

No. 88
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Thursday, November 3, 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

Pastor Ken Ford of Alton Bible Church of Lowell offered the following invocation:

Dear God and loving Father, You who created all things, the Giver of life, the Sustainer of life, and the One before whom all must come to give an account; we come before You this morning that in the midst of our busyness and routines, and even the tasks of great importance that we might humbly acknowledge Your sovereign hand in the affairs of man and our complete dependence on You for life, breath, and all things.

I thank You, Father, for these honorable men and women and the work that they do here and ask that each would recognize their highest duty in these chambers is to You first, and in so doing, serve us best. Grant them wisdom with each decision, recognizing the effect of each on individuals as well as the greater population. Give them proper discernment to be good stewards of the authority that You grant for the good of the people of Michigan. May the decisions rendered evidence wisdom that comes from You. Lord, may Your truth prevail in this place and in the hearts of the people of this great state.

Let us praise You for all that You are and all that You have done. Truly, there is none like You. Give us the perception to know and acknowledge that every good and perfect gift comes down from above and that the calamity and hardships we often face are a result of our rejection of You and Your word. Right us where we have been wrong, and turn us back to You. As You have written, "If my people who are called by my name humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from heaven and forgive their sins and heal their land."

Have mercy on us, O God. Allow the accomplishments of Your will and purpose this day for Your eternal glory. I ask in the name of Jesus. Amen.

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

Motions and Communications

Senators Emmons and Smith entered the Senate Chamber.

Senator Meekhof moved that Senators Kahn and Pappageorge be temporarily excused from today's session. The motion prevailed.

Senators Kahn and Pappageorge entered the Senate Chamber.

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

Senate Bill No. 569

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

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, November 2:
House Bill No. 5002

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

House Bill Nos. 5136 5137 5138 5139 5140 5141 5142

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.

11:12 a.m.

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

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 Robertson 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:

Senate Bill No. 727, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 18 of chapter XVI (MCL 776.18).

Senate Bill No. 728, entitled

A bill to amend 1911 PA 41, entitled "An act authorizing prosecuting attorneys in certain cases to appoint assistant prosecuting attorneys for their respective counties, and prescribing the powers and duties of such assistants," by amending section 1 (MCL 49.41).

Senate Bill No. 706, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2007a.

Senate Bill No. 777, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 41C. 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. 456, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," (MCL 487.3101 to 487.3804) by adding section 435. Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 2, line 7, after "ACCOUNT," by inserting "**IF A MINOR IS A JOINT ACCOUNT HOLDER, THE SAVINGS BANK MAY DELIVER THE DISCLOSURE TO AN ADULT ACTING ON BEHALF OF THE MINOR.**"

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

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

Senate Bill No. 460, entitled

A bill to amend 1968 PA 41, entitled "An act to regulate credit union multiple-party accounts; and to repeal certain acts and parts of acts," (MCL 490.51 to 490.65) by adding section 14b.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 2, line 7, after "ACCOUNT," by inserting "**IF A MINOR IS A JOINT ACCOUNT HOLDER, THE CREDIT UNION MAY DELIVER THE DISCLOSURE TO AN ADULT ACTING ON BEHALF OF THE MINOR.**"

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

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

Senate Bill No. 463, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 11 and 11a (MCL 400.11 and 400.11a), as amended by 1990 PA 122.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 604, entitled

A bill to amend 1999 PA 276, entitled "Banking code of 1999," (MCL 487.11101 to 487.15105) by adding section 4103a.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 2, line 6, after "ACCOUNT." by inserting "IF A MINOR IS A JOINT ACCOUNT HOLDER, THE BANK MAY DELIVER THE DISCLOSURE TO AN ADULT ACTING ON BEHALF OF THE MINOR."

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 605, entitled

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," (MCL 491.102 to 491.1202) by adding section 629.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 2, line 7, after "ACCOUNT." by inserting "IF A MINOR IS A JOINT ACCOUNT HOLDER, THE ASSOCIATION MAY DELIVER THE DISCLOSURE TO AN ADULT ACTING ON BEHALF OF THE MINOR."

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 569, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 29a and 29d (MCL 125.2029a and 125.2029d), as added by 2008 PA 75, and by adding section 29h.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 456

Senate Bill No. 460

Senate Bill No. 463

Senate Bill No. 604

Senate Bill No. 605

Senate Bill No. 706

Senate Bill No. 777

Senate Bill No. 569

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:

House Bill No. 4005

House Bill No. 4411

House Bill No. 4412

Senate Bill No. 462

Senate Bill No. 456

Senate Bill No. 460

Senate Bill No. 463

Senate Bill No. 604

Senate Bill No. 605

Senate Bill No. 706

Senate Bill No. 777

Senate Bill No. 569

The motion prevailed.

The following bill was read a third time:

House Bill No. 4005, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 302 and 644g (MCL 168.302 and 168.644g), section 302 as amended by 2005 PA 71 and section 644g as amended by 2004 PA 293, and by adding section 642c.

The question being on the passage of the bill,

Senator Colbeck offered the following amendment:

1. Amend page 4, following line 10, by inserting:

"Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 427 of the 96th Legislature is enacted into law."

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

Senator Gleason offered the following amendment:

1. Amend page 1, following "**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**" by inserting:

"Sec. 4. As used in this act:

(a) "School board" means the governing body of a school district, including the board of trustees of a community college.

(b) "School board member" means an individual holding the office of school board member under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or the office of board of trustees member under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195. School board member includes a school board member of an intermediate school district if that intermediate school district has adopted sections 615 to 617 of the revised school code, 1976 PA 451, MCL 380.615 to 380.617.

(c) "School district" means a school district, **A PUBLIC SCHOOL ACADEMY**, a local act school district, or an intermediate school district, as those terms are defined in the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or a community college district under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195.

