

**No. 81**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**96th Legislature**  
**REGULAR SESSION OF 2011**

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Senate Chamber, Lansing, Wednesday, October 19, 2011.

10:00 a.m.

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

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 Brian Colby of Camden Missionary Church of Camden offered the following invocation:

Our God and Creator, I thank You for this day and for these men and women who serve in this great Senate body. Would You grant to them the deepest of Your wisdom for the legislative responsibilities that rest upon their shoulders and for the challenges that face all of us who call this state home.

Would You give them peace with one another and You—indeed peace within themselves. May they experience the joy of Your creation and the collegiality of their work together. Please guide their minds and decisions on this day, and inspire in us as citizens of this state to respect and pray for their service daily.

We thank You in advance for what we trust You will do through them. Amen.

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

### Motions and Communications

Senator Meekhof moved that Senators Green, Nofs and Marleau be temporarily excused from today's session. The motion prevailed.

The following communication was received:

Department of Treasury

September 1, 2011

This report is provided in compliance with Public Act 388 of 2008, the Beverage Container Redemption Antifraud Act (Public Act 388 of 2008, Section 7(4)) which mandates:

Beginning 1 year after the effective date of this act [December 1, 2009 (the date when monies were allocated for the Act)], the department [Treasury] by September 1 of each year shall report to the legislature on the progress it has made in reducing the redemption of nonreturnable containers, including the total number of distributors who were overredeemers in the immediately preceding calendar year, before trading, as well as the average amount of overredemption.

Please contact Tom Patchak-Schuster or me at 3-2697 if you have any questions.

Howard Heideman  
Director, Tax Analysis Division  
Office of Revenue and Tax Analysis

The communication was referred to the Secretary for record.

The Secretary announced that the following official bill was printed on Tuesday, October 18, and is available at the legislative website:

**Senate Bill No. 758**

### Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:05 a.m.

11:00 a.m.

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

During the recess, Senators Johnson, Nofs, Marleau, Hood, Young and Green entered the Senate Chamber.

### Messages from the Governor

The following messages from the Governor were received and read:

October 11, 2011

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

#### **Board of Barber Examiners**

Marlene K. Grover of 8475 W. Allen Road, Fowlerville, Michigan 48836, county of Livingston, representing barbers, succeeding Sherry Freeman, is appointed for a term expiring September 30, 2014.

Robert D. Morey of 8398 Peninsula Drive, Fenton, Michigan 48430, county of Genesee, representing barbers, succeeding Walter Lupu, is appointed for a term expiring September 30, 2014.

Paul A. Data of 354 E. Lyons Street, Schoolcraft, Michigan 49087, county of Kalamazoo, representing barbers, succeeding himself, is reappointed for a term expiring September 30, 2014.

George E. Pappas of 3420 S. Gladwin Road, Prudenville, Michigan 48651, county of Roscommon, representing barbers, succeeding himself, is reappointed for a term expiring September 30, 2015.

October 11, 2011

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

**Board of Law Examiners**

Eric J. Pelton of 3260 Kernway Court, Bloomfield Hills, Michigan 48304, county of Oakland, succeeding Elizabeth P. Hardy, is appointed for a term expiring June 30, 2012.

Sincerely,  
Rick Snyder  
Governor

The appointments were referred to the Committee on Government Operations.

### Messages from the House

Senator Warren entered the Senate Chamber.

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

**Senate Bill No. 493**

**House Bill No. 4309**

**House Bill No. 4311**

**House Bill No. 4312**

The motion prevailed

**Senate Bill No. 384, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16104, 17048, 17049, 17050, 17076, 17078, 17548, 17549, 17745, 17757, 18048, 18049, and 20201 (MCL 333.16104, 333.17048, 333.17049, 333.17050, 333.17076, 333.17078, 333.17548, 333.17549, 333.17745, 333.17757, 333.18048, 333.18049, and 333.20201), section 16104 as amended by 1993 PA 80, section 17048 as amended by 2010 PA 124, sections 17049 and 17549 as amended by 2004 PA 512, section 17050 as amended by 1990 PA 247, sections 17076 and 17548 as amended by 1996 PA 355, section 17078 as amended and sections 18048 and 18049 as added by 2006 PA 161, section 17745 as amended by 2006 PA 672, section 17757 as amended by 1986 PA 304, and section 20201 as amended by 2006 PA 38.

