

No. 90
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Wednesday, November 9, 2011.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Tonya Schuitmaker.

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

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

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

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

Reverend David Kim of Troy Hope Ministry of Troy offered the following invocation:

Good God You are. Loving God You are. Faithful God You are. Thank You for granting this journey together. We are here to fully engage in this journey. Yes, it is a journey together—together with genuine yearning to become a living vision of God's peaceable kingdom. We are not cowards, so we show up for whom we love. We are not cowards, so we speak up for what we envision. We are not cowards, so we stand up for what we believe. We are children of God made into His image.

I thank You for these brave souls who believe that greater things are yet to come. Let our struggles not be about power, but about people. Let our struggles not end with we tried, but continue. Let our struggles bear fruit as You intended. Let our struggles never end until Your kingdom comes and Your will be done.

Grant this body rest. Let their family be a factory to produce love, faith, and hope. Protect them from evil ones so they can serve in full capacity for Your people. Give them courage not to compromise on essentials. Give them love to show grace on nonessentials. Give them wisdom to know their limit.

Let our brokenness not become reason to criticize, but to embrace. Let our differences not become bitterness, but become beauty. Let us enjoy life together.

Thank you for answering our prayers. In Jesus' name, we pray. Amen.

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

Motions and Communications

Senators Richardville and Hopgood entered the Senate Chamber.

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

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

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

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

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

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

Senate Bill No. 543

Senate Bill No. 798

Senate Bill No. 799

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

Senator Meekhof moved that the following bills, now on the order of General Orders, be referred to the Committee on Finance:

Senate Bill No. 651, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 669 (MCL 206.669), as added by 2011 PA 38.

Senate Bill No. 652, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 651 (MCL 206.651), as added by 2011 PA 38.

Senate Bill No. 657, entitled

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

Senate Bill No. 659, entitled

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

Senate Bill No. 661, entitled

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

Senate Bill No. 662, entitled

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

Senate Bill No. 663, entitled

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

Senate Bill No. 664, entitled

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

Senate Bill No. 665, entitled

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

Senate Bill No. 667, entitled

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

Senate Bill No. 675, entitled

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

Senate Bill No. 676, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 607 (MCL 206.607), as added by 2011 PA 38.

Senate Bill No. 681, entitled

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

The motion prevailed.

Senator Meekhof moved that the following bills, now on the order of General Orders, be referred to the Committee on Agriculture:

Senate Bill No. 208, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act," by amending section 14 (MCL 287.714), as amended by 2002 PA 458.

Senate Bill No. 308, entitled

A bill to amend 2000 PA 190, entitled "Privately owned cervidae producers marketing act," by amending section 5 (MCL 287.955), as amended by 2006 PA 561.

Senate Bill No. 309, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40103 and 41102 (MCL 324.40103 and 324.41102), as amended by 2000 PA 191.

Senate Bill No. 310, entitled

A bill to regulate raising of swine as an agricultural enterprise in this state; to provide powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, November 8:
House Bill Nos. 4115 4691

Messages from the Governor

Senators Casperson, Young, Jansen and Warren entered the Senate Chamber.

The following messages from the Governor were received:

Date: November 8, 2011

Time: 3:08 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 361 (Public Act No. 212), being

An act to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 16 of chapter X (MCL 770.16), as amended by 2008 PA 410.

(Filed with the Secretary of State on November 8, 2011, at 4:28 p.m.)

Date: November 8, 2011

Time: 3:17 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 384 (Public Act No. 210), being

An act 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 sections 16104, 17048, 17049, 17076, 17078, 17548, 17549, 17745, 17757, 18048, 18049, and 20201 (MCL 333.16104, 333.17048, 333.17049, 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, 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.

(Filed with the Secretary of State on November 8, 2011, at 4:24 p.m.)

Respectfully,
Rick Snyder
Governor

The following messages from the Governor were received and read:

October 25, 2011

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

Michigan Wheat Promotion Committee

Dean A. Kantola of 13287 Goodrich, Ravenna, Michigan 49451, county of Muskegon, representing District 1, is appointed for a term expiring May 31, 2012.

