

No. 68
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Thursday, September 15, 2011.

10:00 a.m.

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

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

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

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

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

Senator Phillip J. Pavlov of the 25th District offered the following invocation:

Heavenly Father, we thank You for the blessed opportunity to live in this great state and this great country, in which the people can share their voices. You have invested within the leaders gathered here today the responsibility to act on behalf of others, to put the welfare of the people of this state above all competing interests.

We ask that You would grant wisdom today here in this chamber. Inspire among us a strong sense of justice and fairness, a healthy sense of what is best for all, and a holy sense of what gives honor and glory to You.

Give us the wisdom to discern the words of others, even those with whom we can and sometimes do disagree, some measure of goodness, and some degree of righteousness. Temper our own words with calm and rational thought and expression so that at the end of the day, Your desire might prevail over all lesser agendas.

In Jesus’ name, we pray. Amen.

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

Motions and Communications

Senators Brandenburg and Hood entered the Senate Chamber.

Senator Hunter moved that Senators Johnson and Young be temporarily excused from today’s session. The motion prevailed.

Senator Meekhof moved that Senators Kahn, Nofs, Proos and Schuitmaker be temporarily excused from today’s session. The motion prevailed.

Senators Kahn, Proos and Nofs entered the Senate Chamber.

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

Senate Bill Nos.	637	638	639	640	641	642	643	644							
House Bill Nos.	4930	4931	4932	4933	4934	4935	4936	4937	4938	4939	4940	4941	4942	4943	
	4944	4945	4946	4947	4948	4949	4950	4951	4952	4953	4954	4955	4956	4957	
	4958	4959	4960	4961	4962	4963	4964	4965	4966	4967	4968				

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:06 a.m.

10:16 a.m.

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

During the recess, Senators Schuitmaker and Young entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Hunter, Young, Johnson, Gleason and Emmons introduced

Senate Bill No. 647, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1278a (MCL 380.1278a), as amended by 2009 PA 205.

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

Senators Marleau, Kowall, Emmons, Hansen, Robertson, Nofs, Green, Jones, Booher and Gleason introduced
Senate Bill No. 648, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8501 and 8512b (MCL 324.8501 and 324.8512b), section 8501 as amended and section 8512b as added by 2010 PA 299.
The bill was read a first and second time by title and referred to the Committee on Agriculture.

Senators Hune and Smith introduced
Senate Bill No. 649, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3101, 3104, 3107, 3114, 3115, 3135, 3157, 3163, and 3172 (MCL 500.3101, 500.3104, 500.3107, 500.3114, 500.3115, 500.3135, 500.3157, 500.3163, and 500.3172), section 3101 as amended by 2008 PA 241, section 3104 as amended by 2002 PA 662, section 3107 as amended by 1991 PA 191, section 3114 as amended by 2002 PA 38, sections 3135 and 3163 as amended by 2002 PA 697, and section 3172 as amended by 1984 PA 426, and by adding sections 1245, 3107c, and 3178.
The bill was read a first and second time by title and referred to the Committee on Insurance.

Senator Brandenburg introduced
Senate Bill No. 650, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 653 (MCL 206.653), as added by 2011 PA 38.
The bill was read a first and second time by title and referred to the Committee on Finance.

Senator Brandenburg introduced
Senate Bill No. 651, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 669 (MCL 206.669), as added by 2011 PA 38.
The bill was read a first and second time by title and referred to the Committee on Finance.

Senator Brandenburg introduced
Senate Bill No. 652, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 651 (MCL 206.651), as added by 2011 PA 38.
The bill was read a first and second time by title and referred to the Committee on Finance.

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

Senator Brandenburg introduced
Senate Bill No. 654, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 685 (MCL 206.685), as added by 2011 PA 38.
The bill was read a first and second time by title and referred to the Committee on Finance.

Senator Brandenburg introduced
Senate Bill No. 655, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 671 (MCL 206.671), as added by 2011 PA 38.
The bill was read a first and second time by title and referred to the Committee on Finance.

Senator Brandenburg introduced

Senate Bill No. 656, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 665 (MCL 206.665), as added by 2011 PA 38.

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

Senator Brandenburg introduced

Senate Bill No. 657, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 611 (MCL 206.611), as added by 2011 PA 38.

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

Senator Jansen introduced

Senate Bill No. 658, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 107, 117, 431, 500, and 503 (MCL 208.1107, 208.1117, 208.1431, 208.1500, and 208.1503), sections 107 and 117 as amended and section 500 as added by 2011 PA 39, section 431 as amended by 2009 PA 126, and section 503 as amended by 2009 PA 185, and by adding section 512.