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.

### Third Reading of Bills

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

**Senate Bill No. 269**

**Senate Bill No. 642**

**Senate Bill No. 643**

**House Bill No. 4914**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 269, entitled**

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

The question being on the passage of the bill,

Senator Bieda offered the following amendment:

1. Amend page 1, line 6, after “\$8,000.00” by inserting “FOR ACTIONS WHERE 1 PARTY IS A CREDIT UNION OR A FINANCIAL INSTITUTION AS DEFINED IN PART 2 OF 1967 PA 281, AND \$3,000.00 FOR ALL OTHER ACTIONS”.

The question being on the adoption of the amendment,

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

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 642, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 81f.

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. 579**

**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: Hansen

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 643, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2010 PA 132.

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. 580****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: Hansen

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4914, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending the headings of parts 631 and 633 and sections 1301, 9115, 63101, 63103, 63103a, 63103b, 63103c, 63103d, and 63103e (MCL 324.1301, 324.9115, 324.63101, 324.63103, 324.63103a, 324.63103b, 324.63103c, 324.63103d, and 324.63103e), section 1301 as amended by 2009 PA 120, section 9115 as amended by 2000 PA 504, section 63101 as amended by 2004 PA 449, section 63103 as added by 1995 PA 57, sections 63103a and 63103c as amended by 2004 PA 325, and sections 63103b, 63103d, and 63103e as added by 1997 PA 149; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Kahn offered the following amendment:

1. Amend page 16, line 28, by striking out all of enacting section 1 and inserting:

“Enacting section 1. Section 63102 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.63102, is repealed.”.

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. 581****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  
Bieda  
Gregory

Hood  
Hopgood  
Hunter

Johnson  
Smith  
Warren

Whitmer  
Young

**Excused—0****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.

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

**Protests**

Senators Anderson, Hood and Young, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4914.

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

The motion prevailed.

Senator Anderson’s statement, in which Senators Hood and Young concurred, is as follows:

Colleagues, this bill, when it moved through committee, the question was asked what state department or federal department would have any oversight over these mines. It was disclosed in testimony that there would not be any whatsoever. I understand DEQ currently is not doing anything, and I understand the motivation behind doing this bill. But I have a deep concern about the fact that there will be no oversight of these mines in the state of Michigan. There is no federal responsibility and no oversight that we were made aware of, and there would be no state oversight, so I will be opposing this.

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

**Senate Bill No. 269, entitled**

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

(This bill was read a third time earlier today, amendment offered and consideration postponed. See p. 2364.)

The question being on the adoption of the amendment offered by Senator Bieda,

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

Senator Anderson offered the following amendment:

1. Amend page 1, line 6, after “exceed” by striking out “**\$8,000.00**” and inserting “**\$5,000.00**”.

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

Senator Anderson 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. 582****Yeas—12**Anderson  
Bieda  
GleasonGregory  
Hood  
HopgoodHunter  
Johnson  
SmithWarren  
Whitmer  
Young**Nays—26**Booher  
Brandenburg  
Casperson  
Caswell  
Colbeck  
Emmons  
GreenHansen  
Hildenbrand  
Hune  
Jansen  
Jones  
Kahn  
KowallMarleau  
Meekhof  
Moolenaar  
Nofs  
Pappageorge  
PavlovProos  
Richardville  
Robertson  
Rocca  
Schuitmaker  
Walker**Excused—0****Not Voting—0**

In The Chair: Hansen

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. 583****Yeas—31**Booher  
Brandenburg  
Casperson  
Caswell  
Colbeck  
Emmons  
Gleason  
GreenGregory  
Hansen  
Hildenbrand  
Hune  
Hunter  
Jansen  
Jones  
KahnKowall  
Marleau  
Meekhof  
Moolenaar  
Nofs  
Pappageorge  
Pavlov  
ProosRichardville  
Robertson  
Rocca  
Schuitmaker  
Smith  
Walker  
Warren**Nays—7**Anderson  
BiedaHood  
HopgoodJohnson  
Whitmer

Young

**Excused—0****Not Voting—0**

In The Chair: Hansen

The Senate agreed to the title of the bill.

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 Assistant President pro tempore, Senator Hansen, designated Senator Walker 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 without amendment, the following bill:

**Senate Bill No. 611, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109 (MCL 400.109), as amended by 2011 PA 53.

The bill 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. 25, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2803, 2804, and 2834 (MCL 333.2803, 333.2804, and 333.2834), sections 2803 and 2834 as amended by 2002 PA 562 and section 2804 as amended by 1990 PA 149.

Substitute (S-2).

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

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

**Senate Bill No. 54, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2848 and 13807 (MCL 333.2848 and 333.13807), section 2848 as amended by 2002 PA 562 and section 13807 as added by 1990 PA 21, and by adding sections 2836 and 2854.

Substitute (S-2).

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

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

**Senate Bill No. 691, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 25 (MCL 388.1625), as amended by 2005 PA 155.

Substitute (S-2).

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

### **Resolutions**

The question was placed on the adoption of the following resolution consent calendar:

**Senate Resolution No. 88**

**Senate Resolution No. 89**

**Senate Resolution No. 90**

The resolution consent calendar was adopted.

Senators Richardville, Bieda, Young and Kowall offered the following resolution:

**Senate Resolution No. 88.**

A resolution of tribute for the Honorable Stevens Thomson Mason.

Whereas, Stevens Thomson Mason was born on October 27, 1811, in Loudoun County, Virginia, moving with his family to Detroit, Michigan, in 1830. In 1831, at the age of nineteen, he was appointed Secretary of Michigan Territory by President Andrew Jackson. Despite his youth, he frequently served as Acting Governor in the absence of Territorial Governor George Porter; and



Whereas, As Acting Governor, Mason served with distinction and tireless energy. President Jackson called him “Young Hotspur” in honor of his fiery spirit—preparing Michigan for statehood, calling for a constitutional convention to create a state government in 1835. On November 1, 1835, in recognition of his great popularity and able leadership, Mason was elected the first Governor of Michigan in a landslide victory. Barely twenty-four years old at the time, he remains to this day the youngest person ever elected to the office of state Governor in the history of the nation; and

Whereas, He guided Michigan through the border dispute with Ohio, known as the Toledo War, and was successful in convincing Michigan to relinquish its claim to the so-called Toledo Strip in return for the western Upper Peninsula, thus paving the way for Michigan’s admission to the Union as the 26th state on January 26, 1837; and

Whereas, Mason, re-elected in 1837 to another two-year term as Governor, devoted his energies to developing the institutions of the new state, particularly those involving education. He championed free public education and promoted the development of the University of Michigan, which he predicted would become one of the finest institutions of higher learning in the nation. He also sought to develop Michigan’s natural resources, appointing Douglass Houghton as the first state geologist and setting in motion the discovery of the Upper Peninsula’s vast copper and iron reserves. He called for extensive internal improvements, including the construction of roads, railroads, and a ship canal at Sault Ste. Marie; and

Whereas, Stevens Thomson Mason, visionary first Governor of Michigan, died unexpectedly and prematurely of pneumonia in New York City on January 4, 1843, at the age of thirty-one. On June 4, 1905, sixty-two years after his death, Mason’s remains were disinterred from Marble Cemetery in New York City and reinterred with great ceremony in Capitol Park in Detroit, at the location of Michigan’s first State Capitol. In 1908, a bronze life-sized statue of the first Governor was raised over his grave. Finally, on July 1, 2010, Mason’s remains were disinterred once more to allow for the redevelopment of Capitol Park. After lying in state in the rotunda of the Michigan State Capitol on October 26, 2010, Mason was reinterred for a final time in Capitol Park in Detroit; now, therefore, be it

Resolved by the Senate, That we offer this resolution of tribute in honor of Stevens Thomson Mason, first Governor of Michigan, on the occasion of the 200th anniversary of his birth, October 27, 1811; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Historical Commission as a token of our high esteem.