Carl F. Sparks of 59085 Gards Prairie Road, Cassopolis, Michigan 49031, county of Cass, representing District 2, is appointed for a term expiring May 31, 2014.

Gerald W. Heck of 4345 W. Albain Road, Monroe, Michigan 48161, county of Monroe, representing District 3, is appointed for a term expiring May 31, 2013.

William H. Hunt of 12169 E. Richfield Road, Davison, Michigan 48423, county of Genesee, representing District 4, is appointed for a term expiring May 31, 2012.

Scott M. Heussner of 12505 Decker Road, Marlette, Michigan 48453, county of Sanilac, representing District 5, is appointed for a term expiring May 31, 2014.

Frank M. Vyskocil of 6237 Henderson Road, Lathrop, Michigan 48460, county of Shiawassee, representing District 6, is appointed for a term expiring May 31, 2013.

David J. Milligan of 6226 Bay City Forestville Road, Cass City, Michigan 48726, county of Tuscola, representing District 7, is appointed for a term expiring May 31, 2014.

Chris T. Schmidt of 4183 Eleven Mile Road, Auburn, Michigan 48611, county of Bay, representing District 8, is appointed for a term expiring May 31, 2013.

Arthur A. Loeffler of 878 Zehnder Drive, Frankenmuth, Michigan 48734, county of Saginaw, representing District 9, is appointed for a term expiring May 31, 2012.

November 1, 2011

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

Michigan Bean Commission

John R. Krick of 12703 Baker Road, Frankenmuth, Michigan 48734, county of Saginaw, representing District 8 growers, succeeding Michael Sahr, is appointed for a term expiring December 31, 2014.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:21 a.m.

10:36 a.m.

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

During the recess, Senator Johnson entered the Senate Chamber.

The following bill was read a third time:

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).

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. 657**Yeas—37**

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

Nays—0**Excused—1**

Nofs

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

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.

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. 658**Yeas—37**

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

Nays—0**Excused—1**

Nofs

Not Voting—0

In The Chair: Schuitmaker

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

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

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 368, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to

prescribe penalties and provide remedies; and to declare the effect of this act,” by amending section 27a (MCL 205.27a), as amended by 2010 PA 38.

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. 659**Yeas—37**

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

Nays—0**Excused—1**

Nofs

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. 369, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending sections 105, 111, 405, and 505 (MCL 208.1105, 208.1111, 208.1405, and 208.1505), sections 105 and 405 as amended by 2007 PA 145 and section 111 as amended by 2010 PA 133.

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. 660**Yeas—37**

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

Nays—0

Excused—1

Nofs

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4298, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 2123, 2124, and 2126 (MCL 324.2123, 324.2124, and 324.2126), as added by 1995 PA 60, and by adding section 2123a.

The question being on the passage of the bill,

Senator Warren offered the following amendments:

1. Amend page 3, line 17, after “**FOR**” by striking out “**A ROAD**” and inserting “**ACCESS**”.
2. Amend page 3, following line 23, by inserting:

“(C) **THE INDIVIDUAL SEEKS ACCESS TO RESIDENTIAL PROPERTY AND ACCESS TO THE RESIDENTIAL PROPERTY WAS PRESUMED AT THE TIME OF PURCHASE BECAUSE OF THE EXISTENCE OF A ROAD.**” and relettering the remaining subdivisions.

3. Amend page 4, line 20, after “**SUBDIVISION**” by striking out “(E)” and inserting “(F)”.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Warren offered the following amendment:

1. Amend page 3, line 23, after “**LAND.**” by inserting “**HOWEVER, THE DEPARTMENT MAY DENY AN EASEMENT UNDER THIS SECTION IF THE LAND WAS PURCHASED WITH KNOWLEDGE OF THE LACK OF VEHICLE ACCESS TO THE LAND.**”.

