

No. 53
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Tuesday, June 14, 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

Senator Dave Hildenbrand of the 29th District offered the following invocation:

“Our Father who art in Heaven, hallowed be Thy name.
Thy kingdom come. Thy will be done on earth, as it is in Heaven.
Give us this day our daily bread.
And forgive us our trespasses, as we forgive those who trespass against us.
And lead us not into temptation, but deliver us from evil.
For Thine is the Kingdom, and the power and the glory forever and ever. Amen.”

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

Motions and Communications

Senators Hood and Whitmer entered the Senate Chamber.

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

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senators Whitmer and Casperson admittance to the Senate floor.

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

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, June 9:

House Bill Nos. 4625 4626 4627 4628

The Secretary announced that the following official bills were printed on Friday, June 10, and are available at the legislative website:

| | | | | | | | | | | | | | | | |
|-------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--|
| Senate Bill Nos. | 421 | 422 | 423 | 424 | 425 | 426 | 427 | 428 | | | | | | | |
| House Bill Nos. | 4716 | 4717 | 4718 | 4719 | 4720 | 4721 | 4722 | 4723 | 4724 | 4725 | 4726 | 4727 | 4728 | 4729 | |
| | 4730 | 4731 | 4732 | 4733 | 4734 | | | | | | | | | | |

Messages from the Governor

The following messages from the Governor were received and read:

May 11, 2011

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

Michigan Board of Counseling

Luellen Ramey of 1820 Burning Bush Court, Rochester Hills, Michigan 48309, county of Oakland, representing individuals providing counseling techniques, behavior modification techniques or preventative techniques to clients, succeeding Robbie J. Steward, is appointed for a term expiring June 30, 2013.

Ramsey Y. Jiddou of 8265 Ann Arbor Road, Plymouth, Michigan 48170, county of Washtenaw, representing the general public, succeeding Mary Lynne Kelley, is appointed for a term expiring June 30, 2013.

June 7, 2011

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

Board of Mechanical Rules

Christopher M. Fuller of 4801 Hayes Road, Stockbridge, Michigan 49251, county of Ingham, representing HVAC equipment contractors, succeeding Patrick Maher, is appointed for a term expiring on October 1, 2012.

June 7, 2011

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

Military Appeals Tribunal

Robert C. Gardella of 4538 River Hills Court, Brighton, Michigan 48114, county of Livingston, representing civilians licensed to practice law in this state, succeeding Judy E. Bregman, is appointed for a term expiring on April 16, 2015.

Bradley L. Smith of 14191 Calhoun Road, Addison, Michigan 49220, county of Hillsdale, representing civilians licensed to practice law in this state, succeeding John P. Charters, is appointed for a term expiring on April 16, 2015.

Kyle R. Dufrane of 48353 Tecumseh Drive, Macomb, Michigan 48044, county of Macomb, representing civilians licensed to practice law in this state, succeeding Charles A. Palmer, is appointed for a term expiring on April 16, 2015.

June 10, 2011

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

Michigan Liquor Control Commission

Andrew J. Deloney of 1470 Hillway Road, White Lake, Michigan 48386, county of Oakland, representing Republicans, succeeding Nida R. Samona, is appointed for a term commencing July 5, 2011 and expiring June 12, 2015.

Chair, Michigan Liquor Control Commission

Andrew J. Deloney of 1470 Hillway Road, White Lake, Michigan 48386, county of Oakland, succeeding Nida R. Samona, is appointed for a term commencing July 5, 2011 and expiring at the pleasure of the Governor.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

June 10, 2011

Due to an error on the letter dated June 7, 2011 and filed with your office on June 9, 2011, please be advised of the following correction appearing in **bold** print:

Board of Mechanical Rules

Christopher M. Fuller of 4801 Hayes Road, Stockbridge, Michigan 49251, county of Ingham, representing HVAC equipment contractors, succeeding Patrick Maher, is appointed for a term expiring on October 1, **2014**.

Sincerely,
Rick Snyder
Governor

The message was referred to the Committee on Government Operations.

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 Jansen 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:

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.

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.

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.

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. 165, entitled

A bill to provide for fair and open competition in governmental construction contracts, grants, tax abatements, and tax credits; to prohibit requirements for certain terms in government contracts and contracts supported through government

grants and tax subsidies and abate­ments; to prohibit expenditure of public funds under certain conditions; to prohibit certain terms in procurement documents for certain expenditures involving public facilities; and to provide for powers and duties of certain public officers, employees, and contractors.

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.

During the Committee of the Whole, Senators Johnson, Hunter and Young entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 104, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 811e (MCL 257.811e), as amended by 2009 PA 99, and by adding section 811r.

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

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator 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 substitute made to the bill by the House,

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

Roll Call No. 278

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

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

Senate Bill No. 159, entitled

A bill to amend 1965 PA 213, entitled “An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties,” by amending section 1 (MCL 780.621), as amended by 2002 PA 472.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 4, after “section” by inserting “**145C, 145D**,”.
2. Amend page 2, line 5, after “MCL” by inserting “**750.145C, 750.145D**,”.

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. 279

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schuitmaker

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.

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. 409

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

The following bill was read a third time:

Senate Bill No. 43, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 219d.

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. 280**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. 44, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 161 of chapter XVII (MCL 777.161), as amended by 2005 PA 171.

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. 281**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. 249, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 218 (MCL 750.218), as amended by 2004 PA 154.

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. 282**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 250, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16^l of chapter XVII (MCL 777.16^l), as amended by 2005 PA 171.

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. 283**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. 251, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 24 of chapter VII (MCL 767.24), as amended by 2005 PA 35.

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. 284

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. 252, entitled

A bill to amend 2003 PA 238, entitled "Michigan notary public act," by amending section 49 (MCL 55.309).

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. 285

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. 253, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11c of chapter XVII (MCL 777.11c), as added by 2002 PA 31.

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. 286

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. 354, entitled

A bill to amend 1994 PA 295, entitled “Sex offenders registration act,” by amending section 35 (MCL 28.735), as amended by 2005 PA 322.

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. 287

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. 361, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16 of chapter X (MCL 770.16), as amended by 2008 PA 410.

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. 288**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.

Senators Brandenburg, Caswell, Colbeck, Gleason, Green, Hansen, Hildenbrand, Hopgood, Hune, Jansen, Johnson, Kahn, Marleau, Moolenaar, Nofs, Pappageorge, Pavlov, Proos and Young were named co-sponsors of the bill.

The following bill was read a third time:

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 question being on the passage of the bill,

Senator Johnson offered the following amendments:

1. Amend page 2, line 24, after "income" by striking out the balance of the line through "(9)" on line 25.
2. Amend page 16, line 6, by striking out all of subsection (9) and renumbering the remaining subsection.

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

Roll Call No. 289**Yeas—18**

| | | | |
|-------------|-------------|-----------|---------|
| Anderson | Gregory | Johnson | Smith |
| Bieda | Hildenbrand | Jones | Warren |
| Brandenburg | Hood | Robertson | Whitmer |
| Gleason | Hopgood | Rocca | Young |
| Green | Hunter | | |

Nays—20

| | | | |
|-----------|--------|---------|--------|
| Booher | Hansen | Marleau | Pavlov |
| Casperson | Hune | Meekhof | Proos |

Caswell
Colbeck
Emmons

Jansen
Kahn
Kowall

Moolenaar
Nofs
Pappageorge

Richardville
Schuitmaker
Walker

Excused—0

Not Voting—0

In The Chair: Schuitmaker

Senator Johnson offered the following amendments:

1. Amend page 17, line 5, after “person” by striking out the balance of the line through “and” on line 6.
2. Amend page 17, line 9, after “the” by striking out the balance of the line through “the” on line 10.

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

Roll Call No. 290

Yeas—19

Anderson
Bieda
Brandenburg
Colbeck
Gleason

Green
Gregory
Hildenbrand
Hood
Hopgood

Hunter
Johnson
Jones
Robertson
Rocca

Smith
Warren
Whitmer
Young

Nays—19

Booher
Casperson
Caswell
Emmons
Hansen

Hune
Jansen
Kahn
Kowall
Marleau

Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov

Proos
Richardville
Schuitmaker
Walker

Excused—0

Not Voting—0

In The Chair: Schuitmaker

Senator Hansen offered the following amendment:

1. Amend page 17, following line 26, by inserting:

“Enacting section 1. This amendatory act takes effect January 1, 2012.”.

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

Senator Johnson offered the following amendments:

1. Amend page 16, line 7, after “apply” by inserting a comma and “**SUBJECT TO SUBSECTION (10)**”.

2. Amend page 17, following line 21, by inserting:

“(10) SUBSECTION (9) DOES NOT APPLY IF HOUSE CONCURRENT RESOLUTION 34 OF THE 112TH CONGRESS OF THE UNITED STATES IS ENACTED.” and renumbering the remaining subsection.

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

Roll Call No. 291**Yeas—16**

| | | | |
|-------------|---------|-------------|---------|
| Bieda | Hood | Jones | Smith |
| Gleason | Hopgood | Robertson | Warren |
| Gregory | Hunter | Rocca | Whitmer |
| Hildenbrand | Johnson | Schuitmaker | Young |

Nays—22

| | | | |
|-------------|--------|-----------|--------------|
| Anderson | Emmons | Kowall | Pappageorge |
| Booher | Green | Marleau | Pavlov |
| Brandenburg | Hansen | Meekhof | Proos |
| Casperson | Hune | Moolenaar | Richardville |
| Caswell | Jansen | Nofs | Walker |
| Colbeck | Kahn | | |

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. 292**Yeas—35**

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

Nays—2

Kahn

Schuitmaker

Excused—0

Not Voting—1

Nofs

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

Pursuant to rule 1.306, Senator Nofs submitted the following:

June 14, 2011

Pursuant to Senate Rule 1.306, I am hereby disclosing a personal financial interest in Senate Bill No. 409.

Due to the fact that the provisions of this bill could directly affect my personal retirement situation, pursuant to rule 1.306, I am disqualified and therefore will not be voting on this bill.

Respectfully,
Mike Nofs
State Senator
19th District

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Schuitmaker, Bieda, Gleason, Jansen, Kahn, Walker, Robertson, Jones, Hune and Emmons introduced

Senate Bill No. 429, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2212c.

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

Senators Marleau, Schuitmaker, Bieda, Gleason, Jansen, Kahn, Walker, Robertson, Jones, Hune and Emmons introduced

Senate Bill No. 430, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 402d.

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

Senators Meekhof, Pappageorge, Hildenbrand, Emmons, Casperson, Hune, Robertson, Hansen and Kowall introduced

Senate Bill No. 431, entitled

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 11 (MCL 409.111), as amended by 2000 PA 418.

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

Senators Kowall, Marleau, Casperson, Pappageorge, Brandenburg, Colbeck and Meekhof introduced

Senate Bill No. 432, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 722 (MCL 257.722), as amended by 2009 PA 146, and by adding section 722b.

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

Senator Hune introduced

Senate Bill No. 433, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending the title and section 20 (MCL 431.320), section 20 as amended by 2006 PA 185.

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

Senator Hune introduced

Senate Bill No. 434, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending the title and section 20 (MCL 431.320), section 20 as amended by 2006 PA 185.

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

Senators Caswell, Jansen, Proos, Nofs, Emmons and Moolenaar introduced

Senate Bill No. 435, entitled

A bill to establish a program to allow youths 18 years of age to choose to remain under certain state care up to 21 years of age; and to prescribe the powers and duties of certain state departments and agencies.

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

Senators Emmons, Proos, Jansen, Caswell, Nofs and Moolenaar introduced

Senate Bill No. 436, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 2a, 19, 19a, and 19c of chapter XHIA (MCL 712A.2a, 712A.19, 712A.19a, and 712A.19c), section 2a as amended by 1998 PA 474, section 19 as amended by 2008 PA 202, section 19a as amended by 2008 PA 200, and section 19c as amended by 2011 PA 31.

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

Senators Jansen, Caswell, Proos, Nofs, Emmons and Moolenaar introduced

Senate Bill No. 437, entitled

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

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

Senators Moolenaar, Caswell, Jansen, Proos, Nofs and Emmons introduced

Senate Bill No. 438, entitled

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

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

Senators Nofs, Proos, Jansen, Caswell, Emmons and Moolenaar introduced

Senate Bill No. 439, entitled

A bill to amend 2008 PA 260, entitled "Guardianship assistance act," by amending section 6 (MCL 722.876), as amended by 2009 PA 15.

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

Senators Proos, Jansen, Caswell, Nofs, Emmons and Moolenaar introduced

Senate Bill No. 440, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 18c, 115g, and 115j (MCL 400.18c, 400.115g, and 400.115j), sections 115g and 115j as amended by 2009 PA 17.

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

Senators Caswell and Kahn introduced

Senate Bill No. 441, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3101a (MCL 500.3101a), as amended by 1996 PA 456; 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 Appropriations.

Senators Caswell and Kahn introduced

Senate Bill No. 442, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 227 (MCL 257.227), as amended by 1995 PA 287; 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 Appropriations.

Senators Johnson, Casperson and Warren introduced

Senate Bill No. 443, entitled

A bill to create a regional transit authority; to provide regional transportation; to provide for certain pension rights and obligations of transit employees; to prescribe certain powers and duties of the authority and of certain state agencies and officials; to authorize the levy of taxes and to provide for the issuance of bonds and notes; to make appropriations; to provide for the pledge of taxes, revenues, assessments, tax levies, and other funds for bond and note payments; 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 Transportation.

Senators Casperson, Johnson and Warren introduced

Senate Bill No. 444, entitled

A bill to amend 1982 PA 432, entitled "Motor bus transportation act," by amending section 4 (MCL 474.104), as amended by 1989 PA 233.

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

Senators Warren, Johnson and Casperson introduced

Senate Bill No. 445, 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 sections 10c, 10h, 10l, and 10n (MCL 247.660c, 247.660h, 247.660l, and 247.660n), section 10c as amended by 2010 PA 257, section 10h as amended by 2002 PA 498, section 10l as amended by 1987 PA 234, and section 10n as amended by 2002 PA 329.

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

House Bill No. 4625, entitled

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending sections 1, 2, 3, and 3a of article II,

sections 1, 2, and 3 of article III, and section 4 of article IV (MCL 38.81, 38.82, 38.83, 38.83a, 38.91, 38.92, 38.93, and 38.104), sections 1 and 2 of article II and section 2 of article III as amended and section 3a of article II and section 3 of article III as added by 1993 PA 59, section 1 of article III as amended by 1996 PA 282, and section 4 of article IV as amended by 1993 PA 60, and by adding sections 3b and 3c to article II, section 1a to article III, and section 1b to article IV; and to repeal acts and parts of acts.

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

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

House Bill No. 4626, entitled

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending section 4 of article I, sections 1 and 3 of article IV, and section 2 of article V (MCL 38.74, 38.101, 38.103, and 38.112), section 4 of article I and section 3 of article IV as amended by 2005 PA 124 and section 1 of article IV as amended by 2005 PA 136.

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

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

House Bill No. 4627, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 1247 and 1248.

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

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

House Bill No. 4628, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 15 (MCL 423.215), as amended by 2011 PA 25.

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

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

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 138, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2011; and to provide for the expenditure of the appropriations.

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

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

Roger Kahn, M.D.

Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Walker, Anderson, Gregory, Hood and Hopgood

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, June 8, 2011, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Kahn (C), Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

The Committee on Regulatory Reform reported

House Bill No. 4456, entitled

A bill to amend 1915 PA 58, entitled "An act to provide for the incorporation of cremation companies and associations; and to impose certain duties upon the department of commerce," by amending section 6 (MCL 456.206); and to repeal acts and parts of acts.

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.

Tory Rocca
Chairperson

To Report Out:

Yeas: Senators Rocca, Jones, Meekhof, Pavlov, Johnson and Warren

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Regulatory Reform submitted the following:

Meeting held on Thursday, June 9, 2011, at 12:30 p.m., Room 110, Farnum Building

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

Excused: Senator Hune

The Committee on Health Policy reported

Senate Bill No. 374, entitled

A bill to amend 1987 PA 230, entitled "Municipal health facilities corporations act," by amending sections 209 and 258 (MCL 331.1209 and 331.1258), section 209 as amended by 1994 PA 398 and section 258 as amended by 1990 PA 273.

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.

James A. Marleau
Chairperson

To Report Out:

Yeas: Senators Marleau, Robertson, Emmons, Jones and Warren

Nays: None

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

The Committee on Health Policy reported

House Bill No. 4350, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16277 (MCL 333.16277), as added by 2001 PA 172.

With the recommendation that the bill pass.

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

James A. Marleau
Chairperson

To Report Out:

Yeas: Senators Marleau, Robertson, Emmons, Jones and Schuitmaker

Nays: Senator Warren

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Thursday, June 9, 2011, at 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

Excused: Senators Hune and Gleason

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:
Meeting held on Thursday, June 9, 2011, at 1:00 p.m., Room 210, Farnum Building
Present: Senators Caswell (C), Jansen, Proos and Gregory

Scheduled Meetings

Appropriations - Wednesday, June 15, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Subcommittee -

Human Services Department - Thursday, June 16, 2:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Economic Development - Wednesday, June 15, and Thursday, June 16, 1:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5312)

Education - Wednesday, June 15, 12:30 p.m., Room 100, Farnum Building (373-5314)

Education and House Education - Wednesday, June 15, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

Local Government and Elections - Wednesday, June 15, 3:00 p.m., Room 100, Farnum Building (373-5323)

Natural Resources, Environment and Great Lakes - Thursday, June 16, 9:15 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5323)

Natural Resources, Environment and Great Lakes and House Natural Resources, Tourism and Outdoor Recreation - Thursday, June 16, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5323)

Outdoor Recreation and Tourism - Thursday, June 16, 12:30 p.m., Room 210, Farnum Building (373-5323)

Reforms, Restructuring and Reinventing - Wednesday, June 15, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-5324)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 11:11 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Wednesday, June 15, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