Senators Anderson, Booher, Brandenburg, Caswell, Emmons, Gleason, Green, Hansen, Hildenbrand, Hopgood, Jones, Marleau, Pavlov and Proos were named co-sponsors of the resolution.

Senator Casperson offered the following resolution:

**Senate Resolution No. 89.**

A resolution proclaiming October 16-22, 2011, as Michigan Forest Products Week.

Whereas, Michigan has 19.3 million acres of forestland that contributes to our state’s beauty and incredible natural wealth. The forests are homes to wildlife and offer many economic opportunities for our state. During National Forest Products Week, we recognize the many benefits of our forests; and

Whereas, Our state’s forests provide us with clean water and air, wood, wildlife, recreation, and beauty. Forest products can be seen in myriad places in our daily lives, from the houses we live in to the paper we write on. National Forest Products Week draws attention to these invaluable resources and to the importance of ensuring our forests remain flourishing ecosystems that will provide indispensable benefits for current and future generations; and

Whereas, The public has a justifiable and legitimate interest in the future vitality of Michigan’s forest-based economy. Michigan’s forest industry contributes annually over \$2.5 billion to the state’s economy and employs nearly 150,000 people; and

Whereas, Across our state, many communities rely on healthy forests for economic stability. Our forests provide paper products, building materials, chemicals, and many other items needed by families and small businesses. Responsible forest management helps provide jobs and maintain these important resources to help meet the daily needs of Michiganders and people around the world; and

Whereas, Every forested acre represents an opportunity to protect habitats and communities; to explore nature; to provide clean air and water; and to produce raw materials like timber, fiber, and biomass; and

Whereas, Sustainable forest management requires strong cooperation among private citizens, government agencies, and the forestry industry. More than 60 percent of our state’s forestlands belong to private landowners. The federal and state governments own 40 percent; and

Whereas, Working in partnership, government, industry, and private citizens are making progress in the vital task of preserving the health of Michigan’s forests and woodlands while providing essential products to the American people. All three groups must work together to ensure the sustainable development of our forests and woodlands; now, therefore, be it

Resolved by the Senate, That we hereby recognize the week of October 16-22, 2011, as Michigan Forest Products Week, and we urge all citizens to recognize this observance; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Forest Products Council.

Senators Anderson, Bieda, Booher, Brandenburg, Caswell, Emmons, Gleason, Green, Hansen, Hildenbrand, Hopgood, Jones, Kowall, Marleau, Pavlov, Proos and Richardville were named co-sponsors of the resolution.

Senators Kahn, Bieda, Hopgood, Marleau, Jones and Caswell offered the following resolution:

**Senate Resolution No. 90.**

A resolution to recognize October 20, 2011, as Hispanic Advocacy Day in the state of Michigan.

Whereas, Each year, the United States recognizes the economic, cultural, and social contributions that Spanish-speaking people have brought to our nation, including contributions to law, religion, agriculture, art, music, education, technology, architecture, cuisine, theater, and exploration; and

Whereas, Michigan is fortunate to count among its population a large concentration of citizens of Spanish and Latin American descent—including those who have lived in Michigan for generations and those who are new to the Great Lakes State—who contribute to Michigan's economy and society through their commitment to professions, commerce, family, and the arts; and

Whereas, Time and again throughout our nation's history, Hispanic Americans have helped establish America as a place of freedom and opportunity, and their contributions have illustrated what is best about our great nation. Their hard work, love, and deep commitment to faith and family have shaped the character of our country and helped preserve the values that we all cherish; and

Whereas, On October 20, 2011, Michigan's Hispanic-American community will celebrate Hispanic Advocacy Day as a fantastic opportunity for people across the state of Michigan to note the rich cultures, traditions, and contributions of Hispanic Americans; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize October 20, 2011, as Hispanic Advocacy Day in the state of Michigan. We encourage all citizens to recognize and applaud the many contributions made by these individuals to enhance the quality of life in this state; and be it further

Resolved, That a copy of this resolution be transmitted to the Hispanic/Latino Commission of Michigan with our highest esteem.

Senator Meekhof moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senator Kahn introduced

**Senate Bill No. 759, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 151d (MCL 600.151d), as amended by 2009 PA 151.

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

Senators Green, Robertson, Jones, Kowall, Marleau, Emmons, Pappageorge and Meekhof introduced

**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.

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

Senators Kowall, Robertson, Jones, Green, Marleau, Emmons, Pappageorge and Meekhof introduced

**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.

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

Senators Robertson, Jones, Kowall, Green, Marleau, Emmons, Pappageorge and Meekhof introduced

**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.

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

Senators Jansen and Pappageorge introduced  
**Senate Bill No. 763, entitled**

A bill to amend 1957 PA 185, entitled "An act to authorize the establishing of a department and board of public works in counties; to prescribe the powers and duties of any municipality subject to the provisions of this act; to authorize the incurring of contract obligations and the issuance and payment of bonds or notes; to provide for a pledge by a municipality of its full faith and credit and the levy of taxes without limitation as to rate or amount to the extent necessary; to validate obligations issued; and to prescribe a procedure for special assessments and condemnation," by amending sections 1, 7, 8, 10, 11, 12, and 14 (MCL 123.731, 123.737, 123.738, 123.740, 123.741, 123.742, and 123.744), sections 11 and 12 as amended by 2002 PA 407.

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

### Committee Reports

The Committee on Judiciary reported  
**Senate Bill No. 596, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520d and 520e (MCL 750.520d and 750.520e), as amended by 2007 PA 163.

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

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

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

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

The Committee on Judiciary reported  
**Senate Bill No. 726, entitled**

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

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

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

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

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

The Committee on Judiciary reported  
**Senate Bill No. 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).

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. 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).

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. 755, entitled**

A bill to amend 1966 PA 189, entitled "An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts," by amending section 2a (MCL 780.652a), as added by 1996 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.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, October 18, 2011, at 2:30 p.m., Room 110, Farnum Building  
Present: Senators Jones (C), Schuitmaker, Rocca and Bieda

The Committee on Transportation reported

**Senate Bill No. 516, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 627, 688, 722, and 801 (MCL 257.627, 257.688, 257.722, and 257.801), section 627 as amended by 2006 PA 85, section 688 as amended by 2006 PA 14, section 722 as amended by 2009 PA 146, and section 801 as amended by 2009 PA 99, and by adding section 30c.

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.

Thomas A. Casperson  
Chairperson

To Report Out:

Yeas: Senators Casperson, Kowall, Brandenburg, Pavlov and Gleason  
Nays: Senator Hood

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

The Committee on Transportation reported

**Senate Bill No. 582, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 719 (MCL 257.719), as amended by 2009 PA 37.

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.

Thomas A. Casperson  
Chairperson

To Report Out:

Yeas: Senators Casperson, Kowall, Brandenburg, Pavlov, Gleason and Hood  
Nays: None

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

The Committee on Transportation reported

**House Bill No. 4642, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 2 (MCL 257.2), as amended by 2004 PA 19.

With the recommendation that the bill pass.

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

Thomas A. Casperson  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, October 18, 2011, at 12:30 p.m., Room 100, Farnum Building

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Tuesday, October 18, 2011, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Nofs (C), Proos, Jones, Marleau, Schuitmaker, Walker, Hoppood, Bieda and Young

#### Scheduled Meetings

##### Appropriations -

###### Subcommittees -

**Community Health Department** - Thursday, October 20, 1:00 p.m., Room 110, Farnum Building (373-2768)

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

**Economic Development** - Thursday, October 20, 1:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5312)

**Economic Development and Transportation** - Tuesday, October 25, 12:30 p.m., Room 100, Farnum Building (373-5312)

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

**Government Operations** - Thursday, October 20, 2:00 p.m., Rooms 402 and 403, Capitol Building (373-3543)

**Natural Resources, Environment and Great Lakes** - Thursday, October 20, 9:00 a.m., Room 210, Farnum Building (373-5323)

**Outdoor Recreation and Tourism** - Thursday, October 20, 12:30 p.m., Room 210, Farnum Building (373-5323)

**Transportation and Economic Development** - Tuesday, October 25, 12:30 p.m., Room 100, Farnum Building (373-5314)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 11:40 a.m.

The Assistant President pro tempore, Senator Hansen, declared the Senate adjourned until Thursday, October 20, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate