

No. 72
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Tuesday, September 27, 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—excused
Casperson—present
Caswell—present
Colbeck—present
Emmons—present
Gleason—present
Green—present
Gregory—present
Hansen—present
Hildenbrand—present

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

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

Senator Patrick J. Colbeck of the 7th District offered the following invocation:

Dear God, as we go into this legislative session, please open our hearts to seek Your will. Please give us peace and freedom from anxiety. Please help us to work collaboratively with those around us and seek their opinions and always be guided by what You would have us do. Please help us get together in a spirit of fellowship that brings glory to You, God.

Please be with our families and friends. Protect them from all harm and evil, and fill them with Your peace and freedom from anxiety as well. God, please pour Your blessings out on our state. We know that our Founding Fathers depended on divine providence to found a great nation formed under God and in defense of liberty. Please help us to continue in that same spirit and recognize Your role in our lives.

As we move forward throughout this day, help us to always bring glory to Your name. We ask this in Jesus' name. Amen.

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

Motions and Communications

The following communications were received and read:

Office of the Senate Majority Leader

July 27, 2011

Pursuant to PA 549 of 2008, I am making the following appointment to the Jackson Public Schools Promise Zone Authority Board:

Mr. Joseph F. Ward, 1806 Warren Avenue, Jackson, Michigan 49203

If you have any questions, please feel free to contact Michael Parr in my office at 517-373-3543.

September 22, 2011

Pursuant to PA 120 of 2009, I am making the following appointments to the Wetlands Advisory Council:

Mr. Andrew Such, 1147 Woodwind Trail, Haslett, Michigan 48840

Ms. Deena Bosworth, 1007 Turner Street, DeWitt, Michigan 48820

If you have any questions, please feel free to contact Michael Parr in my office at 517-373-3543.

Sincerely,
Randy Richardville
Senate Majority Leader
17th District

The communications were referred to the Secretary for record.

Senator Hunter moved that Senators Young and Gregory be temporarily excused from today's session.

The motion prevailed.

Senator Meekhof moved that Senator Brandenburg be excused from today's session.

The motion prevailed

The following communication was received:

Department of State

Administrative Rules Notice of Filing

September 13, 2011

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2011-016-SP (Secretary of State Filing #11-09-01) on this date at 4:45 p.m. for the Department of State Police, entitled "Hearings."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Ruth Johnson
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communication was referred to the Secretary for record.

The following communication was received:
Department of Treasury

September 21, 2011

This memorandum is offered by the Department of Treasury (the “Department”) to satisfy reporting mandates required under Section 11 of the Divestment From Terror Act (the “Divestment Act”). Under the Divestment Act, the Department must advise the House and Senate by October 1 on what changes, if any, it recommends to the Divestment Act. The Divestment Act also authorizes the Department to postpone divestment for certain countries if it timely requests an extension from the Legislature.

Signed into law in 2008, the Divestment Act prohibits the Department from investing public monies in companies that engage in active business operations in state sponsors of terror. Presently, four countries—Iran, Sudan, Syria, and Cuba—are designated as state sponsors of terror by the United States Secretary of State. The Department identifies companies with active business operations in state sponsors of terror through the use of MSCI ESG, a third-party vendor. The vendor creates a scrutinized company list for the Department each quarter. Companies are identified as scrutinized according to factors contained in the Divestment Act. Consistent with the Divestment Act, once a company has been identified as scrutinized, the Department initiates engagement with the company explaining the law and consequences of continuing to do business in a state sponsor of terror. If the company fails to take action, then the State of Michigan begins divesting.

Divestment from companies engaged in active business operations in Iran and Sudan began in 2008. At this time, the Department recommends no changes in the law.

Section 11 of the Divestment Act also provides the Department with the opportunity to request up to two one-year extensions for Cuba and Syria. The Department does not intend to use its remaining extensions. As such, implementation of the divestment requirements for companies with active business operations in Cuba and Syria is scheduled to begin January 1, 2012.