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

Senator Jansen introduced

Senate Bill No. 659, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding section 673.

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

Senator Jansen introduced

Senate Bill No. 660, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 681 (MCL 206.681), as added by 2011 PA 38.

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

Senator Jansen introduced

Senate Bill No. 661, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 508 (MCL 206.508), as amended by 2011 PA 38.

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

Senator Jansen introduced

Senate Bill No. 662, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 510 (MCL 206.510), as amended by 2011 PA 38.

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

Senator Jansen introduced

Senate Bill No. 663, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 522 (MCL 206.522), as amended by 2011 PA 38.

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

Senator Pappageorge introduced

Senate Bill No. 664, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 115 (MCL 206.115), as amended by 2011 PA 38.

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

Senator Pappageorge introduced

Senate Bill No. 665, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 603 (MCL 206.603), as added by 2011 PA 38.

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

Senator Pappageorge introduced

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.

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

Senator Pappageorge introduced

Senate Bill No. 667, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 609 (MCL 206.609), as added by 2011 PA 38.

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

Senator Pappageorge introduced

Senate Bill No. 668, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 623 (MCL 206.623), as added by 2011 PA 38.

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

Senator Pappageorge introduced

Senate Bill No. 669, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 621 (MCL 206.621), as added by 2011 PA 38.

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

Senator Robertson introduced

Senate Bill No. 670, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 703 (MCL 206.703), as added by 2011 PA 38.

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

Senator Robertson introduced

Senate Bill No. 671, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 667 (MCL 206.667), as added by 2011 PA 38.

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

Senator Robertson introduced

Senate Bill No. 672, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 683 (MCL 206.683), as added by 2011 PA 38.

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

Senator Robertson introduced

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.

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

Senator Robertson introduced
Senate Bill No. 674, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 661 (MCL 206.661), as added by 2011 PA 38.

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

Senator Robertson introduced
Senate Bill No. 675, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 625 (MCL 206.625), as added by 2011 PA 38.

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

Senator Proos introduced
Senate Bill No. 676, 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.

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

Senator Proos introduced
Senate Bill No. 677, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 705 (MCL 206.705), as added by 2011 PA 38.

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

Senator Proos introduced
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.

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

Senator Proos introduced
Senate Bill No. 679, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 711 (MCL 206.711), as added by 2011 PA 38.

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

Senator Proos introduced
Senate Bill No. 680, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 701 (MCL 206.701), as added by 2011 PA 38.

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

Senator Proos introduced
Senate Bill No. 681, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 251 (MCL 206.251), as amended by 2011 PA 38.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Meekhof moved that the Committee on Local Government and Elections be discharged from further consideration of the following bill:

Senate Bill No. 584, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 613a, 614a, 615a, 641, and 759a (MCL 168.613a, 168.614a, 168.615a, 168.641, and 168.759a), section 613a as amended by 2003 PA 13, sections 614a

and 615a as amended by 1999 PA 72, section 641 as amended by 2005 PA 71, and section 759a as amended by 2010 PA 50, and by adding sections 615c and 759c; and to repeal acts and parts of acts.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

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

Senate Bill No. 584

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

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. 566

Senate Bill No. 567

Senate Bill No. 568

House Bill No. 4788

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

Messages from the House

Senate Bill No. 212, entitled

A bill to provide firefighter training programs to certain individuals; and to provide for certain firefighter examinations. The House of Representatives has amended the bill as follows:

1. Amend page 1, line 2, by striking out all of subdivision (a) and relettering the remaining subdivisions.
2. Amend page 2, line 8, after "(2)" by striking out the balance of the line through the first "department" on line 9 and inserting "A school district".

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

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

Senator Meekhof moved that the rule be suspended.

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

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

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

Roll Call No. 483

Yeas—37

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	Jones	Pros	Young
Green			

Nays—0

Excused—1

Not Voting—0

In The Chair: President

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

By unanimous consent the Senate proceeded to the order of
General Orders

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

The motion prevailed, and the President, Lieutenant Governor Calley, designated Senator Colbeck 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 bills:

House Bill No. 4349, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7524 (MCL 333.7524), as amended by 2006 PA 558.

House Bill No. 4703, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 36 (MCL 791.236), as amended by 2008 PA 191.

House Bill No. 4788, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 2 (MCL 207.552), as amended by 2010 PA 273.