(d) "School district election coordinating committee" means 1 of the following:

(i) For a school district whose entire territory lies within a single city or township, a committee composed of the secretary of the school board or his or her designee, the city or township election commission, and the school district election coordinator.

(ii) For a school district that has territory in more than 1 city or township, a committee composed of the secretary of the school board or his or her designee, the school district election coordinator, and the clerk of each city or township in which school district territory is located.

(e) "School district election coordinator" means 1 of the following:

(i) For a school district whose entire territory lies within a single city or township, the city or township clerk.

(ii) For a school district that has territory in more than 1 city or township, the county clerk of the county in which the largest number of registered school district electors reside.

(f) "September election" means the election held on the first Tuesday after the second Monday in September in an odd year for the election of village offices.

(g) "Special election" means an election to elect an individual to, or nominate an individual for, a partial term in office or to submit a ballot question to the electors.

(h) "Special primary" means a primary called by competent authority for the nomination of candidates to be voted for at a special election.

(i) "Uniform voting system" means the voting system that is used at all elections in every election precinct throughout the state.

(j) "Village" is defined in section 9."

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. 632**Yeas—12**

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

Nays—26

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

Excused—0**Not Voting—0**

In The Chair: President

Senator Emmons offered the following amendment:

1. Amend page 3, line 9, after “**THE**” by striking out the balance of the line and inserting “**ODD YEAR GENERAL ELECTION.**”.

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

Senator Gregory offered the following amendment:

1. Amend page 3, line 7, by striking out all of section **642C** and inserting:

“**SEC. 642C. (1) BEGINNING JANUARY 1, 2012, A SCHOOL DISTRICT SHALL HOLD ITS REGULAR ELECTION FOR THE OFFICE OF SCHOOL BOARD MEMBER AT 1 OF THE FOLLOWING:**

(A) THE GENERAL NOVEMBER ELECTION.

(B) THE ODD YEAR GENERAL ELECTION.

(2) BEFORE MARCH 31, 2012, A SCHOOL DISTRICT’S SCHOOL BOARD SHALL ADOPT A RESOLUTION AT A PUBLIC HEARING TO HOLD ITS REGULAR ELECTION ON A DATE IN COMPLIANCE WITH THIS SECTION. WITHIN 30 DAYS AFTER ADOPTING THE RESOLUTION, THE SCHOOL BOARD SHALL FILE THE RESOLUTION WITH THE SECRETARY OF STATE.

(3) IF A SCHOOL DISTRICT’S SCHOOL BOARD FAILS TO ADOPT A RESOLUTION BEFORE MARCH 31, 2012 TO HOLD ITS REGULAR ELECTION ON A DATE IN COMPLIANCE WITH THIS SECTION, BEGINNING MARCH 31, 2012, THAT SCHOOL DISTRICT SHALL HOLD ITS REGULAR ELECTION AT THE GENERAL NOVEMBER ELECTION.”.

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 adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 633**Yeas—20**

Anderson	Gleason	Hunter	Proos
Bieda	Gregory	Johnson	Smith

Casperson	Hansen	Kahn	Warren
Caswell	Hood	Moolenaar	Whitmer
Emmons	Hopgood	Nofs	Young

Nays—18

Booher	Hune	Meekhof	Robertson
Brandenburg	Jansen	Pappageorge	Rocca
Colbeck	Jones	Pavlov	Schuitmaker
Green	Kowall	Richardville	Walker
Hildenbrand	Marleau		

Excused—0**Not Voting—0**

In The Chair: President

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

Senator Colbeck offered the following amendment:

1. Amend page 3, following line 6, by inserting:

“Sec. 642. (1) Except as otherwise provided in this section and section 642a, on the effective date of this act, a city shall hold its regular election or regular primary election as follows:

- (a) A city shall hold its regular election for a city office at the odd year general election.
- (b) A city shall hold its regular election primary at the odd year primary election.
- (c) A city that holds its regular election for a city office annually or in the even year on the November regular election date shall continue holding elections on that schedule.
- (d) A city that holds its regular election primary for a city office annually or in the even year on the August regular primary election date shall continue holding primary elections on that schedule.

(2) If, on September 1, 2004, a city holds its regular election at other than a regular November election date, the city council may choose to hold the regular election on the May regular election date by adopting a resolution in compliance with this section. Except as provided in section 642a, if a city council adopts the resolution in compliance with this section to hold its regular election on the May regular election date, after December 31, 2004, the city’s regular election is on the May regular election date. If a city’s regular election is held on the May regular election date, the city’s regular election primary shall be held on the February regular election date immediately before its regular election.

(3) If, on September 1, 2004, a city holds its regular election annually or in the even year on the November regular election date, the city council may choose to hold the regular election at the odd year general election by adopting a resolution in compliance with this section. Except as provided in section 642a, if a city council adopts the resolution in compliance with this section to hold its regular election at the odd year general election, after December 31, 2004, the city’s regular election is at the odd year election. If a city’s regular election is held at the odd year general election, the city’s regular election primary shall be held at the odd year primary election.

(4) If, on September 1, 2004, a city holds its regular election annually on the November regular election date, the city council may choose to hold the regular election at the even year general election by adopting a resolution in compliance with this section. Except as provided in section 642a, if a city council adopts the resolution in compliance with this section to hold its regular election at the even year general election, after December 31, 2004, the city’s regular election is at the even year election. If a city’s regular election is held at the even year general election, the city’s regular election primary shall be held at the even year primary election.

(5) If, on September 1, 2004, a city holds its regular election primary at the September primary election, the city council may choose to continue holding its regular election primary at the September primary election by adopting a resolution in compliance with this section. Except as provided in section 642a(2), if a city council adopts the resolution in compliance with this section to hold its regular election primary at the September primary election, after December 31, 2004, the city's regular election primary is at the September primary election.