In 2010 the Department’s screening services contract with MSCI ESG for Iran and Sudan totaled \$67,450. For 2011-2012 the Department negotiated a reduced rate of \$44,583 for Iran and Sudan screening. Adding screening services for Syria and Cuba increases the contract by \$18,000 for a total projected cost of \$62,583 for screening services in 2011-2012. The Department continues to work with its vendor to ensure that it receives accurate scrutinized company lists. Without this service, it would be impossible for the Department to effectively identify companies that could be subject to divestment requirements of the Divestment Act.

In addition to paying its vendor, the Department also incurs costs in complying with the Divestment Act through use of staff resources. Staff spends an estimated 200 hours each year (approximately \$9,044) carrying out the mandates of the Divestment Act, which includes reformatting spreadsheets, distributing information to internal and external money managers, initiating engagement with scrutinized companies, monitoring responses of scrutinized companies, and working with internal and external investment managers to ensure divestment occurs according to schedule.

Howard Ryan
Director of Legislative Affairs

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, September 22:

House Bill Nos. 4914 4915 4974

The Secretary announced that the following official bills and joint resolution were printed on Thursday, September 22, and are available at the legislative website:

Senate Bill Nos. 691 692 693
House Bill Nos. 4997 4998 4999 5000 5001
House Joint Resolution EE

The Secretary announced that the following official bills and joint resolution were printed on Friday, September 23, and are available at the legislative website:

House Bill Nos. 5002 5003 5004 5005 5006
House Joint Resolution FF

Messages from the Governor

Senators Young and Gregory entered the Senate Chamber.

The following messages from the Governor were received:

Date: September 20, 2011

Time: 3:28 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 447 (Public Act No. 147), being

An act to amend 1976 PA 399, entitled “An act to protect the public health; to provide for supervision and control over public water supplies; to prescribe the powers and duties of the department of environmental quality; to provide for the submission of plans and specifications for waterworks systems and the issuance of construction permits therefor; to provide for capacity assessments and source water assessments of public water supplies; to provide for the classification of public water supplies and the examination, certification and regulation of persons operating those systems; to provide for continuous, adequate operation of privately owned, public water supplies; to authorize the promulgation of rules to carry out the intent of the act; to create the water supply fund; to provide for the administration of the water supply fund; and to provide penalties,” by amending section 9 (MCL 325.1009), as amended by 1998 PA 56.

(Filed with the Secretary of State on September 21, 2011, at 2:20 p.m.)

Date: September 20, 2011

Time: 3:30 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 448 (Public Act No. 148), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 3110 and 4104 (MCL 324.3110 and 324.4104) and by adding section 3134.

(Filed with the Secretary of State on September 21, 2011, at 2:22 p.m.)

Date: September 20, 2011

Time: 3:32 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 449 (Public Act No. 149), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 11525a (MCL 324.11525a), as amended by 2007 PA 75.

(Filed with the Secretary of State on September 21, 2011, at 2:24 p.m.)

Date: September 20, 2011

Time: 3:38 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 450 (Public Act No. 150), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 11108 (MCL 324.11108), as amended by 2001 PA 165.

(Filed with the Secretary of State on September 21, 2011, at 2:26 p.m.)

Respectfully,
Rick Snyder
Governor

The following message from the Governor was received on September 26, 2011, and read:

EXECUTIVE ORDER
No. 2011-10

**Michigan State Parks and Outdoor Recreation
Blue Ribbon Panel**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, the Michigan state parks system recently celebrated the 90th anniversary of its formation; and

WHEREAS, the Michigan state parks system contains 100 state parks and recreation areas that preserve and protect some of the state's most significant natural and cultural resources; and

WHEREAS, the Michigan state parks system welcomes over 25 million visitors annually to its 900 miles of trails, 20 visitor centers, museums, and historic facilities, including overnight stays at 13,817 campsites, mini cabins, lodges, yurts, and teepees, and visits to great lake and inland lake beaches, disc golf courses, shooting ranges, and a wide range of outdoor recreational facilities; and

WHEREAS, the Michigan state parks system has for the past decade relied on its users to pay for the cost of running the system but now has several new funding sources that have the potential to provide significant new revenue to support the system; and

WHEREAS, the Michigan state parks system has grown and changed throughout its history to reflect the changing interests and recreational needs of Michigan's citizens and visitors; and

WHEREAS, the public's interest in participating in the out-of-doors is changing once again, especially by those born after 1980, and the Michigan state parks system must adapt to meet the recreational interests of this generation and future generations;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, pursuant to the powers vested in me by the constitution of the state of Michigan of 1963 and the laws of the state of Michigan, order the establishment of the Michigan State Parks and Outdoor Recreation Blue Ribbon Panel (the "Blue Ribbon Panel").