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. 566, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 5, 88c, and 88h (MCL 125.2005, 125.2088c, and 125.2088h), section 5 as amended by 2008 PA 224 and sections 88c and 88h as added by 2005 PA 225.

Substitute (S-2).

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. 567, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding chapter 8C.

Substitute (S-2).

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. 568, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding sections 90c and 90d.

Substitute (S-2).

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. 584, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 613a, 614a, 615a, 641, and 759a (MCL 168.613a, 168.614a, 168.615a, 168.641, and 168.759a), section 613a as amended by 2003 PA 13, sections 614a and 615a as amended by 1999 PA 72, section 641 as amended by 2005 PA 71, and section 759a as amended by 2010 PA 50, and by adding sections 615c and 759c; and to repeal acts and parts of acts.

Substitute (S-2).

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

Senate Bill No. 584

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

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

Senate Bill No. 473

Senate Bill No. 584

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 473, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11511 and 11511b (MCL 324.11511 and 324.11511b), section 11511 as amended by 2004 PA 325 and section 11511b as added by 2005 PA 236.

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. 484

Yeas—24

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

Nays—13

Anderson	Hood	Nofs	Warren
Bieda	Hopgood	Rocca	Whitmer
Gleason	Hunter	Smith	Young
Gregory			

Excused—1

Johnson

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. 584, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 613a, 614a, 615a, and 759a (MCL 168.613a, 168.614a, 168.615a, and 168.759a), section 613a as amended by 2003 PA 13, sections 614a and 615a as amended by 1999 PA 72, and section 759a as amended by 2010 PA 50, and by adding sections 615c and 759c; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Bieda offered the following amendment:

1. Amend page 12, following line 13, by inserting:

Sec. 758. ~~(1) For the purposes of AS USED IN~~ this act, “absent voter” means a qualified and registered elector who ~~meets 1 or more of the following requirements:~~

~~(a) On account of physical disability, cannot without another’s assistance attend~~ **VOTES WITHOUT ATTENDING** the polls on the day of an election.

~~(b) On account of the tenets of his or her religion, cannot attend the polls on the day of election.~~

~~(c) Cannot attend the polls on the day of an election in the precinct in which he or she resides because of being an election precinct inspector in another precinct.~~

~~(d) Is 60 years of age or older.~~

~~(e) Is absent or expects to be absent from the township or city in which he or she resides during the entire period the polls are open for voting on the day of an election.~~

~~(f) Cannot attend the polls on election day because of being confined in jail awaiting arraignment or trial.~~

~~(2) Subsection (1) does not apply to~~ **ABSENT VOTER DOES NOT INCLUDE** a person who has moved outside of this state, regardless of length of his or her residence outside of this state, and who no longer maintains an actual residence in this state. The storage of personal effects or household goods, the ownership of property that is rented or leased to others, or occasional brief visits to a former domicile in this state while residing outside of this state for most of the year ~~does~~ **DO** not constitute a **RESIDENCE FOR VOTING PURPOSES IN THIS STATE, EXCEPT FOR EACH OF THE FOLLOWING:**

(a) A person described in section 1 of article II of the state constitution of 1963 and statutes enacted under that section.

(b) A person described in section 759a.

Sec. 759. (1) At any time during the 75 days before a primary **ELECTION** or special primary **ELECTION**, but not later than 2 p.m. of the Saturday immediately before the primary **ELECTION** or special primary **ELECTION**, an elector who ~~qualifies~~ **WANTS** to vote as an absent voter, ~~as defined in section 758,~~ may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the elector is registered. An application received before a primary **ELECTION** or special primary **ELECTION** may be for either that primary **ELECTION** only, or for that primary **ELECTION** and the election that follows.

(2) Except as otherwise provided in subsection (1), at any time during the 75 days before an election, but not later than 2 p.m. of the Saturday before the election, an elector who ~~qualifies~~ **WANTS** to vote as an absent voter, ~~as defined in section 758,~~ may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the voter is registered.

(3) An application for an absent voter ballot under this section may be made in any of the following ways:

(a) By a written request signed by the voter ~~stating the statutory grounds for making the application~~ **ELECTOR**.

(b) On an absent voter ballot application form provided for that purpose by the clerk of the city, township, or village.

(c) On a federal postcard application.