(6) Except as otherwise provided in this section and section 642a, on September 1, 2004, a village shall hold its regular election as follows:

(a) A village shall hold its regular election for a village office at the general election and the appropriate township clerk shall conduct the election.

(b) A village shall not hold a regular primary election.

(7) A village council may make a 1-time choice to hold the regular election at the September primary election by adopting a resolution in compliance with this section. Except as provided in section 642a, if a village council adopts the resolution in compliance with this section to hold its regular election at the September primary election, after December 31, 2004, the village's regular election is at the September primary election and the village clerk shall conduct the election. The resolution may provide for the terms of office and for staggered terms. If a village's regular or special election is held in conjunction with another election conducted by a township, the village shall pay the township a proportionate share of the election expenses. If a village's regular or special election is not held in conjunction with another election conducted by a township, the village shall pay the township 100% of the actual costs of conducting the village's regular or special election. The township shall make voting equipment available to a village if the village conducts an election. If the village is located in more than 1 township, the township with the largest number of village electors shall furnish the voting equipment.

~~(8) Except as otherwise provided in this section and section 642a, on September 1, 2004, a school district shall hold its regular election for the office of school board member at the odd year general election.~~

~~(9) If, on September 1, 2004, a school district holds its regular election at other than the odd year general election, the school district's school board may choose to hold its regular election on 1 of the following by adopting a resolution in compliance with this section:~~

~~(a) The odd year May regular election date.~~

~~(b) The November regular election date in both even and odd years.~~

~~(c) The May regular election date in both even and odd years.~~

~~(8) (10) A resolution permitted under this section or section 642a is valid only if a city council, **OR** village council, or school board adopts the resolution in compliance with all of the following:~~

~~(a) The resolution is adopted before 1 of the following:~~

~~(i) If the resolution is permitted under subsection (2), (3), (4), (5), **OR** (7), or (9) of this section, January 1, 2005.~~

~~(ii) If the resolution is permitted under section 642a(1), **OR** (2), or (3), January 1 of the year in which the change in the date of the election takes effect.~~

~~(b) Before adopting the resolution, the council or school board holds at least 1 public hearing on the resolution. The public hearing may be held on the same day and immediately before considering the adoption of the resolution.~~

~~(c) The council or school board gives notice of each public hearing on the resolution in a manner designed to reach the largest number of the jurisdiction's qualified electors in a timely fashion, and the notice states at least the following, as applicable:~~

~~(i) That the hearing is being held on the issue of whether to schedule the city's regular election on the May regular election date and that, if the resolution is not adopted, the city's regular election will be held at the odd year general election.~~

~~(ii) That the hearing is being held on the issue of whether to schedule the city's regular election primary at the September primary election and that, if the resolution is not adopted, the city's regular election primary will be held on the odd year primary election.~~

~~(iii) That the hearing is being held on the issue of whether to schedule the village's regular election at the September primary election and that, if the resolution is not adopted, the village's regular election will be held at the general election.~~

~~(iv) That the hearing is being held on the issue of whether to schedule the school district's regular election at other than the odd year general election and that, if the resolution is not adopted, the school district's regular election will be held at the odd year general election. The notice shall specifically state the regular election date permitted under subsection (8) on which the school board is proposing that the school district's regular election be held.~~

~~(v) That the hearing is being held on the issue of whether to schedule the school district's regular election at the odd year general election and that, if the resolution is not adopted, the school district's regular election will continue to be held on the date on which it is currently being held.~~

~~(d) The council or school board votes on the resolution and, on a record roll call vote, a majority of the council's or school board's members, elected or appointed, and serving, adopt the resolution.~~

~~(e) The council or school board files the resolution with the secretary of state.~~

~~(11) This section takes effect September 1, 2004.~~

Sec. 642a. (1) After December 31, 2004, a city council that adopted a resolution so that its regular election is held on the May regular election date may change its regular election to the odd year general election by adopting a resolution in compliance with section 642. If a city council adopts the resolution in compliance with section 642 to hold its regular election

at the odd year general election, after December 31 of the year in which the resolution is adopted, the city’s regular election is at the odd year general election.

(2) After December 31, 2004, a city council that holds its regular election for city offices annually or in the even year on the November regular election date may change its regular election schedule to the odd year general election and the odd year primary election by adopting a resolution in compliance with section 642. If a city council adopts the resolution in compliance with section 642, the city’s regular election is at the odd year general election and its primary is at the odd year primary election.

(3) After December 31, 2010, a city that adopted a resolution so that its regular election primary is held at the September election shall hold its regular election primary at the odd year primary election.

~~(4) After December 31, 2004, a school district’s school board that adopted a resolution so that its regular election is held on a date other than at the odd year general election may change its regular election to the odd year general election, the general November election, the November regular election date in both even and odd years, or the odd year May regular election date by adopting a resolution in compliance with section 642. If a school board adopts the resolution in compliance with section 642 to hold its regular election at the odd year general election, the general November election, the November regular election date in both even and odd years, or the odd year May regular election date, after December 31 of the year in which the resolution is adopted, the school board’s school district shall hold its regular election on the election date adopted in the resolution.~~

~~(5) After December 31, 2009, a school district’s school board that holds its regular election for the office of school board member at the odd year general election may change its regular election to the general November election by adopting a resolution in compliance with section 642. If a school board adopts the resolution in compliance with section 642 to hold its regular election at the general November election, after December 31 of the year in which the resolution is adopted, the school board’s school district shall hold its regular election at the general November election.~~

~~(4) (6) After December 31, 2004, a village council that adopted a resolution so that its regular election is held on the September election date may change its regular election to the November regular election date by adopting a resolution in compliance with section 642. If a village council adopts the resolution in compliance with section 642 to hold its regular election at the November regular election date, after December 31 of the year in which the resolution is adopted, the village’s regular election is at the November regular election date.”.~~

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

Senator Caswell offered the following amendments:

1. Amend page 3, line 7, after “**SEC. 642C.**” by inserting “**(1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2),**”.

2. Amend page 3, following line 9, by inserting:

“(2) THIS SECTION DOES NOT APPLY TO A SCHOOL DISTRICT IF THE SCHOOL DISTRICT ELECTION COORDINATOR FOR THAT SCHOOL DISTRICT IS THE CLERK OF A COUNTY WITH A POPULATION OF LESS THAN 100,000 ACCORDING TO THE LATEST FEDERAL DECENNIAL CENSUS AND ELECTS NOT TO FOLLOW SECTION 642C.”.

The question being on the adoption of the amendments,

Senator Meekhof moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

House Bill No. 4411, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16245 (MCL 333.16245), as amended by 2006 PA 26.

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. 634

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
Gleason
Green

Jansen
Johnson
Jones

Pavlov
Proos

Whitmer
Young

Nays—0

Excused—0

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 protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4412, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16226 (MCL 333.16226), as amended by 2004 PA 214.

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. 635

Yeas—38

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
Schuitmaker
Smith
Walker
Warren
Whitmer
Young

Nays—0

Excused—0

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 protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 462, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 21771 (MCL 333.21771).

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. 636

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: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 456, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," (MCL 487.3101 to 487.3804) by adding section 435.

The question being on the passage of the bill,

The bill was passed, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 637**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: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 460, entitled

A bill to amend 1968 PA 41, entitled "An act to regulate credit union multiple-party accounts; and to repeal certain acts and parts of acts," (MCL 490.51 to 490.65) by adding section 14b.

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. 638**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: President

The Senate agreed to the title of the bill.

The President pro tempore, Senator Schuitmaker, assumed the Chair.

The following bill was read a third time:

Senate Bill No. 463, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending sections 11 and 11a (MCL 400.11 and 400.11a), as amended by 1990 PA 122.

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. 639

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. 604, entitled

A bill to amend 1999 PA 276, entitled "Banking code of 1999," (MCL 487.11101 to 487.15105) by adding section 4103a.

The question being on the passage of the bill,

The bill was passed, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 640

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. 605, entitled

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," (MCL 491.102 to 491.1202) by adding section 629.

The question being on the passage of the bill,

The bill was passed, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 641

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. 706, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 2007a.

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. 642

Yeas—37

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

Nays—1

Meekhof

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. 777, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding chapter 41C.

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. 643**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. 569, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending sections 29a and 29d (MCL 125.2029a and 125.2029d), as added by 2008 PA 75, and by adding section 29h.

The question being on the passage of the bill,

Senator Johnson offered the following amendment:

1. Amend page 1, following “**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**” by inserting:

“Sec. 9. (1) The fund shall transmit to the legislature ~~an annual~~ **EACH QUARTER A** status report of its activities. The report shall include, but not be limited to, information on name and location of all applicants, amount and type of financial assistance being requested, type of project or product being financed, number of net jobs created or retained, duration of financial assistance, amount of financial support other than state resources, and the status of any loans of the fund, excluding industrial development revenue loans, which are in default. The report shall not include information exempt from disclosure under section 5.

(2) The auditor general or a certified public accountant appointed by the auditor general annually shall conduct and remit to the legislature an audit of the fund and, in the conduct of the audit, shall have access to all records of the fund at any time, whether or not confidential. Each audit required by this section shall include a determination of whether the fund is likely to be able to continue to meet its obligations, including a report on the status of outstanding loans and agreements made by the fund.

(3) THE FUND SHALL ALSO TRANSMIT THE STATUS REPORT DESCRIBED IN SUBSECTION (1) AND AUDIT DESCRIBED IN SUBSECTION (2) TO THE CHAIRPERSON AND MINORITY VICE-CHAIRPERSON OF THE SENATE APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT AND THE HOUSE OF REPRESENTATIVES APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT. THE FUND SHALL MAKE THE STATUS REPORT AND AUDIT AVAILABLE TO THE PUBLIC ON THE FUND’S WEBSITE.”.

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

Senator Johnson offered the following amendment:

1. Amend page 14, following line 3, by inserting:

“(E) THE NAME OF EACH ELIGIBLE PRODUCTION COMPANY AND THE AMOUNT OF EACH INCENTIVE DISPERSED FOR EACH STATE CERTIFIED QUALIFIED PRODUCTION.”.

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

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. 644**Yeas—34**

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

Nays—4

Green	Hune	Meekhof	Robertson
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Excused—0**Not Voting—0**

In The Chair: Schuitmaker

Senator Johnson offered to amend the title to read as follows:

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending sections 9, 29a, and 29d (MCL 125.2009, 125.2029a, and 125.2029d), section 9 as amended by 1987 PA 279 and sections 29a and 29d as added by 2008 PA 75, and by adding section 29h.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

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:

As to amendment No. 2, I rise to offer this amendment that would keep with the spirit of transparency for the Michigan Strategic Fund. Currently, the Strategic Fund is required to make an annual report to the Legislature on its expenditures. This amendment would change the frequency, however, of the report to be done quarterly. It would further clarify that the report be given to the chair and minority vice chair of the Appropriations Subcommittee on General Government. Also, to allow citizens to have easy access to this information, these quarterly reports would be required to be posted on the department’s website. Democracy can only work when its citizens are well-informed.

The President, Lieutenant Governor Calley, resumed the Chair.

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

House Bill No. 4005, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 302 and 644g (MCL 168.302 and 168.644g), section 302 as amended by 2005 PA 71 and section 644g as amended by 2004 PA 293, and by adding section 642c.

(This bill was read a third time earlier today, amendments offered and consideration postponed. See p. 2493.)

The question being on the motion to reconsider the vote by which the amendment offered by Senator Gregory was adopted,

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

Senator Hunter requested the yeas and nays.

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

The motion prevailed, a majority of the members serving voting therefor, as follows:

Roll Call No. 645**Yeas—26**

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

Nays—12

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

Excused—0**Not Voting—0**

In The Chair: President

The question being on the adoption of the amendment,

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 Senators being equally divided (yeas 19; nays 19), the Lieutenant Governor voted “nay.”

The amendment was not adopted, a majority members serving and the Lieutenant Governor not voting therefor, as follows:

Roll Call No. 646**Yeas—19**

Anderson	Gleason	Hunter	Smith
Bieda	Gregory	Johnson	Warren
Casperson	Hansen	Kahn	Whitmer
Caswell	Hood	Nofs	Young
Emmons	Hopgood	Proos	

Nays—19

Booher	Hune	Meekhof	Robertson
Brandenburg	Jansen	Moolenaar	Rocca

Colbeck
Green
Hildenbrand

Jones
Kowall
Marleau

Pappageorge
Pavlov
Richardville

Schuitmaker
Walker

Excused—0

Not Voting—0

In The Chair: President

By unanimous consent the Senate returned to consideration of the amendment offered by Senator Caswell. The question being on the adoption of the amendments, 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. 647

Yeas—7

Casperson
Caswell

Emmons
Hansen

Hune
Nofs

Walker

Nays—31

Anderson
Bieda
Booher
Brandenburg
Colbeck
Gleason
Green
Gregory

Hildenbrand
Hood
Hopgood
Hunter
Jansen
Johnson
Jones
Kahn

Kowall
Marleau
Meekhof
Moolenaar
Pappageorge
Pavlov
Proos
Richardville

Robertson
Rocca
Schuitmaker
Smith
Warren
Whitmer
Young

Excused—0

Not Voting—0

In The Chair: President

Senator Bieda offered the following amendment:

1. Amend page 4, following line 10, by striking all of enacting section 2 and inserting:
“Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 96th Legislature are enacted into law:

- (a) Senate Bill No. 427.
- (b) Senate Bill No. 49.”.

The question being on the adoption of the amendment.

Senator Bieda 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. 648**Yeas—13**Anderson
Bieda
Gleason
GregoryHood
Hopgood
HunterJohnson
Rocca
SmithWarren
Whitmer
Young**Nays—25**Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
GreenHansen
Hildenbrand
Hune
Jansen
Jones
KahnKowall
Marleau
Meekhof
Moolenaar
Nofs
PappageorgePavlov
Proos
Richardville
Robertson
Schuitmaker
Walker**Excused—0****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. 649**Yeas—24**Booher
Brandenburg
Colbeck
Gleason
Green
HildenbrandHune
Hunter
Jansen
Jones
Kahn
KowallMarleau
Meekhof
Moolenaar
Pappageorge
Pavlov
ProosRichardville
Robertson
Rocca
Schuitmaker
Walker
Whitmer**Nays—14**Anderson
Bieda
Casperson
CaswellEmmons
Gregory
Hansen
HoodHopgood
Johnson
NofsSmith
Warren
Young**Excused—0****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.

Senator Colbeck offered to amend the title to read as follows:

A bill to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 302, 642, 642a, and 644g (MCL 168.302, 168.642, 168.642a, and 168.644g), section 302 as amended by 2005 PA 71, section 642 as amended by 2004 PA 292, section 642a as amended by 2010 PA 222, and section 644g as amended by 2004 PA 293, and by adding section 642c.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senators Whitmer and Bieda asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Whitmer's statement is as follows:

I rise in opposition to this amendment, as it creates a conflict with the federal voting rights law. As you know, two jurisdictions in Michigan are subject to the U.S. Department of Justice's preclearance of all legislation that impacts voting rights in those two jurisdictions. This is under Section 5 of the act.

Both of those jurisdictions happen to be in counties that are over 100,000 in population, and one of them is barely over 100,000. The Justice Department takes a very hard look at voting changes in those jurisdictions that might impact voting rights. It is a very broad test, one that was reauthorized under President Bush for the next 25 years, by the way.

A jurisdiction that seeks to obtain Section 5 preclearance has the burden of proof to show that a proposed voting change does not have the purpose and will not have the effect of discriminating based on race or color. Given that the vast majority of minority voters in this state live in counties of over 100,000, it is highly likely that this classification may have the purpose or effect of violating the VRA.

The department has the power to strike any law that might have the effect that the Justice Department will take a very hard look at what appears to be a highly arbitrary distinction which operated to put both of the Section 5 counties into a different voting scheme than the majority of the jurisdictions in the state.

I don't believe that this body wants to raise the thought with the Justice Department that we are messing around with the Voting Rights Act, especially since it's highly likely that there will be at least one challenge to the redistricting bills under Section 2 of that act.

I ask that the Senate defeat the amendment.

Senator Bieda's statement is as follows:

I want to start by saying that I have appreciated the comments and the debate on this bill today. I am very glad to hear the number of comments on how much this bill will save money and make it easier for voters. The amendment that I have is very straightforward. It just tie-bars it to the no-excuse absentee voting bill that has been languishing in committee since January.

We hear a lot about enumerated categories of people and the current system basically discriminates against those people who do not fit into one of those categories. The bill that is tie-barred to this simply opens up no-excuse absentee voting to anyone who desires to vote in that fashion. State after state that has adopted this voting has seen significant savings both of taxpayer monies and by making it easier for people to exercise their right to vote.

I encourage your support for this amendment. It is an important thing. I don't think we should enumerate the reasons for people to have the right to exercise their vote, and I would appreciate your support.

By unanimous consent the Senate returned to the order of

Messages from the House

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

Senate Bill No. 502

The motion prevailed.

Senate Bill No. 235, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16221 (MCL 333.16221), as amended by 2004 PA 214.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 291, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 658 (MCL 257.658), as amended by 2002 PA 494.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 493, 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; 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.

Substitute (H-4).

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. 650**Yeas—27**

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

Nays—11

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young
Gregory	Hunter	Warren	

Excused—0**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.

Senate Bill No. 281, entitled

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

Substitute (H-2).

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. 651**Yeas—28**

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

Nays—10

Anderson	Hood	Smith	Whitmer
Bieda	Hopgood	Warren	Young
Gregory	Johnson		

Excused—0**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

Resolutions

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

Senate Resolution No. 34

Senate Resolution No. 67

House Concurrent Resolution No. 34

The motion prevailed.

Senators Emmons, Marleau, Jones, Hune, Richardville, Brandenburg, Colbeck, Casperson, Proos, Booher, Meekhof, Green, Kahn, Hansen, Jansen, Nofs, Caswell, Pavlov, Walker, Kowall, Pappageorge and Hildenbrand offered the following resolution:

Senate Resolution No. 95.

A resolution to express support for the continued efforts of the Michigan Attorney General to oppose the implementation of Obamacare and to memorialize Congress to repeal it.

Whereas, The Tenth Amendment to the Constitution of the United States provides: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

Whereas, The Ninth Amendment to the Constitution of the United States provides: “The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people”; and

Whereas, In March 2010, the President of the United States signed into law the Patient Protection and Affordable Care Act, P.L. 111-148, and the amendment Health Care and Education Reconciliation Act of 2010, P.L. No. 111–152 (collectively called “Obamacare”); and

Whereas, The Attorney General of the state of Michigan has joined in a lawsuit with 25 states and others which was filed in the U.S. District Court in the Northern District of Florida against the U.S. Department of Health and Human Services, U.S. Department of Treasury, and U.S. Department of Labor challenging the constitutionality of Obamacare and its mandates; and

Whereas, Obamacare violates the U.S. Constitution, including the Ninth and Tenth Amendments and the constitutional principles of federalism and dual sovereignty on which this nation was founded; and

Whereas, Obamacare imposes unfunded mandates on the states and onerous requirements on the individuals and employers of this country; and

Whereas, The cost of Obamacare, if allowed to be fully implemented, will outweigh the benefits and will further depress and impede the growth of this nation’s economy; and

Whereas, Passage of Senate Bill No. 693 should not be construed as support for Obamacare. Rather, it merely preserves the rights of the state to govern its own affairs; now, therefore, be it

Resolved by the Senate, That we express support for the continued efforts of the Michigan Attorney General to oppose the implementation of Obamacare and to memorialize Congress to repeal it; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Michigan Attorney General, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation

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

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

The question being on the adoption of the resolution,

Senator Meekhof moved that the resolution be referred to the Committee on Health Policy.

The motion prevailed.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Meekhof moved that rule 2.106 be suspended to allow committees to meet during Senate session.

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

Recess

Senator Meekhof moved that the Senate recess until 2:00 p.m.

The motion prevailed, the time being 12:46 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the Assistant President pro tempore, Senator Hansen.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Jones, Nofs and Proos introduced

Senate Bill No. 795, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 320a, 606, 608, 609, 610, 627, 627a, 628, 629, 629c, 633, and 721 (MCL 257.320a, 257.606, 257.608, 257.609, 257.610, 257.627, 257.627a, 257.628, 257.629, 257.629c, 257.633, and 257.721), section 320a as amended by 2011 PA 159, section 606 as amended by 1980 PA 518, sections 627, 628, 629, and 629c as amended by 2006 PA 85, section 627a as amended by 2005 PA 88, and section 721 as amended by 2000 PA 154, and by adding section 30a; 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 Bieda, Gleason, Hopgood, Smith, Hunter, Hood, Hune, Rocca, Jones, Emmons, Pappageorge, Kowall, Jansen, Nofs and Meekhof introduced

Senate Bill No. 796, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2010 PA 195.

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

Senators Jansen, Proos, Meekhof, Moolenaar, Hood, Warren, Nofs, Pappageorge, Rocca, Gregory, Marleau, Brandenburg and Kowall introduced

Senate Bill No. 797, entitled

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending sections 12b, 13, 14, 15, 19, 19a, 20c, 20d, 20h, 20k, and 20m (MCL 38.1132b, 38.1133, 38.1134, 38.1135, 38.1139, 38.1139a, 38.1140c, 38.1140d, 38.1140h, 38.1140k, and 38.1140m), sections 12b, 14, and 20c as amended by 2000 PA 307, section 13 as amended by 2009 PA 84, section 15 as amended and section 20k as added by 1996 PA 485, sections 19 and 20d as amended and section 19a as added by 2008 PA 425, section 20h as amended by 2002 PA 728, and section 20m as amended by 2007 PA 22, and by adding section 21.

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

Senators Moolenaar, Pappageorge, Green, Emmons, Colbeck, Proos, Nofs, Hansen, Meekhof and Brandenburg introduced

Senate Bill No. 798, entitled

A bill to amend 1946 (1st Ex Sess) PA 9, entitled "An act to create the Michigan veterans' trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act," (MCL 35.602 to 35.610) by adding sections 3b and 6a; 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 Veterans, Military Affairs and Homeland Security.

Senators Pappageorge, Moolenaar, Green, Emmons, Colbeck, Proos, Nofs, Hansen, Meekhof and Brandenburg introduced

Senate Bill No. 799, entitled

A bill to amend 1885 PA 152, entitled "An act to authorize the establishment of facilities for former members of the armed forces of the United States in the state of Michigan; to create funds; and to provide for the promulgation of rules," by amending sections 6, 7, and 8 (MCL 36.6, 36.7, and 36.8) and by adding section 2a; 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 Veterans, Military Affairs and Homeland Security.

House Bill No. 5002, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending sections 210, 212, 213, 230, 274, 301, 315, 319, 331, 353, 354, 360, 361, 381, 401, 625, 801, 835, 836, 837, 847, and 853 (MCL 418.210, 418.212, 418.213, 418.230, 418.274, 418.301, 418.315, 418.319, 418.331, 418.353, 418.354, 418.360, 418.361, 418.381, 418.401, 418.625, 418.801, 418.835, 418.836, 418.837, 418.847, and 418.853), sections 210, 213, 274, 331, 801, 836, 837, 847, and 853 as amended by 1994 PA 271, section 212 as added and sections 319, 361, and 381 as amended by 1985 PA 103, section 230 as amended by 2002 PA 566, sections 301, 354, and 401 as amended by 1987 PA 28, section 315 as amended by 2009 PA 226, section 625 as amended by 2002 PA 626, and section 835 as amended by 1996 PA 357; 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 Reforms, Restructuring and Reinventing.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 8, entitled

A bill to provide for certain municipal joint endeavors; to provide standards for those municipal joint endeavors; to provide powers and duties of a municipal joint endeavor; to authorize the levy of a property tax by a municipal joint endeavor; and to provide for the powers and duties of certain government officials.

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

The House of Representatives has passed the bill as substituted (H-3) 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 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. 652**Yeas—25**

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

Nays—10

Anderson	Hopgood	Smith	Whitmer
Gleason	Hunter	Warren	Young
Gregory	Johnson		

Excused—0**Not Voting—3**

Bieda	Colbeck	Hood
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In The Chair: Hansen

Senator Meekhof moved to reconsider the vote by which the House substitute was concurred in.

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

Senator Hunter moved that Senator Bieda be temporarily excused from the balance of today's session.

The motion prevailed.

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. 653**Yeas—26**

Booher	Hansen	Marleau	Proos
Brandenburg	Hildenbrand	Meekhof	Richardville
Casperson	Hune	Moolenaar	Robertson
Caswell	Jansen	Nofs	Rocca

Colbeck
Emmons
Green

Jones
Kahn
Kowall

Pappageorge
Pavlov

Schuitmaker
Walker

Nays—11

Anderson
Gleason
Gregory

Hood
Hopgood
Hunter

Johnson
Smith
Warren

Whitmer
Young

Excused—1

Bieda

Not Voting—0

In The Chair: Hansen

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

Senate Bill No. 9, 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; and to prescribe means of enforcement and penalties for the violation of the provisions of this act,” (MCL 423.201 to 423.217) by adding section 1a.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

House Bill No. 4369, entitled

A bill to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 7333a (MCL 333.7333a), as amended by 2011 PA 108.

The House of Representatives has amended the Senate substitute (S-2) as follows:

1. Amend page 3, line 13, after “(I)” by striking out “UNTIL DECEMBER 31, 2015,”.
2. Amend page 5, line 24, after “WITH” by striking out the balance of the line through “AGENCY” on line 25 and inserting “HEALTH CARE PAYMENT OR BENEFIT PROVIDERS”.

The House of Representatives has concurred in the Senate substitute (S-2) as amended and agreed to the title as amended. Pursuant to rule 3.202, the bill was laid over one day.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 2:14 p.m.

2:35 p.m.

The Senate was called to order by the Assistant President pro tempore, Senator Hansen.

During the recess, Senator Bieda entered the Senate Chamber.

By unanimous consent the Senate returned to the order of
Motions and Communications

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

Senate Bill No. 194

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

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

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

The motion prevailed, and the Assistant President pro tempore, Senator Hansen, designated Senator Robertson as Chairperson.

After some time spent therein, the Committee arose; and the Assistant President pro tempore, Senator Hansen, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 194, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2008 PA 538.

Substitute (S-5).

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 at the head of the Third Reading of Bills calendar:

Senate Bill No. 194

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

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 2:41 p.m.

2:46 p.m.

The Senate was called to order by the Assistant President pro tempore, Senator Hansen.

The following bill was read a third time:

Senate Bill No. 194, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2011 PA 19.

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. 654

Yeas—37

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

Nays—1

Anderson

Excused—0

Not Voting—0

In The Chair: Hansen

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Young’s statement is as follows:

Mr. President, I would like to begin with a quote: “I believe that the difference between goodness and greatness is that good people work hard for them to get to the top; while great people lift while they climb and bring everyone to the top with them.” I think that this legislation really is a key embodiment and example of everybody working together to make sure we get to the top.

I think it is very important that people have the opportunity and freedom to be able to shoot fireworks. I think it is very important. I can’t tell you how many celebrations and places I go where people shoot fireworks. In my community, people shoot fireworks just because they like to shoot fireworks. They shoot fireworks during the day. How do you shoot fireworks while the sun is out? I don’t know, but they do. They shoot them at night. They shoot fireworks when it isn’t even a holiday to shoot fireworks because they believe in the ability to be able to shoot fireworks. They think it is very important because they believe in celebration. They believe that no matter what the situation, or no matter where you are at, it is very important

to be able to celebrate and use fireworks. I am very passionate about this as well. I think it should be a right for everyone to be able to go out and do that if it is something they want to do.

I appreciate both sides of the aisle making sure that this legislation is safe for everyone who uses fireworks, but I think it is very important that we have that. I think it is a liberty issue and a freedom issue, but I also think it is an expression issue. Now, mind you, I do believe that we have to have parental control and parental responsibility, but I think that should be up to the parents to watch their children when playing with fireworks.

I think that if the birth of this nation and our independence would be celebrated with fireworks, then we should be able to have that right and freedom to celebrate. I think it is very important that we use these fireworks to celebrate. I have talked a lot to people in my district and across the state who are very excited about using fireworks.

In conclusion, Mr. President, I support this legislation. We need to have fireworks. It is a right, and we should all support this bill. I am very passionate about it.

Committee Reports

The Committee on Transportation reported
Senate Concurrent Resolution No. 19.

A concurrent resolution to memorialize Congress and the U.S. Department of Transportation to approve a grant for a project at the I-275 and Ford Road interchange under the Transportation Investment Generating Economic Recovery Discretionary Grant program.

(For text of concurrent resolution, see Senate Journal No. 73, p. 2237.)

With the recommendation that the concurrent resolution be adopted.

Thomas A. Casperson
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Transportation reported
Senate Resolution No. 93.

A resolution to memorialize Congress and the U.S. Department of Transportation to approve a grant for a project at the I-275 and Ford Road interchange under the Transportation Investment Generating Economic Recovery Discretionary Grant program.

(For text of resolution, see Senate Journal No. 86, p. 2453.)

With the recommendation that the resolution be adopted.

Thomas A. Casperson
Chairperson

To Report Out:

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

Nays: None

The resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, November 1, 2011, at 6:00 p.m., Summit on the Park, 46000 Summit Parkway, Canton

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

Excused: Senators Brandenburg and Gleason

The Committee on Judiciary reported

Senate Bill No. 645, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.285) by adding section 69.

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. 760, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 222 and 223 (MCL 750.222 and 750.223), section 222 as amended by 2001 PA 135 and section 223 as amended by 1992 PA 221.

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. 761, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 1 (MCL 28.421), as amended by 2008 PA 407.

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. 762, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2951 (MCL 600.2951), as added by 1982 PA 186.

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. 778, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 30111b.

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 Bieda

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 Judiciary submitted the following:

Meeting held on Tuesday, November 1, 2011, at 2:30 p.m., Room 110, Farnum Building

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

The Committee on Economic Development reported

Senate Bill No. 483, entitled

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

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

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 on Finance.

The Committee on Economic Development reported

Senate Bill No. 484, entitled

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

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

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 on Finance.

The Committee on Economic Development reported

Senate Bill No. 569, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 29a and 29d (MCL 125.2029a and 125.2029d), as added by 2008 PA 75, and by adding section 29h.

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.

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. 4017, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 1505.

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 and Hansen
Nays: Senators Hunter and Smith
The bill was referred to the Committee of the Whole.

The Committee on Economic Development reported

House Bill No. 4042, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 1307 (MCL 324.1307), as added by 2004 PA 325.

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 and Hansen
Nays: Senators Hunter and Smith
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. 4043, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 1511.

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.

The Committee on Economic Development reported

House Bill No. 4240, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 32 and 40 (MCL 24.232 and 24.240), section 40 as amended by 1999 PA 262.

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.

Michael W. Kowall
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Emmons and Hansen
Nays: Senators Hunter and Smith
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. 4326, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 32 (MCL 24.232).
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 and Hansen
 Nays: Senators Hunter and Smith
 The bill was referred to the Committee of the Whole.

The Committee on Economic Development reported

House Bill No. 4500, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 53 (MCL 24.253), as amended by 2004 PA 23.

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 and Hansen
 Nays: Senators Hunter and Smith
 The bill was referred to the Committee of the Whole.

The Committee on Economic Development reported

House Bill No. 4573, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 3, 39, 45, and 64 (MCL 24.203, 24.239, 24.245, and 24.264), section 3 as amended by 1988 PA 277, section 39 as amended by 2004 PA 23, and section 45 as amended by 2004 PA 491.

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.

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.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Wednesday, November 2, 2011, at 1:55 p.m., Room 110, Farnum Building
 Present: Senators Kowall (C), Hildenbrand, Nofs, Emmons, Hansen, Hunter and Smith

The Committee on Regulatory Reform reported

Senate Bill No. 194, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2008 PA 538.

With the recommendation that the substitute (S-5) 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, Hune, 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, November 3, 2011, at 12:30 p.m., Room 110, Farnum Building
 Present: Senators Rocca (C), Jones, Hune, Meekhof, Pavlov, Johnson and Warren

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:
Meeting held on Tuesday, November 1, 2011, at 2:00 p.m., Room 405, Capitol Building
Present: Senators Caswell (C), Jansen and Gregory
Excused: Senator Proos

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:
Meeting held on Thursday, November 3, 2011, at 8:30 a.m., Rooms 402 and 403, Capitol Building
Present: Senators Colbeck (C) and Pappageorge
Excused: Senator Gregory

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

Human Services Department - Tuesday, November 8, 2:00 p.m., Room 405, Capitol Building (373-2768)

State Police and Military Affairs and House State Police Appropriations Subcommittee - Thursday, November 10, 2:00 p.m., Room 405, Capitol Building (373-2768)

Energy and Technology - Tuesday, November 8, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5307)

Families, Seniors and Human Services - Wednesday, November 9, 3:00 p.m., Room 210, Farnum Building (373-5312)

Finance - Wednesday, November 9, 12:30 p.m., Room 210, Farnum Building (373-5307)

Insurance - Tuesday, November 8, 2:30 p.m., Room 100, Farnum Building (373-5324)

Judiciary - Tuesday, November 8, 2:30 p.m., Room 110, Farnum Building (373-5323)

Reforms, Restructuring and Reinventing - Monday, November 7, 3:30 p.m., Oakland University, Oakland Center, Gold Room, 2200 North Squirrel Road, Rochester (373-5307)

Veterans, Military Affairs and Homeland Security - Tuesday, November 8, 1:00 p.m., Room 210, Farnum Building (373-5312)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 2:51 p.m.

The Assistant President pro tempore, Senator Hansen, declared the Senate adjourned until Tuesday, November 8, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