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

Senator Warren offered the following amendments:

1. Amend page 4, following line 5, by inserting:

“(D) **THE PARCEL OF LAND WAS LEGALLY CREATED IN COMPLIANCE WITH STATE LAW, INCLUDING THE LAND DIVISION ACT, 1967 PA 288, MCL 560.101 TO 560.293, AND APPLICABLE LOCAL ORDINANCES.**” and relettering the remaining subdivisions.

2. Amend page 4, line 20, after “**SUBDIVISION**” by striking out “(E)” and inserting “(F)”.

The amendments were not adopted, a majority of the members serving not 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. 661

Yeas—25

Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
Green

Hansen
Hildenbrand
Hune
Jansen
Jones
Kahn

Kowall
Marleau
Meekhof
Moolenaar
Pappageorge
Pavlov

Proos
Richardville
Robertson
Rocca
Schuitmaker
Walker

Nays—12

Anderson
Bieda
Gleason

Gregory
Hood
Hopgood

Hunter
Johnson
Smith

Warren
Whitmer
Young

Excused—1

Nofs

Not Voting—0

In The Chair: Schuitmaker

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was not concurred in, 2/3 of the members serving not voting therefor.
Senator Meekhof moved that the bill be given immediate effect.
The question being on the motion to give the bill immediate effect,
Senator Meekhof moved that further consideration of the bill be postponed for today.
The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Emmons, Pappageorge, Booher, Schuitmaker and Jones introduced

Senate Bill No. 804, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 18201, 18211, 18223, 18233, and 18237 (MCL 333.18201, 333.18211, 333.18223, 333.18233, and 333.18237), section 18211 as amended by 2006 PA 395, section 18223 as amended by 2010 PA 121, section 18233 as amended by 1994 PA 234, and section 18237 as amended by 1998 PA 496.

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

Senators Green, Marleau, Nofs, Walker and Booher introduced

Senate Bill No. 805, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2008 PA 506.

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

Senators Brandenburg, Jansen, Pappageorge, Robertson and Proos introduced

Senate Bill No. 806, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 6a, 10, 11, 13, 13m, 15, 17, 19, 19a, 20, 21, 27, 28, 29, 32a, 32b, 33, 34, 37, 38, 42, 44, 46, 48, 50, 54, 62, and 64 (MCL 421.6a, 421.10, 421.11, 421.13, 421.13m, 421.15, 421.17, 421.19, 421.19a, 421.20, 421.21, 421.27, 421.28, 421.29, 421.32a, 421.32b, 421.33, 421.34, 421.37, 421.38, 421.42, 421.44, 421.46, 421.48, 421.50, 421.54, 421.62, and 421.64), section 6a as amended by 1992 PA 204, sections 10, 15, 27, 54, 62, and 64 as amended by 2011 PA 14, sections 11 and 19a as amended by 2009 PA 1, section 13 as amended by 1985 PA 197, section 13m as added by 2010 PA 383, section 17 as amended by 2009 PA 18, section 19 as amended by 2007 PA 188, section 20 as amended by 2009 PA 20, sections 21, 33, and 34 as amended by 1983 PA 164, section 28 as amended by 1994 PA 422, section 29 as amended by 2008 PA 480, sections 32a and 38 as amended by 1996 PA 503, sections 44 and 48 as amended and section 32b as added by 2002 PA 192, and sections 46 and 50 as amended by 1995 PA 25, and by adding sections 15a, 42a, and 48a; 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 Finance.

Senator Hildenbrand introduced

Senate Bill No. 807, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 661 (MCL 206.661), as amended by 2011 PA 191.

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

Senators Robertson, Green, Pappageorge, Hune, Smith, Young, Richardville, Proos, Brandenburg and Gleason introduced
Senate Bill No. 808, entitled

A bill to amend 2004 PA 403, entitled "Michigan unarmed combat regulatory act," by amending the title and sections 1, 10, 11, 12, 20, 21, 22, 30, 31, 32, 33, 34, 35, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 61, and 63 (MCL 338.3601, 338.3610, 338.3611, 338.3612, 338.3620, 338.3621, 338.3622, 338.3630, 338.3631, 338.3632, 338.3633, 338.3634, 338.3635, 338.3640, 338.3641, 338.3642, 338.3643, 338.3644, 338.3645, 338.3646, 338.3647, 338.3648, 338.3650, 338.3651, 338.3652, 338.3653, 338.3654, 338.3655, 338.3656, 338.3657, 338.3658, 338.3661, and 338.3663), sections 1, 10, 11, 12, 20, 21, 31, 32, 33, 34, 35, 47, 48, 51, 53, 54, 55, 56, 57, and 58 as amended by 2007 PA 196 and section 22 as amended by 2010 PA 100, and by adding section 23; 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 Regulatory Reform.

Senator Schuitmaker introduced

Senate Bill No. 809, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 304, 319, and 319b (MCL 257.304, 257.319, and 257.319b), section 304 as added by 2010 PA 155, section 319 as amended by 2010 PA 267, and section 319b as amended by 2008 PA 463.

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

House Bill No. 4115, entitled

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," by amending section 64b (MCL 41.64b), as added by 1989 PA 77.

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 Local Government and Elections.

House Bill No. 4691, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1307a (MCL 600.1307a), as amended by 2004 PA 12.

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

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

By unanimous consent the Senate returned 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

The motion prevailed

Senate Resolution No. 94.

A resolution to memorialize Congress and the United States Department of Labor to halt the implementation of proposed restrictions regarding youth employment on farms.

The question being on the adoption of the resolution,

The resolution was adopted.

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

Senate Resolution No. 96

The resolution consent calendar was adopted.

Senators Moolenaar, Hansen, Booher, Gregory, Bieda, Green, Anderson, Rocca, Jones, Meekhof, Emmons, Colbeck, Jansen and Proos offered the following resolution:

Senate Resolution No. 96.

A resolution to declare November 2011 as Diabetes Awareness Month in the state of Michigan.

Whereas, Diabetes can be a disabling illness that affects men and women of all ages, races, and ethnicities; and

Whereas, Diabetes was the seventh-leading cause of death in the U.S. in 2007, and if current trends continue, 1 in 3 adults will have diabetes by 2050; and

Whereas, The Michigan Department of Community Health estimates that over 1.6 million Michigan residents have diabetes, and 364,400 of those are undiagnosed. Additionally, more than 2 million have prediabetes, and countless other Michigan citizens are high-risk for developing diabetes; and

Whereas, Lifestyle interventions such as losing weight and becoming more physically active can often prevent or delay type 2 diabetes; and

Whereas, The at-risk patient population is a significant concern. There is an equal concern for people who have already been diagnosed with diabetes who do not achieve control of their blood glucose levels, which puts them at risk for serious complications, including cardiovascular disease, blindness, nerve damage, amputation, and kidney disease and kidney failure; now, therefore, be it

Resolved by the Senate, That November 2011 be hereby recognized as Michigan Diabetes Awareness Month; and be it further

Resolved, That the Senate supports awareness campaigns and public education programs on how to manage and recognize the symptoms of diabetes. Once diagnosed, we urge people to work with their health care providers to gain control of their blood glucose levels and to manage and prevent complications caused by diabetes; and it be further

Resolved, That this legislative body supports efforts to prevent diabetes and educate providers about treatment standards, tailored to individual patients, for managing diabetes; and be it further

Resolved, That copies of this resolution be transmitted to the National Kidney Foundation of Michigan.

Senators Brandenburg, Hildenbrand, Hopgood, Marleau, Pappageorge and Warren were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Moolenaar's statement is as follows:

We pause today to honor the life of U.S. Navy Corpsman Aaron "Doc" Ullom, a great sailor, shipman, and hospital corpsman who made the ultimate sacrifice in the fight for freedom in Afghanistan. Aaron gave his last full measure of devotion by providing medical aid to a fallen Marine who survived due to Aaron's heroic actions.

Even as a young man attending Midland High School, he stood out amongst his peers. Friends remember his positive, outgoing nature, integrity, and willingness to lend a hand or help someone in need. It is these characteristics that made him such a distinguished corpsman. In the words of The Hospital Corpsman's Pledge: "I dedicate my heart, mind and strength to the work before me."

Ullom was a true example to those fortunate to know and serve with him. His character displayed the type of person he was—dedicated, brave, and caring. Fellow sailors and Marines expressed gratitude for Aaron's service and mourned the loss of one of their brothers. It's men like Seaman Ullom who have kept this country strong, prosperous, and free. While no words, flags, or tributes can erase the pain felt by such a tragic loss, we know that heroes come from all walks of life and that Seaman Ullom gave his life as a true patriot.

We offer our condolences to his parents, Kevin and Debi Bartley-Ullom, who join us today, and his family and friends during this difficult time. May they find comfort in their faith and memories of Aaron, knowing the high regard in which he is held by the people of the state of Michigan and a grateful nation.

It is a great privilege and honor today to present this tribute to Aaron's parents, signed by Governor Snyder, House Majority Floor Leader Representative Stamas, and myself.

A moment of silence was observed in memory of Navy Corpsman Aaron "Doc" Ullom.

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 President pro tempore, Senator Schuitmaker, designated Senator Caswell as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Schuitmaker, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

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.

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.

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.

Senate Bill No. 543, entitled

A bill to amend 1953 PA 192, entitled "An act to create a county department of veterans' affairs in certain counties, and to prescribe its powers and duties; and to transfer the powers and duties of the soldiers' relief commission in such counties," by amending section 1 (MCL 35.621), as amended by 2004 PA 11.

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.

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 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. 320, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 10, 13a, and 14 of chapter XIIA (MCL 712A.10, 712A.13a, and 712A.14), section 10 as amended by 1988 PA 92, section 13a as amended by 2004 PA 475, and section 14 as amended by 2001 PA 211, and by adding sections 14a and 14b to chapter XIIA.

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:

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.

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:
House Bill No. 4240, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 32 (MCL 24.232).
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:
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).
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:
House Bill No. 4573, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 3 and 39 (MCL 24.203 and 24.239), section 3 as amended by 1988 PA 277 and section 39 as amended by 2004 PA 23.
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:
House Bill No. 4293, entitled

A bill to revise, consolidate, and codify the laws relating to certain fireworks; to regulate the purchase, possession, sale, and use of certain fireworks; to establish a fireworks safety fund; to establish a fireworks safety fee; to provide for the transfer and expenditure of funds; to prescribe the powers and duties of certain state agencies; to provide for penalties and remedies; and to repeal acts and parts of acts.

Substitute (S-3).

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.

Recess

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

The motion prevailed, the time being 11:23 a.m.

12:24 p.m.

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

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:

House Bill No. 4293

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

The following bill was read a third time:

House Bill No. 4293, entitled

A bill to revise, consolidate, and codify the laws relating to certain fireworks; to regulate the purchase, possession, sale, and use of certain fireworks; to establish a fireworks safety fund; to establish a fireworks safety fee; to provide for the transfer and expenditure of funds; to prescribe the powers and duties of certain state agencies; to provide for penalties and remedies; and to repeal acts and parts of acts.

The question being on the passage of the bill,
Senator Walker offered the following amendment:

1. Amend page 11, line 10, by striking out all of subsection (2) and inserting:

“(2) A local unit of government may by ordinance regulate the hours for igniting, discharging, or using consumer fireworks on days other than federal legal holidays but shall not entirely prohibit the igniting, discharging, or use of consumer fireworks on those days. If a local unit of government does not regulate the hours of igniting, discharging, or using consumer fireworks on federal legal holidays, and except as otherwise provided in this subsection, a person shall not ignite, discharge, or use consumer fireworks after 12 midnight and before 10 a.m. However, except as provided by local ordinance, on a federal legal holiday, a person shall not ignite, discharge, or use consumer fireworks between 1 a.m. and 9 a.m. of the same day. A person who violates this subsection is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00 for each day that the violation occurred. However, a person who commits a second or subsequent violation of this subsection within 5 years of a prior violation of this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 30 days or a fine of not more than \$500.00 for each day that the violation occurred.”.

The amendment was not adopted, a majority of the members serving not 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. 662

Yeas—33

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

Nays—1

Anderson

Excused—1

Nofs

Not Voting—3

Gleason

Gregory

Hood

In The Chair: Schuitmaker

Senator Hunter moved that Senators Gleason, Gregory and Hood be temporarily excused from the balance of today’s session.

The motion prevailed.

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 title of the bill.

Senators Gleason, Hood and Gregory entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Robertson's statement is as follows:

I just wanted to take a moment while we were on Statements to acknowledge the passing of a boyhood hero of mine, Joe Frazier, yesterday afternoon. You will remember that Joe Frazier was an Olympic gold medalist and a great heavyweight champion.

As my colleagues are familiar with, the fact is that I am a fan of the sport of boxing. For the love of that sport, I got it from my father and from my affection for Joe as a boyhood hero. He led a noble life. He had a great career. He was the son of a sharecropper from South Carolina who fought his way to the heavyweight championship of the world. He won, perhaps, one of the greatest fights of the 20th century, his first fight with Muhammad Ali, March 8, 1971. He was a great fighter and well-deserving of a few moments of remembrance.

Committee Reports

The Committee on Veterans, Military Affairs and Homeland Security reported

Senate Bill No. 543, entitled

A bill to amend 1953 PA 192, entitled "An act to create a county department of veterans' affairs in certain counties, and to prescribe its powers and duties; and to transfer the powers and duties of the soldiers' relief commission in such counties," by amending section 1 (MCL 35.621), as amended by 2004 PA 11.

With the recommendation that the bill pass.

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

John R. Moolenaar
Chairperson

To Report Out:

Yeas: Senators Moolenaar, Pappageorge and Gregory

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Veterans, Military Affairs and Homeland Security reported

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.

With the recommendation that the bill pass.

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

John R. Moolenaar
Chairperson

To Report Out:

Yeas: Senators Moolenaar, Pappageorge and Emmons

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Veterans, Military Affairs and Homeland Security reported

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.

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

John R. Moolenaar
Chairperson

To Report Out:

Yeas: Senators Moolenaar, Pappageorge and Emmons
Nays: None
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Veterans, Military Affairs and Homeland Security submitted the following:
Meeting held on Tuesday, November 8, 2011, at 1:01 p.m., Room 210, Farnum Building
Present: Senators Moolenaar (C), Pappageorge, Emmons and Gregory
Excused: Senator Smith

The Committee on Judiciary reported

Senate Bill No. 698, entitled

A bill to amend 1846 RS 83, entitled "Of marriage and the solemnization thereof," by amending section 7 (MCL 551.7), as amended by 2008 PA 47.

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. 699, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 874 (MCL 600.874).

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. 700, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8316 (MCL 600.8316).

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.

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. 768, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411w. 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. 769, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2010 PA 278.

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. 789, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2251, 7201, 7202, 7203, and 7204 (MCL 333.2251, 333.7201, 333.7202, 333.7203, and 333.7204), section 7204 as amended by 1994 PA 38.

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 and Rocca

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, November 8, 2011, at 2:30 p.m., Room 110, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, November 8, 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, November 8, 2011, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

Excused: Senator Marleau

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

Retirement - Thursday, November 10, 1:00 p.m., Senate Appropriations Room, 3rd Floor, 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) (CANCELED)

Finance - Thursday, November 10, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5307)

Michigan Law Revision Commission - Wednesday, December 7, 11:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Natural Resources, Environment and Great Lakes - Thursday, November 10, 8:30 a.m., Room 210, Farnum Building (373-5323)

Outdoor Recreation and Tourism - Thursday, November 10, 12:30 p.m., Room 210, Farnum Building (373-5323)

State Drug Treatment Court Advisory Committee - Tuesday, November 22, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 12:39 p.m.

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

CAROL MOREY VIVENTI
Secretary of the Senate