

No. 78
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Wednesday, October 12, 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—excused
Smith—present
Walker—present
Warren—present
Whitmer—present
Young—present

Pastor James Friedman of Greater Christian Ministries International Church of Eastpointe offered the following invocation:

Dear God and Everlasting Father, we are gathered here today at this time in a very special place of honor and government to ask for Your direction. We thank You for the men and women represented here today who have heard the call to serve and have dedicated themselves to the prosperity of the state of Michigan and its citizens.

We thank You and pray for our Governor and his administration. We thank You and pray for our State Representatives. We thank you and pray for our State Senators. We thank You and pray for all of the individuals who work along with each one of these officials for the betterment of this state and its citizens.

We pray for the families of all of our elected officials represented here today. We pray for every city, county, and community here in our state. We thank You and pray for the citizens of this great state. We pray for this session and all of the decisions and choices that must be made here today. We pray for all of the organizations here in this state that are formed to help our citizens.

We ask for Your divine direction concerning the navigation of the various challenges our state faces and the favor to find the necessary solutions and resources. We ask for the needed resources to make the tasks at hand simple and beneficial to all. We ask this day for Your continued favor to be upon all of us here in this state.

May God bless America and the state of Michigan. This I pray in Your precious name. Amen.

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

Motions and Communications

Senator Gleason entered the Senate Chamber.

Senator Meekhof moved that Senator Robertson be temporarily excused from today's session.
The motion prevailed.

Senator Meekhof moved that Senator Schuitmaker be excused from today's session.
The motion prevailed.

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

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

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

The Secretary announced that pursuant to Rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from April 1, 2011 through June 30, 2011, and are available in the Secretary's office during business hours for public inspection:

Committee

Agriculture
Appropriations
Banking and Financial Institutions
Economic Development
Education
Energy and Technology
Families, Seniors and Human Services
Finance
Government Operations
Health Policy
Insurance
Judiciary
Local Government and Elections
Natural Resources, Environment and Great Lakes

Chairperson

Senator Joe Hune
Senator Roger Kahn
Senator Darwin Booher
Senator Mike Kowall
Senator Phil Pavlov
Senator Mike Nofs
Senator Judy Emmons
Senator Jack Brandenburg
Senator Randy Richardville
Senator Jim Marleau
Senator Joe Hune
Senator Rick Jones
Senator David Robertson
Senator Tom Casperson

Outdoor Recreation and Tourism	Senator Goeff Hansen
Redistricting	Senator Joe Hune
Reforms, Restructuring and Reinventing	Senator Mark Jansen
Regulatory Reform	Senator Tory Rocca
Transportation	Senator Tom Casperson
Veterans, Military Affairs and Homeland Security	Senator John Moolenaar

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

The motion prevailed.

Senator Richardville's statement is as follows:

Colleagues, I rise this morning to pay tribute to Holly Nester for her invaluable contributions to the Michigan Senate, as well as her commitment to public service for over 14 years. In her most recent role as a Senate committee clerk, Holly served as an important liaison to all involved in the committee process, including the chairs of each committee for which she was responsible, committee members, and key staff, as well as my office.

Like so many in our field, Holly began her career in state government as an intern while attending college. As a student at Michigan State University, Holly volunteered her time in the office of Governor Engler. Holly continued working for Governor Engler until 2002, when she moved to the Michigan Senate to serve as director of constituent services for Senator Tom George. Holly spent eight years assisting residents of Kalamazoo, Michigan, and the surrounding area located in the 20th District.

Therefore, on behalf of lawmakers, the staffs, and all who have worked with her, we are very pleased to have this opportunity today to express our admiration for her exemplary service, as well as our greatest hopes for much success as she continues on in her career. Holly, we wish you well.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, October 11:
House Bill Nos. 4920 4921 4922 4923 4924

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, October 11, for his approval the following bill:

Enrolled Senate Bill No. 522 at 11:09 a.m.