A. The Blue Ribbon Panel is charged with the following responsibilities:

- Identify the role of state parks and the importance of outdoor recreation activities.
- Provide a vision for the future of state parks.
- Recommend a strategy for the expansion and proper allocation of expected resources in order to meet the new vision of state parks.
- Propose a vision and strategy for future consideration aimed at creating stronger linkages between the state park system and county and local parks to maximize use and cost efficiencies.

B. The Governor shall appoint 16 members to the Blue Ribbon Panel and the members shall serve at the pleasure of the Governor. The Governor shall appoint two members of the Blue Ribbon Panel who shall serve as co-chairpersons, at the pleasure of the Governor.

C. All state departments, agencies, boards, commissions or officers of the state shall cooperate and provide necessary assistance required by the Blue Ribbon Panel, or any member or representative thereof, in the performance of its duties. This shall include free access to any books, records, or documents in the custody of the department, agency, board, commission, or officer that is within the scope of the inquiry, study, or review of the Blue Ribbon Panel.

D. No compensation shall be provided to members of the Blue Ribbon Panel for their services to the Panel.

E. The Blue Ribbon Panel shall complete its work and issue a final report and recommendations to the Governor one year from date of this Executive Order.

The provisions of this order are effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 23rd day of September in the Year of our Lord, two thousand eleven.

Richard D. Snyder
Governor

By the Governor:
Ruth A. Johnson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on September 26, 2011, and read:

EXECUTIVE ORDER
No. 2011-11

Amendment of Executive Order 2009-55

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration; and

WHEREAS, the additional consolidation of labor relations functions and staff provided for under Section III.D. of Executive Order 2009-55 has not been fully implemented and is no longer determined to be necessary; and

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to change the organization of the executive branch of state government;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

RESCISSION OF SECTION III.D. OF EXECUTIVE ORDER 2009-55

A. Section III.D. of Executive Order 2009-55 is rescinded.

B. The Office of the State Employer shall continue as an autonomous entity within the Department of Technology, Management, and Budget. The Office of the State Employer's duties include, but are not limited to, those assigned by Executive Orders 1979-5, 1981-3, 1988-6, 2002-18, 2004-31, 2007-30, and 2008-22. The Director of the Office of State Employer shall continue to be the head of the Office of the State Employer.

In fulfillment of the requirements of Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this order shall be effective 60 days after the filing of this Order.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 23rd day of September in the Year of our Lord, two thousand eleven.

Richard D. Snyder
Governor

By the Governor:
Ruth A. Johnson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

September 8, 2011

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

Michigan Board of Counseling

Diane L. Parfitt of 960 Sherman Street, Ypsilanti, Michigan 48197, county of Washtenaw, representing individuals engaged primarily in providing counseling techniques, behavior modification techniques or preventative techniques to clients, succeeding Stuart Itzkowitz, is appointed for a term expiring June 30, 2015.

September 8, 2011

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

Michigan Education Trust Board of Directors

Donat (Don) R. Leclair, Jr., of 48869 Burr Ridge Circle, Canton, Michigan 48187, county of Wayne, representing persons with knowledge, skills and experience in the academic, business, or financial fields, is appointed for a term expiring December 31, 2011.

September 12, 2011

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

Michigan Board of Dentistry

Lisa A. Darrow of 2238 Hall Street, S.E., Grand Rapids, Michigan 49506, county Kent, representing dental hygienists, succeeding Lynn Hornyak, is appointed for a term expiring June 30, 2012.