(4) An applicant for an absent voter ballot shall sign the application. A clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application. A person ~~other than~~ **SHALL NOT BE IN POSSESSION OF A SIGNED ABSENT VOTER BALLOT APPLICATION EXCEPT FOR** the applicant; a member of the applicant’s immediate family; a person residing in the applicant’s household; a person whose job normally includes the handling of mail,

but only during the course of his or her employment; a registered elector requested by the applicant **TO RETURN THE APPLICATION**; or a clerk, assistant of the clerk, or other authorized election official. ~~shall not be in possession of a signed absent voter ballot application.~~ A registered elector who is requested by the applicant to return his or her absent voter ballot application shall sign the certificate on the absent voter ballot application.

(5) The clerk of the city, township, or village shall have absent voter ballot application forms available in the **CLERK'S** office ~~of the clerk~~ at all times and shall furnish an absent voter ballot application form to anyone upon a verbal or written request. The absent voter ballot application shall be in substantially the following form:

"Application for absent voter ballot for:

[] The primary **ELECTION** or special primary election to be held on ~~....., 19...~~ _____ [DATE].

[] The election to be held on ~~....., 19...~~ _____ [DATE].

(Check applicable election or elections)

I, _____, a qualified and registered elector of the _____ precinct of the township of _____ or village of _____ or of the _____ ward of the city of _____, in the county of _____ and state of Michigan, apply for an official ballot, or ballots, to be voted by me at the election or elections as requested in this application.

The statutory grounds on which I base my request are:

[] I expect to be absent from the community in which I am registered for the entire time the polls are open on election day.

[] I am physically unable to attend the polls without the assistance of another.

[] I cannot attend the polls because of the tenets of my religion.

[] I have been appointed an election precinct inspector in a precinct other than the precinct where I reside.

[] I am 60 years of age or older.

[] I cannot attend the polls because I am confined to jail awaiting arraignment or trial.

(Check applicable reason)

Send absent voter ballot to me at:

.....

(Street No. or R.R.)

.....

(Post Office)

(State)

(ZIP CODE)

My registered address

(Street No. or R.R.)

.....

(Post Office)

(State)

(ZIP CODE)

Date.....

I ~~declare~~ **CERTIFY** that the statements in this absent voter ballot application are true.

.....

(Signature)

WARNING

A person making a false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for a person other than those listed in the instructions to return, offer to return, agree to return, or solicit to return your absent voter ballot application to the clerk. An assistant authorized by the clerk who receives absent voter ballot applications at a location other than the **CLERK'S** office ~~of the clerk~~ must have credentials signed by the clerk. Ask to see his or her credentials before entrusting your application with a person claiming to have the clerk's authorization to return your application.

**Certificate of Authorized Registered
Elector Returning Absent Voter
Ballot Application**

I certify that my name is _____, my address is _____, and my date of birth is _____; that I am delivering the absent voter ballot application of _____ at his or her request; that I did not solicit or request to return the application; that I have not made any markings on the application; that I have not altered the application in any way; that I have not influenced the applicant; and that I am aware that a false statement in this certificate is a violation of Michigan election law.

(Date)

(Signature)"

(6) The following instructions for an applicant for an absent voter ballot shall be included with each application furnished an applicant:

INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

Step 1. After completely filling out the application, sign and date the application in the place designated. Your signature must appear on the application or you will not receive an absent voter ballot.

Step 2. Deliver the application by 1 of the following methods:

(a) Place the application in an envelope addressed to the appropriate clerk and place the necessary postage upon the return envelope and deposit it in the United States mail or with another public postal service, express mail service, parcel post service, or common carrier.

(b) Deliver the application personally to the office of the clerk, to the clerk, or to an authorized assistant of the clerk.

(c) In either (a) or (b), a member of the immediate family of the voter including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or a person residing in the voter’s household may mail or deliver the application to the clerk for the applicant.

(d) ~~In the event~~ **IF** an applicant cannot return the application in any of the above methods, the applicant may select any registered elector to return the application. The person returning the application must sign and return the certificate at the bottom of the application.

(7) A person who prints and distributes absent voter ballot applications shall print on the application the warning, certificate of authorized registered elector returning absent voter ballot application, and instructions required by this section.

(8) A person who makes a false statement in an absent voter ballot application is guilty of a misdemeanor. A person who forges a signature on an absent voter ballot application is guilty of a felony. A person who is not authorized in this act and who both distributes absent voter ballot applications to absent voters and returns those absent voter ballot applications to a clerk or assistant of the clerk is guilty of a misdemeanor.