Senators Robertson, Hood and Hunter entered the Senate Chamber.

Messages from the Governor

The following messages from the Governor were received:

Date: October 11, 2011

Time: 8:54 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 331 (Public Act No. 166), being

An act to amend 1998 PA 58, entitled "An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," by amending section 229 (MCL 436.1229), as amended by 2005 PA 288; and to repeal acts and parts of acts.

(Filed with the Secretary of State on October 11, 2011, at 11:10 a.m.)

Date: October 11, 2011

Time: 8:56 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 507 (Public Act No. 167), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 60101, 60102, 60104, 60105, 60106, 60107, and 60108 (MCL 324.60101, 324.60102, 324.60104, 324.60105, 324.60106, 324.60107, and 324.60108), as added by 1995 PA 57; and to repeal acts and parts of acts.

(Filed with the Secretary of State on October 11, 2011, at 4:18 p.m.)

Respectfully,
Rick Snyder
Governor

Messages from the House**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 House of Representatives has amended the bill as follows:

1. Amend page 1, line 8, after “testing.” by striking out the balance of the line through “A” on line 9 and inserting “**NOTWITHSTANDING THE LIMITATIONS OF SECTION 2 OF THIS CHAPTER, A**”.

2. Amend page 2, line 10, after “section” by inserting “**SHALL BE FILED NOT LATER THAN JANUARY 1, 2016. THE PETITION**”.

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

Senate Bill No. 493**House Bill No. 4309****House Bill No. 4311****House Bill No. 4312**

The motion prevailed.

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. Substitute (H-1).

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. 569**Yeas—37**

Anderson

Bieda

Booher

Brandenburg

Casperson

Gregory

Hansen

Hildenbrand

Hood

Hopgood

Jones

Kahn

Kowall

Marleau

Meekhof

Proos

Richardville

Robertson

Rocca

Smith

Caswell
Colbeck
Emmons
Gleason
Green

Hune
Hunter
Jansen
Johnson

Moolenaar
Nofs
Pappageorge
Pavlov

Walker
Warren
Whitmer
Young

Nays—0

Excused—1

Schuitmaker

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 Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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.

(For text of amendment, see Senate Journal No. 76, p. 2279.)

The question being on concurring in the amendment made to the bill by the House,
The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 570

Yeas—37

Anderson
Bieda
Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
Gleason
Green

Gregory
Hansen
Hildenbrand
Hood
Hopgood
Hune
Hunter
Jansen
Johnson

Jones
Kahn
Kowall
Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov

Proos
Richardville
Robertson
Rocca
Smith
Walker
Warren
Whitmer
Young

Nays—0

Excused—1

Schuitmaker

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 Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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.

Substitute (H-1).

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. 571**Yeas—37**

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

Nays—0**Excused—1**

Schuitmaker

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 Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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.

(This bill was returned from the House without amendment on October 6 and the recommendation for immediate effect postponed. See Senate Journal No. 76, p. 2279.)

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

The recommendation was concurred in, 2/3 of the Senators 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. 252, entitled

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

(For text of amendment, see Senate Journal No. 76, p. 2279.)

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

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

Roll Call No. 572

Yeas—37

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

Nays—0

Excused—1

Schuitmaker

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 Senate agreed to the full title.

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

Third Reading of Bills

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

House Bill No. 4462

House Bill No. 4478

House Bill No. 4492

The motion prevailed.

The following bill was read a third time:

House Bill No. 4462, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 248 and 249 (MCL 750.248 and 750.249), as amended by 2008 PA 378, and by adding sections 248b and 249b.

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. 573

Yeas—37

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

Nays—0

Excused—1

Schuitmaker

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.

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4478, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16n of chapter XVII (MCL 777.16n), as amended by 2002 PA 321.

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. 574

Yeas—37

Anderson	Gregory	Jones	Proos
Bieda	Hansen	Kahn	Richardville

Booher	Hildenbrand	Kowall	Robertson
Brandenburg	Hood	Marleau	Rocca
Casperson	Hopgood	Meekhof	Smith
Caswell	Hune	Moolenaar	Walker
Colbeck	Hunter	Nofs	Warren
Emmons	Jansen	Pappageorge	Whitmer
Gleason	Johnson	Pavlov	Young
Green			

Nays—0

Excused—1

Schuitmaker

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.

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4492, 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. 575

Yeas—37

Anderson	Gregory	Jones	Proos
Bieda	Hansen	Kahn	Richardville

Booher	Hildenbrand	Kowall	Robertson
Brandenburg	Hood	Marleau	Rocca
Casperson	Hopgood	Meekhof	Smith
Caswell	Hune	Moolenaar	Walker
Colbeck	Hunter	Nofs	Warren
Emmons	Jansen	Pappageorge	Whitmer
Gleason	Johnson	Pavlov	Young
Green			

Nays—0

Excused—1

Schuitmaker

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.

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

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

The Senate agreed to the full title.

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 Hildenbrand as Chairperson.

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

Senate Bill No. 561, entitled

A bill to amend 1990 PA 271, entitled “Limousine transportation act,” by amending sections 5, 7, 13, and 15 (MCL 257.1905, 257.1907, 257.1913, and 257.1915), section 7 as amended by 2000 PA 487; and to repeal acts and parts of acts.

The bill was placed on the order of Third Reading of Bills.

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

Senators Robertson, Meekhof and Jansen introduced

Senate Joint Resolution P, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 5 of article XI, to increase the number of positions that the civil service commission may exempt from the classified state civil service.

The joint resolution was read a first and second time by title and referred to the Committee on Reforms, Restructuring and Reinventing.

Senators Hildenbrand and Hansen introduced

Senate Bill No. 748, entitled

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

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

Senator Hunter introduced

Senate Bill No. 749, entitled

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

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

Senators Robertson, Green and Rocca introduced

Senate Bill No. 750, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 33 and 35 (MCL 169.233 and 169.235), section 33 as amended by 1999 PA 238 and section 35 as amended by 2000 PA 75.

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

Senators Robertson and Green introduced

Senate Bill No. 751, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 509r, 509aa, 658, 659, and 761 (MCL 168.509r, 168.509aa, 168.658, 168.659, and 168.761), section 509r as amended by 2003 PA 302, section 509aa as amended by 2004 PA 92, section 659 as amended by 2004 PA 296, and section 761 as amended by 2005 PA 71, and by adding section 764c.

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

Senators Hansen, Green and Robertson introduced

Senate Bill No. 752, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 569a, 671, 792a, and 871 (MCL 168.569a, 168.671, 168.792a, and 168.871), section 569a as added by 1985 PA 24, section 671 as amended by 1995 PA 261, section 792a as amended by 2005 PA 71, and section 871 as amended by 2000 PA 207, and by adding section 686b.

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

Senators Brandenburg, Green, Rocca and Robertson introduced

Senate Bill No. 753, entitled

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

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

Senators Jansen, Green and Robertson introduced

Senate Bill No. 754, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 509v (MCL 168.509v), as added by 1994 PA 441, and by adding section 497c.

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

House Bill No. 4920, entitled

A bill to amend 1909 PA 279, entitled “The home rule city act,” by amending sections 3 and 4i (MCL 117.3 and 117.4i), section 3 as amended by 2004 PA 541 and section 4i as amended by 1999 PA 55.

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 Judiciary.

House Bill No. 4921, entitled

A bill to amend 1947 PA 359, entitled “The charter township act,” by amending section 21 (MCL 42.21), as amended by 1999 PA 58.

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 Judiciary.

House Bill No. 4922, entitled

A bill to amend 1945 PA 246, entitled “An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act,” by amending sections 1 and 4 (MCL 41.181 and 41.184), as amended by 1999 PA 257.

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 Judiciary.

House Bill No. 4923, entitled

A bill to amend 1895 PA 3, entitled “The general law village act,” by amending sections 2 and 4 of chapter VI (MCL 66.2 and 66.4), section 2 as amended by 1999 PA 57 and section 4 as amended by 1999 PA 259.

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 Judiciary.

House Bill No. 4924, entitled

A bill to amend 1909 PA 278, entitled “The home rule village act,” by amending sections 23 and 24 (MCL 78.23 and 78.24), section 23 as amended by 2003 PA 304 and section 24 as amended by 1999 PA 56.

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 Judiciary.

Statements

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

The motion prevailed.

Senator Johnson’s statement is as follows:

I rise today to retract a vote I made last week on an amendment to Senate Bill No. 618. I realize that one cannot officially take back a vote, but under the circumstances, I felt it necessary to explain the mistake.

The amendment offered said, “The governing body of a public school academy shall not enter into an agreement with a for-profit educational management company to provide comprehensive educational administration management or instructional services or staff to a public school.”

As someone who has been a huge advocate for education, no matter the form in which that education comes—whether it is homeschool, private, traditional public, charter—I am someone who also recognizes there are good and bad actors in the environment. I think that the intent of this body is to always wean out or set aside people who have not been good actors in this market.

To the extent that I personally have a relationship with at least two outstanding providers, I do not wish to cast aspersions on them with such a broad brush. While I agree with the intent and absolutely do, in fact, side with the author of this amendment, I wanted to make sure that a couple of management companies I know that do very good work are kept outside of this.

So it is today that I make this explanation as to why I would like to take back that vote, although on the record I cannot.

Committee Reports

The Committee on Transportation reported

House Bill No. 4888, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 70.

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

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

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Kowall, Brandenburg, Pavlov, Hansen, Gleason and Hood

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 Transportation submitted the following:

Meeting held on Tuesday, October 11, 2011, at 12:30 p.m., Room 100, Farnum Building

Present: Senators Casperson (C), Kowall, Brandenburg, Pavlov, Hansen, Gleason and Hood

The Committee on Judiciary reported

Senate Bill No. 688, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 423 (MCL 750.423).

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, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 707, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1852 (MCL 600.1852) and by adding chapter 22.

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, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4881, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by repealing sections 819 and 824 (MCL 600.819 and 600.824).

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, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, October 11, 2011, at 2:30 p.m., Room 110, Farnum Building

Present: Senators Jones (C), Rocca and Bieda

Excused: Senator Schuitmaker

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Tuesday, October 11, 2011, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Nofs (C), Proos, Jones, Walker, Hopgood, Bieda and Young

Excused: Senators Marleau and Schuitmaker

COMMITTEE ATTENDANCE REPORT

The Committee on Veterans, Military Affairs and Homeland Security submitted the following:

Meeting held on Tuesday, October 11, 2011, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Moolenaar (C), Emmons, Gregory and Smith

Excused: Senator Pappageorge

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Tuesday, October 11, 2011, at 1:35 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

COMMITTEE ATTENDANCE REPORT

The Committee on Insurance submitted the following:

Meeting held on Tuesday, October 11, 2011, at 2:30 p.m., Room 100, Farnum Building

Present: Senators Hune (C), Marleau, Brandenburg, Hansen, Robertson, Smith and Bieda

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

Human Services Department; Families, Seniors and Human Services; House Families, Children, and Seniors; and House Human Services Appropriations Subcommittee - Thursday, October 27, 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Families, Seniors and Human Services; Human Services Department Appropriations Subcommittee; House Families, Children, and Seniors; and House Human Services Appropriations Subcommittee - Thursday, October 27, 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5312)

Michigan Law Revision Commission - Thursday, October 13, 11:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212) (CANCELED)

Natural Resources, Environment and Great Lakes - Thursday, October 13, 8:30 a.m., Room 210, Farnum Building (373-5323)

Regulatory Reform - Thursday, October 13, 12:30 p.m., Room 110, Farnum Building (373-5307)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 10:44 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, October 13, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