September 21, 2011

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

Co-Chair, Michigan State Parks and Outdoor Recreation Blue Ribbon Panel

Jon W. Allan of 406 Oxford Road, East Lansing, Michigan 48823, county of Ingham, representing the general public, is appointed for a term expiring at the pleasure of the Governor.

Erin D. McDonough of 214 E. Riverside Street, Williamston, Michigan 48895, county of Ingham, representing the general public, is appointed for a term expiring at the pleasure of the Governor.

Michigan State Parks and Outdoor Recreation Blue Ribbon Panel

Ryan P. Cartwright of 2415 Hemlock Lane, Petoskey, Michigan 49770, county of Emmet, representing the general public, is appointed for a term expiring at the pleasure of the Governor.

Bryan C. Barnhill, II, of 2900 E. Jefferson, Detroit, Michigan 48207, county of Wayne, representing the general public, is appointed for a term expiring at the pleasure of the Governor.

Julie K. Clark of 1528 Arnold Court, Traverse City, Michigan 49684, county of Grand Traverse, representing the general public, is appointed for a term expiring at the pleasure of the Governor.

Brad E. Petzke of P.O. Box 371, Marquette, Michigan 49855, county of Marquette, representing the general public, is appointed for a term expiring at the pleasure of the Governor.

Jefferson J. Gray of 534 W. Washington Avenue, Alpena, Michigan 49707, county of Alpena, representing the general public, is appointed for a term expiring at the pleasure of the Governor.

Richard O. Bowman of 3515 Briggs Boulevard, N.E., Grand Rapids, Michigan 49525, county of Kent, representing the general public, is appointed for a term expiring at the pleasure of the Governor.

Bradley B. Garmon of 1534 Shubel Avenue, Lansing, Michigan 48910, county of Ingham, representing the general public, is appointed for a term expiring at the pleasure of the Governor.

Thomas C. Bailey of 342 Foxwood Lane, Petoskey, Michigan 49770, county of Emmet, representing the general public, is appointed for a term expiring at the pleasure of the Governor.

Faye A. Nelson of 5846 Clearview Drive, Troy, Michigan 48098, county of Oakland, representing the general public, is appointed for a term expiring at the pleasure of the Governor.

Mary C. Treder Lang of 277 Touraine Road, Grosse Pointe Farms, Michigan 48236, county of Wayne, representing the general public, is appointed for a term expiring at the pleasure of the Governor.

Lydia G. Lohrer of 14221 Vernon Street, Oak Park, Michigan 48237, county of Oakland, representing the general public, is appointed for a term expiring at the pleasure of the Governor.

Rachel C. Kuntzsch of 56 Loch Circle, Grand Ledge, Michigan 48837, county of Eaton, representing the general public, is appointed for a term expiring at the pleasure of the Governor.

Amy M. McMillan of 1025 Stanley Road, Flint, Michigan 48503, county of Genesee, representing the general public, is appointed for a term expiring at the pleasure of the Governor.

Timothy L. Nichols of 5455 Corporate Drive, Suite 204, Troy, Michigan 48098, county of Oakland, representing the general public, is appointed for a term expiring at the pleasure of the Governor.

September 22, 2011

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

Council on Educator Effectiveness

Deborah L. Ball of 8977 E. Stoneyfield Drive, Dexter, Michigan 48130, county of Washtenaw, is appointed for a term expiring at the pleasure of the Governor.

Mark D. Reckase of 1584 Mojave Court, Okemos, Michigan 48864, county of Ingham, is appointed for a term expiring at the pleasure of the Governor.

Nicholas J. Sheltroun of 8698 Laurel Ridge Drive, S.E., Alto, Michigan 49302, county of Kent, is appointed for a term expiring at the pleasure of the Governor.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

Senate Bill No. 507, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 60101, 60102, 60104, 60105, 60106, 60107, and 60108 (MCL 324.60101, 324.60102, 324.60104, 324.60105, 324.60106, 324.60107, and 324.60108), as added by 1995 PA 57; and to repeal acts and parts of acts.

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.

By unanimous consent the Senate proceeded to the order of

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. 551

Senate Bill No. 552

Senate Bill No. 425

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 551, entitled

A bill to amend 1909 PA 17, entitled "An act to prohibit or limit the access by prisoners and by employees of correctional facilities to certain weapons and wireless communication devices and to alcoholic liquor, drugs, medicines, poisons, and controlled substances in, on, or outside of correctional facilities; to prohibit or limit the bringing into or onto certain facilities and real property, and the disposition of, certain weapons, substances, and wireless communication devices; to prohibit or limit the selling, giving, or furnishing of certain weapons, substances, and wireless communication devices to prisoners; to prohibit the control or possession of certain weapons, substances, and wireless communication devices by prisoners; and to prescribe penalties," by amending section 3a (MCL 800.283a), as added by 2006 PA 540.

The question being on the passage of the bill,

Senator Gleason offered the following amendment:

1. Amend page 2, following line 19, by inserting:

"(4) A CELLULAR TELEPHONE OR OTHER WIRELESS COMMUNICATION DEVICE SOLD, GIVEN, FURNISHED, POSSESSED, OR USED IN VIOLATION OF THIS SECTION IS SUBJECT TO CONFISCATION AND DISPOSAL UNDER THIS SECTION AS CONTRABAND. IF A CELLULAR TELEPHONE OR OTHER WIRELESS COMMUNICATION DEVICE IS CONFISCATED UNDER THIS SECTION, AND THE CELLULAR TELEPHONE OR OTHER WIRELESS DEVICE IS SERVICEABLE BUT NO LONGER NEEDED FOR PURPOSES OF A CRIMINAL PROSECUTION UNDER THIS SECTION, THE CELLULAR TELEPHONE OR OTHER WIRELESS DEVICE SHALL BE DONATED TO CELL PHONES FOR SOLDIERS INC., OR ITS SUCCESSOR ORGANIZATION."

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. 504

Yeas—34

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

Nays—3

Johnson

Warren

Young

Excused—1

Brandenburg

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. 552, entitled

A bill to amend 1981 PA 7, entitled “An act to prohibit without authorization the bringing into jails and other specified areas any alcoholic liquor, controlled substances, weapons, and certain other items; the selling or furnishing to prisoners, and the improper disposal of any alcoholic liquor, controlled substances, weapons, and certain other items; the possession or control by prisoners of any alcoholic liquor, controlled substances, weapons, and certain other items; to prescribe a penalty; and to repeal certain acts and parts of acts,” (MCL 801.261 to 801.267) by adding section 2a.

The question being on the passage of the bill,

Senator Gleason offered the following amendment:

- 1. Amend page 2, following line 18, by inserting:

“(4) A CELLULAR TELEPHONE OR OTHER WIRELESS COMMUNICATION DEVICE SOLD, GIVEN, FURNISHED, POSSESSED, OR USED IN VIOLATION OF THIS SECTION IS SUBJECT TO CONFISCATION AND DISPOSAL UNDER THIS SECTION AS CONTRABAND. IF A CELLULAR TELEPHONE OR OTHER WIRELESS COMMUNICATION DEVICE IS CONFISCATED UNDER THIS SECTION, AND THE CELLULAR TELEPHONE OR OTHER WIRELESS DEVICE IS SERVICEABLE BUT NO LONGER NEEDED FOR PURPOSES OF A CRIMINAL PROSECUTION UNDER THIS SECTION, THE CELLULAR TELEPHONE OR OTHER WIRELESS DEVICE SHALL BE DONATED TO CELL PHONES FOR SOLDIERS INC., OR ITS SUCCESSOR ORGANIZATION.”.

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. 505

Yeas—34

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

Nays—3

Johnson	Warren	Young
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Excused—1

Brandenburg

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. 425, entitled

A bill to authorize the state administrative board to convey certain parcels of state-owned property in Wayne county; to prescribe conditions for the conveyance; to provide for certain powers and duties of certain state departments in regard to the property; and to provide for disposition of revenue derived from the conveyance.

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. 506**Yeas—25**

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

Nays—12

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

Excused—1

Brandenburg

Not Voting—0

In The Chair: President

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 President, Lieutenant Governor Calley, designated Senator Nofs 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:

House Bill No. 4946, 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.

House Bill No. 4951, 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.

House Bill No. 4952, 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.

House Bill No. 4953, 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.

House Bill No. 4954, 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.

House Bill No. 4955, 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.

House Bill No. 4956, 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.

House Bill No. 4957, 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.

House Bill No. 4958, 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.

House Bill No. 4964, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 605 (MCL 206.605), as added by 2011 PA 38.

House Bill No. 4966, 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.

House Bill No. 4967, entitled

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

House Bill No. 4968, 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.

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 amendments, the following bill:

House Bill No. 4937, 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.

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 2, line 19, after the first "SOFTWARE" by striking out "OTHER THAN PREWRITTEN COMPUTER SOFTWARE".

2. Amend page 3, line 21, after the first "SOFTWARE" by striking out "OTHER THAN PREWRITTEN COMPUTER SOFTWARE".

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Casperson, Pappageorge, Robertson, Proos, Green, Brandenburg, Rocca, Nofs, Jones and Walker introduced **Senate Bill No. 694, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 2 of chapter XIIA (MCL 712A.2), as amended by 2001 PA 211.

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

Senator Hunter introduced

Senate Bill No. 695, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 78a, 78g, and 78h (MCL 211.78a, 211.78g, and 211.78h), section 78a as amended by 2008 PA 352, section 78g as amended by 2003 PA 263, and section 78h as amended by 2001 PA 96.

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

Senator Hunter introduced

Senate Bill No. 696, entitled

A bill to amend 2003 PA 260, entitled "Tax reverted clean title act," by amending section 5 (MCL 211.1025) and by adding section 5a; 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 Economic Development.

Senators Gregory, Bieda, Anderson, Hood, Johnson, Gleason and Hopgood introduced

Senate Bill No. 697, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," (MCL 421.1 to 421.75) by adding sections 28b, 28c, 28d, 28e, 28f, 28g, 28h, 28i, 28j, 28k, 28l, and 28m; 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 Economic Development.

Senators Hansen, Jones, Booher and Gleason introduced

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.

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

Senators Hansen, Jones, Booher and Gleason introduced

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).

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

Senators Hansen, Jones, Booher and Gleason introduced

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

Senators Kahn, Marleau, Nofs, Jansen, Pappageorge, Brandenburg, Meekhof, Colbeck and Emmons introduced

Senate Bill No. 701, entitled

A bill to limit the application and enforcement by a court, arbitrator, or administrative body of foreign laws that would impair constitutional rights; to provide for modification or voiding of certain contractual provisions or agreements that would result in a violation of constitutional rights; and to require a court, arbitrator, or administrative body to take certain actions to prevent violation of constitutional rights.

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

Senator Moolenaar introduced

Senate Bill No. 702, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16174 (MCL 333.16174), as amended by 2006 PA 398.

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

Senator Hune introduced

Senate Bill No. 703, entitled

A bill to amend 2000 PA 274, entitled "Large carnivore act," (MCL 287.1101 to 287.1123) by adding section 8a.

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

Senator Meekhof introduced

Senate Bill No. 704, entitled

A bill to amend 1939 PA 176, entitled "An act to create a commission relative to labor disputes, and to prescribe its powers and duties; to provide for the mediation and arbitration of labor disputes, and the holding of elections thereon; to regulate the conduct of parties to labor disputes and to require the parties to follow certain procedures; to regulate and limit the right to strike and picket; to protect the rights and privileges of employees, including the right to organize and engage in lawful concerted activities; to protect the rights and privileges of employers; to make certain acts unlawful; and to prescribe means of enforcement and penalties for violations of this act," by amending section 9f (MCL 423.9f).

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

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 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 Appropriations.

House Bill No. 4915, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5522 (MCL 324.5522), as amended by 2007 PA 75.

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 Appropriations.

House Bill No. 4974, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," by amending section 1072 (MCL 250.2072), as added by 2011 PA 78.

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 Transportation.

Statements

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

The motion prevailed.

Senator Hunter's statement is as follows:

I just wanted to share a thought as our Detroit Tigers are doing very well, and we wish them luck as we go into the postseason starting this Friday. I was at the game this past weekend, and the thought occurred to me that it is a crying shame that the numbers of Alan Trammell and Lou Whitaker have not been retired at Comerica Park after two decades of being the greatest double-play combination in the American League, and I dare say, the Major League. I ask that you join with me. Let's put a little pressure on the Detroit Tigers Organization to retire the numbers of two great individuals, No. 1 and No. 3, two great baseball players, Alan Trammell and Lou Whitaker.

Committee Reports

The Committee on Outdoor Recreation and Tourism reported

Senate Bill No. 508, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 41401 and 41411.

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.

Goeffrey M. Hansen
Chairperson

To Report Out:

Yeas: Senators Hansen, Hildenbrand, Brandenburg, Casperson, Moolenaar and Gleason

Nays: None

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

The Committee on Outdoor Recreation and Tourism reported

Senate Bill No. 509, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 414.

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.

Goeffrey M. Hansen
Chairperson

To Report Out:

Yeas: Senators Hansen, Hildenbrand, Brandenburg, Casperson, Moolenaar and Gleason

Nays: None

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

The Committee on Outdoor Recreation and Tourism reported

Senate Bill No. 510, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 41409, 41413, and 41415; and to repeal acts and parts of acts.

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

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

Goeffrey M. Hansen
Chairperson

To Report Out:

Yeas: Senators Hansen, Hildenbrand, Brandenburg, Casperson, Moolenaar and Gleason

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 Outdoor Recreation and Tourism submitted the following:

Meeting held on Thursday, September 22, 2011, at 12:30 p.m., Room 210, Farnum Building

Present: Senators Hansen (C), Hildenbrand, Brandenburg, Casperson, Moolenaar and Gleason

Excused: Senator Young

The Committee on Regulatory Reform reported

Senate Bill No. 574, entitled

A bill to amend 1969 PA 287, entitled "An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies," by amending the title and section 1 (MCL 287.331), as amended by 1997 PA 7, and by adding section 5b.

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.

Tory Rocca
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Regulatory Reform reported

House Bill No. 4732, entitled

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

With the recommendation that the bill pass.

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

Tory Rocca
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Regulatory Reform submitted the following:

Meeting held on Thursday, September 22, 2011, at 12:30 p.m., Room 110, Farnum Building

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

Excused: Senator Hune

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Joint meeting held on Thursday, September 22, 2011, at 8:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Caswell (C), Jansen, Proos and Gregory

COMMITTEE ATTENDANCE REPORT

The Legislative Council submitted the following:

Meeting held on Thursday, September 22, 2011, at 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Richardville (C), Schuitmaker, Hildenbrand (Alternate) and Bieda (Alternate)

Excused: Senators Rocca, Jansen, Whitmer and Hunter

Scheduled Meetings

Administrative Rules - Thursday, October 6, 9:00 a.m., Room 426, Capitol Building (373-5773)

Agriculture - Wednesday, September 28, 8:30 a.m., Room 110, Farnum Building (373-5312)

Appropriations -**Subcommittees -**

Human Services Department - Thursday, September 29, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Human Services Department; Families, Seniors and Human Services; House Human Services Appropriations Subcommittee; and House Families, Children, and Seniors - Thursday, October 6, 8:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police and Military Affairs - Thursday, September 29, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768) (CANCELED)

State Police and Military Affairs and House Military and Veterans Affairs Appropriations Subcommittee - Thursday, October 6, 2:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Economic Development - Wednesday, September 28, 1:30 p.m., Room 110, Farnum Building (373-5312)

Education - Wednesday, September 28, 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

Families, Seniors and Human Services - Wednesday, September 28, 3:00 p.m., Room 210, Farnum Building (373-5312)

Local Government and Elections - Wednesday, September 28, 3:00 p.m., Room 100, Farnum Building (373-5323)

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

Reforms, Restructuring and Reinventing - Wednesday, September 28, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-5324)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 10:50 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, September 28, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate