandro P. DiNello of 4877 Mill Run, Jackson, Michigan 49201, county of Jackson, representing individuals engaged in the business of banking, is appointed for a term expiring January 1, 2014.

May 13, 2011

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

Michigan Board of Physical Therapy

Barbara J. Simmons of 244 Feld Avenue, Battle Creek, Michigan 49037, county of Calhoun, representing physical therapist assistants, is appointed for a term expiring December 31, 2014.

May 13, 2011

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

Michigan Board of Psychology

Lori S. Swarts of 8572 E. Maple Road, Clare, Michigan 48617, county of Clare, representing the general public, succeeding Christopher Flores, is appointed for a term expiring December 31, 2014.

Dennis S. Kayes of 25875 Salem Road, Huntington Woods, Michigan 48070, county of Oakland, representing the general public, succeeding James Gualdoni, is appointed for a term expiring December 31, 2014.

May 18, 2011

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

Michigan Corn Marketing Committee

Carl A. Barth of 57205 Cowling Road, Three Rivers, Michigan 49093, county of St. Joseph, representing District 2 growers, succeeding himself, is reappointed for a term expiring March 5, 2014.

Thomas R. Durand of 1725 Aitken Road, Crosswell, Michigan 48422, county of Sanilac, representing District 7 growers, succeeding Thomas Van Sickle, is appointed for a term expiring March 5, 2014.

Mark J. Kies of 5551 Thompson Road, Allen, Michigan 49227, county of Hillsdale, representing District 3 growers, succeeding himself, is reappointed for a term expiring March 5, 2014.

May 19, 2011

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

Governor's Council on Physical Fitness, Health and Sports

Cecil (C.J.) B. Lee, II, of 1200 W. Stadium Boulevard, Apt. 5, Ann Arbor, Michigan 48103, county of Washtenaw, representing the general public, succeeding Geraldine Jackson, is appointed for a term expiring April 30, 2013.

Doreen E. Bolhuis of 613 Lakeside Drive, S.E., Grand Rapids, Michigan 49506, county of Kent, representing the general public, succeeding Terry-Ann Smythe, is appointed for a term expiring April 30, 2013.

Michelle L. Phillipich of 107 1/2 E. Grand River Avenue, Lansing, Michigan 48906, county of Ingham, representing the general public, succeeding Linda Jimenez, is appointed for a term expiring April 30, 2013.

Ted W. Hillary of 2320 Okemos Drive, S.E., Grand Rapids, Michigan 49506, county of Kent, representing the general public, succeeding Shanna J. Mueller, is appointed for a term expiring April 30, 2013.

J. Bryan Dixon of 123 Chocoy River Trail, Marquette, Michigan 49855, county of Marquette, representing the general public, succeeding Mary Angela Zatina, is appointed for a term expiring April 30, 2013.

Peaches D. McCahill of 110 Mercer, S.E., Grand Rapids, Michigan 49506, county of Kent, representing the general public, succeeding herself, is reappointed for a term expiring April 30, 2013.

Florine Mark of 31550 Franklin Fairway, Farmington Hills, Michigan 48334, county of Oakland, representing the general public, succeeding herself, is reappointed for a term expiring April 30, 2013.

May 20, 2011

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

Michigan Strategic Fund Board of Directors

William H. Morris of 1538 Strathcona, Detroit, Michigan 48203, county of Wayne, succeeding George W. Jackson, Jr., is appointed for a term expiring at the pleasure of the Governor.

May 25, 2011

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

Midwestern Higher Education Compact

Conway A. Jeffress of 22760 Meadowbrook Road, Novi, Michigan 48375, county of Oakland, representing Governor appointment at-large, succeeding himself, is reappointed for a term expiring March 8, 2015.

Eileen L. Weiser of 855 Colliston Road, Ann Arbor, Michigan 48105, county of Washtenaw, representing State Board of Education designee, is appointed for a term expiring at the pleasure of the Governor.

Mike P. Flanagan of 608 West Allegan Street, Lansing, Michigan 48933, county of Ingham, representing Governor's designee, is appointed for a term expiring at the pleasure of the Governor.

June 2, 2011

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

Director, Michigan Office of Services to the Aging

Kari L. Sederburg of 2313 E. Jolly Road #7, Lansing, Michigan 48910, county of Ingham, succeeding Olga Dazzo, is appointed for a term commencing June 27, 2011 and expiring at the pleasure of the Governor.

June 2, 2011

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

Education Commission of the States

Mike P. Flanagan of 608 West Allegan Street, Lansing, Michigan 48933, county of Ingham, succeeding himself, is reappointed for a term expiring at the pleasure of the Governor.

Nancy E. Danhof of 6351 Pine Hollow Drive, East Lansing, Michigan 48823, county of Ingham, succeeding John Austin, is appointed for a term expiring at the pleasure of the Governor.

Kellie P. Dean of 215 Chimney Oaks Drive, Okemos, Michigan 48864, county of Ingham, succeeding Irma Clark-Coleman, is appointed for a term expiring at the pleasure of the Governor.

Gregory Tedder of 485 Stone Falls Drive, Apt. 206, Ada, Michigan 49301, county of Kent, succeeding Niya Hardin, is appointed for a term expiring at the pleasure of the Governor.

June 2, 2011

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

State Council for Interstate Adult Offender Supervision

Matt Lori of 14941 Roberts Shore Drive, Constantine, Michigan 49042, county of St. Joseph, representing the legislative branch, is appointed for a term expiring October 31, 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

Senators Young, Gleason and Hood entered the Senate Chamber.

Senator Kahn introduced

Senate Bill No. 404, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 112g, 112h, 112i, 112j, and 112k (MCL 400.112g, 400.112h, 400.112i, 400.112j, and 400.112k), as added by 2007 PA 74.

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

Senator Kahn introduced

Senate Bill No. 405, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2843 (MCL 333.2843), as amended by 2002 PA 691.

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

Senator Kahn introduced

Senate Bill No. 406, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 3983 (MCL 700.3983).

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

Senator Kahn introduced

Senate Bill No. 407, entitled

A bill to amend 2010 PA 77, entitled "Public employee retirement health care funding act," by amending the title and sections 1, 2, 3, 4, 8, 10, 11, and 14 (MCL 38.2731, 38.2732, 38.2733, 38.2734, 38.2738, 38.2740, 38.2741, and 38.2744) and by adding sections 2a, 2b, and 10a.

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

Senator Kahn introduced

Senate Bill No. 408, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1b, 20, 27, 35, 38, 47, 48, 49, 50, 55, 64, 65, 67a, 68, and 68c (MCL 38.1b, 38.20, 38.27, 38.35, 38.38, 38.47, 38.48, 38.49, 38.50, 38.55, 38.64, 38.65, 38.67a, 38.68, and 38.68c), sections 1b, 20, and 48 as amended by 2002 PA 93, sections 27 and 67a as amended by 2004 PA 109, section 35 as added and sections 38, 68, and 68c as amended by 2010 PA 185, section 47 as amended by 2002 PA 743, section 49 as amended by 2008 PA 353, sections 50 and 65 as added by 1996 PA 487, section 55 as amended by 2010 PA 256, and section 64 as amended by 2004 PA 33, and by adding sections 20j, 35a, 50a, 68b, and 68e.

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

Senators Hansen, Casperson, Green, Pappageorge, Richardville, Emmons, Booher, Proos, Moolenaar, Jones and Rocca introduced

Senate Bill No. 409, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2011 PA 38.

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.

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

Senator Richardville introduced

Senate Bill No. 410, entitled

A bill to create a governmental authority for new international trade crossings; to prescribe the powers and duties of the authority; to authorize procurement, design, finance, construction, maintenance, operation, improvement, and repair of new international bridges and approaches; to authorize certain agreements with public and private entities; to provide for the issuance of, and terms and conditions for, certain bonds; to provide for the imposition, collection, and enforcement of user fees and other charges; to provide for civil fines; to authorize the acquisition, maintenance, and disposal of interests in real and personal property; to provide for certain duties of certain state and local departments and officers; to provide for the power to enter into interlocal agreements; to exempt certain property, income, and activities from tax; to make an appropriation; and to repeal acts and parts of acts.

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

Senator Richardville introduced

Senate Bill No. 411, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10c (MCL 247.660c), as amended by 2010 PA 257.

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

Senators Booher, Hansen, Green, Proos, Marleau and Casperson introduced

Senate Bill No. 412, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43524 (MCL 324.43524), as amended by 2002 PA 81.

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

Senators Jansen, Pappageorge and Proos introduced

Senate Bill No. 413, entitled

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

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

House Bill No. 4623, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," by amending sections 3 and 3c of chapter 1 (MCL 141.503 and 141.503c), section 3 as amended by 2007 PA 209 and section 3c as amended by 1998 PA 500.

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.

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

House Bill No. 4624, entitled

A bill to amend 1990 PA 100, entitled "City utility users tax act," by amending the title and section 2 (MCL 141.1152), the title as amended by 1998 PA 548 and section 2 as amended by 2005 PA 197.

The House of Representatives has passed the bill.

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.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

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

House Bill No. 4623

House Bill No. 4624

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

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Schuitmaker, designated Senator Casperson as Chairperson.

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

House Bill No. 4623, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," by amending sections 3 and 3c of chapter 1 (MCL 141.503 and 141.503c), section 3 as amended by 2007 PA 209 and section 3c as amended by 1998 PA 500.

House Bill No. 4624, entitled

A bill to amend 1990 PA 100, entitled "City utility users tax act," by amending the title and section 2 (MCL 141.1152), the title as amended by 1998 PA 548 and section 2 as amended by 2005 PA 197.

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. 281, entitled

A bill 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.

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. 384, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17048, 17049, 17050, 17076, 17078, 17548, 17549, 17550, 17745, 17757, 18048, 18049, 18050, and 20201 (MCL 333.17048, 333.17049, 333.17050, 333.17076, 333.17078, 333.17548, 333.17549, 333.17550, 333.17745, 333.17757, 333.18048, 333.18049, 333.18050, and 333.20201), section 17048 as amended by 2010 PA 124, sections 17049 and 17549 as amended by 2004 PA 512, sections 17050 and 17550 as amended by 1990 PA 247, sections 17076 and 17548 as amended by 1996 PA 355, section 17078 as amended and sections 18048, 18049, and 18050 as added by 2006 PA 161, section 17745 as amended by 2006 PA 672, section 17757 as amended by 1986 PA 304, and section 20201 as amended by 2006 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.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Meekhof moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

House Bill No. 4623

House Bill No. 4624

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

The following bill was read a third time:

Senate Bill No. 231, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2841 (MCL 333.2841).

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. 269

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 380, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13k of chapter XVII (MCL 777.13k), as added by 2002 PA 30.

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. 270

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 371, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 81131 (MCL 324.81131), as amended by 2009 PA 175.

The question being on the passage of the bill,

Senator Gleason offered the following amendments:

1. Amend page 1, line 4, after “(4),” by striking out the balance of the line through the second “county” on line 5 and inserting “**A COUNTY BOARD OF COMMISSIONERS**”.

2. Amend page 2, line 3, after “(4),” by striking out the balance of the line through “county” on line 4 and inserting “**A TOWNSHIP BOARD**”.

3. Amend page 2, line 10, by striking out all of line 10 through “**LOCATED,**” on line 13 and inserting “**IF A TOWNSHIP IS LOCATED IN A COUNTY THAT WAS FIRST AUTHORIZED TO ADOPT AN ORDINANCE**”.

UNDER SUBSECTION (2) BY THE 2011 AMENDATORY ACT THAT AMENDED THIS SECTION, THIS SUBSECTION DOES NOT APPLY TO THE TOWNSHIP UNTIL 1 YEAR AFTER THE EFFECTIVE DATE OF THE 2011 AMENDATORY ACT THAT AMENDED THIS SECTION.”.

- 4. Amend page 2, line 21, after “township” by striking out “located in an eligible county”.
 - 5. Amend page 2, line 25, after “municipality” by striking out “located in an eligible county”.
 - 6. Amend page 6, line 12, by striking out all of subdivision (a) and relettering the remaining subdivisions.
- The amendments were 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 amendments were adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 271

Yeas—20

Anderson	Gleason	Hunter	Robertson
Bieda	Green	Johnson	Smith
Casperson	Gregory	Kowall	Warren
Caswell	Hood	Moolenaar	Whitmer
Colbeck	Hopgood	Pappageorge	Young

Nays—18

Booher	Hune	Meekhof	Richardville
Brandenburg	Jansen	Nofs	Rocca
Emmons	Jones	Pavlov	Schuitmaker
Hansen	Kahn	Proos	Walker
Hildenbrand	Marleau		

Excused—0

Not Voting—0

In The Chair: Schuitmaker

Senator Meekhof moved to reconsider the vote by which the amendments were adopted.
 The question being on the motion to reconsider,
 Senator Meekhof moved that further consideration of the bill be postponed temporarily.
 The motion prevailed.

The following bill was read a third time:

House Bill No. 4623, entitled

A bill to amend 1964 PA 284, entitled “City income tax act,” by amending sections 3 and 3c of chapter 1 (MCL 141.503 and 141.503c), section 3 as amended by 2007 PA 209 and section 3c as amended by 1998 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. 272

Yeas—21

Anderson	Hildenbrand	Kahn	Richardville
Bieda	Hood	Kowall	Smith
Booher	Hopgood	Marleau	Warren

Caswell
Gleason
Gregory

Hunter
Johnson

Meekhof
Pappageorge

Whitmer
Young

Nays—17

Brandenburg
Casperson
Colbeck
Emmons
Green

Hansen
Hune
Jansen
Jones

Moolenaar
Nofs
Pavlov
Proos

Robertson
Rocca
Schuitmaker
Walker

Excused—0

Not Voting—0

In The Chair: Schuitmaker

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 permit the imposition and collection by cities of an excise tax levied on or measured by income; to permit the collection and administration of the tax by the state; to provide the procedure including referendums for, and to require the adoption of a prescribed uniform city income tax ordinance by cities desiring to impose and collect such a tax; to limit the imposition and collection by cities and villages of excise taxes levied on or measured by income; to prescribe the powers and duties of certain state and municipal agencies, departments, and officials; to establish the city income tax trust fund; to provide for appeals; 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. 4624, entitled

A bill to amend 1990 PA 100, entitled “City utility users tax act,” by amending the title and section 2 (MCL 141.1152), the title as amended by 1998 PA 548 and section 2 as amended by 2005 PA 197.

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. 273

Yeas—20

Anderson
Bieda
Booher
Caswell
Gleason

Gregory
Hildenbrand
Hood
Hopgood
Hunter

Johnson
Kahn
Kowall
Meekhof
Pappageorge

Richardville
Smith
Warren
Whitmer
Young

Nays—18

Brandenburg
Casperson

Hansen
Hune

Moolenaar
Nofs

Robertson
Rocca

Colbeck
Emmons
Green

Jansen
Jones
Marleau

Pavlov
Proos

Schuitmaker
Walker

Excused—0

Not Voting—0

In The Chair: Schuitmaker

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 permit the imposition, revival, and continued collection by cities of a population of 750,000 or more of a utility users tax; to provide the procedure for, and to require the adoption of a prescribed uniform city utility users tax ordinance by cities desiring to impose and collect such a tax; to limit the rate of such tax; to prescribe the powers and duties of the state commissioner of revenue; and to provide for appeals.”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 371, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 81131 (MCL 324.81131), as amended by 2009 PA 175.

(This bill was read a third time earlier today, amendments adopted, and the motion to reconsider the vote postponed. See p. 1418.)

The question being on the motion to reconsider the vote by which the amendments offered by Senator Gleason were adopted,

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

The question being on the adoption of the amendments,

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Gleason requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 274

Yeas—17

Anderson
Bieda
Casperson
Caswell
Colbeck

Gleason
Gregory
Hood
Hopgood

Hunter
Johnson
Kowall
Robertson

Smith
Warren
Whitmer
Young

Nays—21

Booher
Brandenburg
Emmons
Green
Hansen
Hildenbrand

Hune
Jansen
Jones
Kahn
Marleau

Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov

Proos
Richardville
Rocca
Schuitmaker
Walker

Excused—0

Not Voting—0

In The Chair: Schuitmaker

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. 275

Yeas—36

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

Nays—2

Colbeck	Gregory
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Excused—0

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Gleason's first statement is as follows:

In regard to this amendment, I think that we have heard quite a bit of discussion over the past few months about the discrepancy with how we treat people and businesses. I think this is another effort to treat people differently.

If you come to my county, Genesee County, we have one of the largest ORV centers. It is a public-use park for RVs. I would like to see our county and others that have an interest in this topic included in this piece of legislation. As long as we are leaving it up to the county boards and as long as the local governing units get a chance to weigh in on this discussion, I think we should open it up to any county that would like to utilize this law.

I don't know how we can rightfully leave out one of the largest counties with ORV use in the state of Michigan. They come from many states around the Midwest to Genesee County to utilize our grounds. So, obviously, with that center there, there are quite a few families who use these facilities. Now I know that it is not solely in my district. I know that also includes Senator Robertson's district. It is not tied up specifically in my area, but his as well. I think we should give our county a chance to utilize this law.

Let's allow those who feel they can rightfully enforce this and utilize this law to do so. I ask that we pass this because all 83 counties should be treated the same.

Senator Gleason's second statement is as follows:

I think that we are really establishing a bad trend in this chamber. I mentioned previously that we are treating people differently, and none of us were elected to treat anyone different from anyone else. But, once again, we are taking the rights of some and giving them to a few others.

Our highest call as representatives of this state is to make sure that all of us have the same opportunities and obligations. This is a very good bill that has been long sought and thoughtfully presented, but I don't know how any of us in this chamber can say that we will give certain segments of this state the ability to offer their residents a state right and carve out others.

Now this may seem like a simple piece of legislation and to many it is, but I am a little bit disturbed when I see the continuation of trend after trend after trend dividing our state. We haven't had the best luck in this building over the last several years because of politics and one member treating another differently. Maybe even the greater harm is treating a particular constituency differently than another.

We need to give everyone in this state a chance, and I think, once again, we are showing favoritism to one particular area of our state. We need to stop this.

When I look and see that we have certain members who can't pass legislation because they live in a particular district, I think this is another indication by what we are doing today. After elections, none of us should be Democrats and none should be Republicans. We should discard our districts for the betterment of the state as a whole. I don't know who is responsible for determining who is getting favoritism in one particular idea over another, but we need to set that aside.

When we voted the first time to give all 83 counties a chance to address this issue, that was the right vote. We should have passed that law. So I am asking you to stay firm. Those of you who may alter your vote, know that the first vote was the right one. If I presented a piece of legislation that was specific to my district and harmed yours, you wouldn't support it. More importantly, I shouldn't advance it. So I think we should continue giving all 83 counties the right to determine the governance on behalf of their citizenry. We shouldn't have 82 counties and carve one out for a lesser chance.

I ask that we set aside this trend. This is not good for this chamber and certainly is not good for this state.

Committee Reports

The Committee on Natural Resources, Environment and Great Lakes reported

Senate Bill No. 248, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 503 (MCL 324.503), as amended by 2004 PA 587.

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.

Thomas A. Casperson
Chairperson

To Report Out:

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

Nays: Senator Warren

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, May 31, 2011, at 2:35 p.m., Room 210, Farnum Building

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

Excused: Senator Hood

The Committee on Reforms, Restructuring and Reinventing reported

Senate Bill No. 26, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending sections 50b, 75, and 79 (MCL 38.1050b, 38.1075, and 38.1079), sections 50b and 75 as amended by 1998 PA 501 and section 79 as amended by 2006 PA 614, and by adding section 79a.

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.

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Jansen, Colbeck, Casperson, Robertson and Warren

Nays: Senator Young

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, June 1, 2011, at 8:36 a.m., Rooms 402 and 403, Capitol Building

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

Excused: Senator Kowall

The Committee on Finance reported

Senate Bill No. 133, entitled

A bill to amend 1966 PA 291, entitled "Firefighters training council act," by amending section 13 (MCL 29.373), as amended by 2006 PA 213.

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, Bieda and Warren

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 134, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2010 PA 346.

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, Bieda and Warren

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 324, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2010 PA 346.

With the recommendation that the bill pass.

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

Jack M. Brandenburg
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 325, entitled

A bill to establish the Michigan Alzheimer's association fund in the department of treasury; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

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

Jack M. Brandenburg
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson, Bieda and Warren
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 335, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1a (MCL 205.51a), as amended by 2008 PA 438.

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

Jack M. Brandenburg
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson, Bieda and Warren
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 336, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 2b (MCL 205.92b), as amended by 2008 PA 439.

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

Jack M. Brandenburg
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson, Bieda and Warren
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 381, entitled

A bill to establish the special Olympics Michigan fund in the department of treasury; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

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, Bieda and Warren
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 382, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2010 PA 346.

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, Bieda and Warren

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, June 1, 2011, at 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Wednesday, June 1, 2011, at 10:30 a.m., Room 100, Farnum Building

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

Excused: Senator Hopgood

Scheduled Meetings

Appropriations - Wednesday, June 8, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Subcommittee -

Human Services Department - Thursday, June 9, 1:00 p.m., Room 810, Farnum Building (373-2768)

Banking and Financial Institutions - Thursday, June 9, 1:30 p.m., Room 100, Farnum Building (373-5324)

Economic Development - Wednesday, June 8, 1:30 p.m., Room 110, Farnum Building (373-5312)

Education - Wednesday, June 8, 12:30 p.m., Room 100, Farnum Building (373-5314)

Families, Seniors and Human Services - Wednesday, June 8, 3:00 p.m., Room 210, Farnum Building (373-5312)

Finance - Wednesday, June 8, 12:30 p.m., Room 210, Farnum Building (373-5307)

Local Government and Elections - Wednesday, June 8, 3:00 p.m., Room 100, Farnum Building (373-5323)

Outdoor Recreation and Tourism - Thursday, June 9, 12:30 p.m., Room 210, Farnum Building (373-5323)

Reforms, Restructuring and Reinventing - Wednesday, June 8, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-5324)

Regulatory Reform - Thursday, June 9, 12:30 p.m., Room 110, Farnum Building (373-5307)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 10:55 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Wednesday, June 8, 2011, at 10:00 a.m.