Sec. 759b. (1) ~~Any~~ **A** registered elector may apply for **AN** absent voter ~~ballots~~ **BALLOT** at any time ~~prior to~~ **BEFORE** 4 p.m. on election day if ~~he shall have become physically disabled or shall be absent from the city or township because of sickness or death in the family which~~ **AN EVENT** has occurred at a time ~~which has~~ **THAT** made it impossible to apply for **AN** absent voter ~~ballots~~ **BALLOT** by the statutory deadline. The application shall be called an emergency absent voter **BALLOT** application.

(2) Emergency absent voter **BALLOT** applications may be made by letter or on a form **PRESCRIBED BY THE SECRETARY OF STATE AND** provided by the clerk. The application shall set forth that the voter is qualified to vote in the election, ~~stating the statutory reason for applying for an emergency absent voter ballot and that the reason for applying after the statutory deadline~~ **AN EVENT** occurred at such a time to make it impossible to file an application for **AN** absent voter ~~ballots~~ **BALLOT** by the statutory deadline.

(3) ~~Any~~ **A** person intentionally making a false statement in ~~such~~ **AN EMERGENCY ABSENT VOTER BALLOT** application is guilty of a felony. ~~Any~~ **A** person aiding or abetting ~~any~~ **ANOTHER** person to make a false statement ~~on such~~ **IN AN EMERGENCY ABSENT VOTER BALLOT** application is guilty of a felony.

(4) Upon receipt by the clerk of a valid application for an emergency absent voter ballot, the clerk may deliver the ~~ballots~~ **ABSENT VOTER BALLOT** to the applicant in person, through a deputy or an election assistant, or ~~he may deliver them at his~~ **OR HER** office to a person named by the applicant in the **EMERGENCY ABSENT VOTER BALLOT** application. The **ABSENT** voter may return the ~~ballots~~ **ABSENT VOTER BALLOT** to the clerk ~~in the sealed envelope provided therefor in any manner, he sees fit.~~ **TO** ~~be valid, ballots must be returned~~ **THE ABSENT VOTER SHALL RETURN THE ABSENT VOTER BALLOT** to the clerk **IN THE SEALED ENVELOPE PROVIDED FOR THAT REASON AND** in time to be delivered to the polls ~~prior to~~ **BEFORE** 8 p.m. on election day.”

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. 485

Yeas—12

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

Nays—25

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

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. 486**Yeas—25**

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

Nays—12

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

Excused—1

Johnson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Bieda, Whitmer, Anderson, Hood, Gregory and Hunter, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 584.

Senator Bieda moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Bieda's statement, in which Senators Whitmer, Anderson, Hood, Gregory and Hunter concurred, is as follows:

Colleagues, you know, voting is one of the most important tasks and responsibilities of the citizens in this state. I don't take that responsibility lightly in this body, and I don't take that responsibility lightly as a citizen when I go to the voting booth. Neither should any of us, and I know we don't.

The bill before us today raises some real important questions. How do you justify a \$10 million expenditure to hold a single-party closed primary election at the very same time that we are making devastating cuts to education, to public safety, and a host of other vital state programs by claiming that we can no longer afford them? You are telling Michigan's parents that a single-political-party closed election is more important than providing bus service to their children to take their children safely to school. You are telling Michigan's public safety officers that a single-party closed primary is more important than their ability to do their job and keep their community safe. You are telling Michigan's middle-class families that the tax increases on pensions that went through earlier this year didn't go for the betterment of the state, but it went to fund the single-party closed primary election.

I am the first one to say that I think voting is one of the most important tasks that we can do. I proposed an amendment to make it easier for people to vote by no-excuse absentee voting, and it's an open and clean government type of reform, but there are alternatives to this expensive primary. The presidential primaries in the past have been held in caucus systems where the political parties paid for it themselves. I think under these stressful economic times that this is a bad move on the part of this Legislature. We have better places that these scarce dollars can be directed to.

I would urge my colleagues to think of Michigan taxpayers, and vote "no" on this bill.

Senator Johnson entered the Senate Chamber.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 353, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625 (MCL 257.625), as amended by 2008 PA 463.

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.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

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

The Committee on Judiciary reported

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.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 551, entitled

A bill to amend 1909 PA 17, entitled "An act to prohibit or limit the access by prisoners and by employees of correctional facilities to certain weapons and wireless communication devices and to alcoholic liquor, drugs, medicines, poisons, and controlled substances in, on, or outside of correctional facilities; to prohibit or limit the bringing into or onto certain facilities

and real property, and the disposition of, certain weapons, substances, and wireless communication devices; to prohibit or limit the selling, giving, or furnishing of certain weapons, substances, and wireless communication devices to prisoners; to prohibit the control or possession of certain weapons, substances, and wireless communication devices by prisoners; and to prescribe penalties,” by amending section 3a (MCL 800.283a), as added by 2006 PA 540.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 552, entitled

A bill to amend 1981 PA 7, entitled “An act to prohibit without authorization the bringing into jails and other specified areas any alcoholic liquor, controlled substances, weapons, and certain other items; the selling or furnishing to prisoners, and the improper disposal of any alcoholic liquor, controlled substances, weapons, and certain other items; the possession or control by prisoners of any alcoholic liquor, controlled substances, weapons, and certain other items; to prescribe a penalty; and to repeal certain acts and parts of acts,” (MCL 801.261 to 801.267) by adding section 2a.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 269, entitled

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

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.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Rocca

Nays: Senator Bieda

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, September 13, 2011, at 2:30 p.m., Room 110, Farnum Building

Present: Senators Jones (C), Schuitmaker, Rocca and Bieda

The Committee on Finance reported

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.

With the recommendation that the bill pass.

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

Jack M. Brandenburg
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, September 14, 2011, at 12:30 p.m., Room 210, Farnum Building

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

The Committee on Local Government and Elections reported

Senate Bill No. 204, entitled

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 12 (MCL 46.412), as amended by 1982 PA 504.

With the recommendation that the bill pass.

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

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Hansen, Brandenburg and Young

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Local Government and Elections submitted the following:

Meeting held on Wednesday, September 14, 2011, at 3:00 p.m., Room 100, Farnum Building

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

The Committee on Economic Development reported

Senate Bill No. 566, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 5, 88c, and 88h (MCL 125.2005, 125.2088c, and 125.2088h), section 5 as amended by 2008 PA 224 and sections 88c and 88h as added by 2005 PA 225.

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

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

Michael W. Kowall
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons, Hansen, Hunter and Smith

Nays: None

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

The Committee on Economic Development reported

Senate Bill No. 567, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding chapter 8C.

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

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

Michael W. Kowall
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons, Hansen, Hunter and Smith

Nays: None

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

The Committee on Economic Development reported

Senate Bill No. 568, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding sections 90c and 90d.

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

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

Michael W. Kowall
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons, Hansen, Hunter and Smith

Nays: None

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

The Committee on Economic Development reported

House Bill No. 4788, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 2 (MCL 207.552), as amended by 2010 PA 273.

With the recommendation that the bill pass.

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

Michael W. Kowall
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons, Hansen, Hunter and Smith

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Wednesday, September 14, 2011, at 1:35 p.m., Room 110, Farnum Building

Present: Senators Kowall (C), Hildenbrand, Nofs, Emmons, Hansen, Hunter and Smith

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Corrections submitted the following:

Meeting held on Tuesday, September 13, 2011, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Proos (C) and Walker

Excused: Senator Anderson

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Wednesday, September 14, 2011, at 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower

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

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Seniors and Human Services submitted the following:
Meeting held on Wednesday, September 14, 2011, at 3:08 p.m., Room 210, Farnum Building
Present: Senators Emmons (C), Rocca, Nofs and Gregory

Scheduled Meetings**Appropriations -****Subcommittees -**

Human Services Department - Thursday, September 29, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Human Services Department; Families, Seniors and Human Services; House Human Services Appropriations Subcommittee; and House Families, Children, and Seniors - Thursdays, September 22 and October 6, 8:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Judiciary - Wednesday, September 21, 8:00 a.m., Room 210, Farnum Building (373-2768)

K-12, School Aid, Education and House School Aid Appropriations Subcommittee - Tuesday, September 20, 8:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Families, Seniors and Human Services; Human Services Department Appropriations Subcommittee; House Families, Children, and Seniors; and House Human Services Appropriations Subcommittee - Thursdays, September 22 and October 6, 8:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-5312)

Outdoor Recreation and Tourism - Thursday, September 22, 12:30 p.m., Room 210, Farnum Building (373-5323)

Regulatory Reform - Thursday, September 22, 12:30 p.m., Room 110, Farnum Building (373-5307)

Senate Fiscal Agency Board of Governors - Thursday, September 22, 9:00 a.m., Room S-324, Capitol Building (373-2768)

State Drug Treatment Court Advisory Committee - Tuesday, September 27, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 10:58 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Tuesday, September 20, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate