

No. 65
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Thursday, September 8, 2011.

10:00 a.m.

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

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

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

Hood—present
Hopgood—present
Hune—present
Hunter—excused
Jansen—present
Johnson—excused
Jones—present
Kahn—present
Kowall—excused
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

Pastor Michael De Ruyter of Midland Reformed Church of Midland offered the following invocation:

We come before You this morning at the beginning of this session of the Michigan State Senate and acknowledge our dependence upon You, our God. Like majestic maple trees that sink their roots deep into the rich, fertile, well-watered soil along a flowing stream, our lives come into their full splendor when they are rooted in Your love, nourished by Your grace, and deeply connected to Your life-giving presence.

As the psalmist affirms in the opening stanzas of the Psalter, when we enjoy this ever-living intimacy with You, our God, our lives become resistant to the withering entropy that threatens to undo us. We discover the enduring capacity to produce fruit that sustains and nourishes this present generation and promises life and a future to the next.

Lord God, my prayer this morning is that each individual in this chamber would experience that flourishing life, that over the dry, desert places of fear, hurt, and doubt that living water would flow. In the mix of pressures and challenges from families, constituents, lobbies, and caucuses, each member of this body would know the deeply-rooted peace, joy, and strength that comes uniquely from abiding in You.

Our prayer together is for the fruitfulness of this Senate, that the men and women gathered here would be a part of Your provision for the needs this day and the needs of generations yet to come, and those needs are ever before us. Each one of us stands here today with names, faces, and stories that have become part of us—stories that speak of human suffering, injustice, and corruption, as well as incredible courage, sacrifice, and generosity; faces that personalize for us the plight of the unemployed and the underemployed, the elderly, the disabled, and those trapped in generational cycles of poverty; names that call us to bring our best thinking, our most rigorous compassion, and our most courageous answers to the searching questions of struggling school districts, blighted cities, and polluted resources to the raw hopes of entrepreneurs and small business owners who dare to dream; and the anxious conversations about how unions and managers work together.

Lord, for these names, faces, and stories, we ask that the governance of this body would indeed be life-giving, nourishing, and fruitful. We give thanks to You also for the life-giving, fruit-bearing work that has begun this week in the schools across this state. We pray for teachers, students, and administrators as they give themselves anew to the work of education. We ask that You would add to that work in such a way that education would mature into wisdom and wisdom would birth responsibility and responsibility would intensify until it is a passionate calling and vision that grips the hearts and minds of the next generation of leaders who are seated behind school desks.

Lord, as the members of this government face all of these challenges, joys, and hopes, I ask that You protect them from becoming overwhelmed on the one hand and from sliding into self-interest on the other. Rather, we all would seek Your face and the flourishing of our shared humanity. Amen.

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

Motions and Communications

Senator Hopgood moved that Senator Young be temporarily excused from today's session.
The motion prevailed.

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

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

Senator Meekhof moved that Senators Nofs, Kowall and Caswell be excused from today's session.
The motion prevailed.

Senator Schuitmaker entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, September 7:

House Bill Nos. 4721 4722 4723 4726 4732

The Secretary announced that the following official bills were printed on Wednesday, September 7, and are available at the legislative website:

Senate Bill Nos. 618 619 620 621 622 623 624

Messages from the Governor

The following messages from the Governor were received and read:

August 31, 2011

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

Michigan Domestic Violence Prevention and Treatment Board

Kathryn A. Hoover of 1327 Lake Valley Drive, Fenton, Michigan 48430, county of Genesee, succeeding David Allen, is appointed for a term expiring September 30, 2014.

September 1, 2011

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

Michigan Board of Nursing

Ronald M. Basso of 2017 Ponozzo Road, Iron River, Michigan 49935, county of Iron, representing the general public, succeeding Regina D. Allen, is appointed for a term expiring June 30, 2015.

Elaine M. Stefanski of 535 W. Annabelle Avenue, Hazel Park, Michigan 48030, county of Oakland, representing licensed practical nurses, succeeding Brenda J. Lewis, is appointed for a term expiring June 30, 2015.

Roselyn D. Argyle of 3140 S. Brennan Road, Hemlock, Michigan 48626, county of Saginaw, representing professional registered nurses without a baccalaureate degree engaged in nursing practice or nursing administration, succeeding Jeffrey H. Breslin, is appointed for a term expiring June 30, 2015.

September 6, 2011

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

Michigan Board of Nursing Home Administrators

Jeanne M. Smith of 2541 Gorlad Street, Lake Orion, Michigan 48360, county of Oakland, representing nursing home administrators, succeeding Karen J. Messick, is appointed for a term expiring June 30, 2014.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

Senate Bill No. 493, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 15 (MCL 423.215), as amended by 2011 PA 25.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4) and ordered that it be given immediate effect. Pursuant to rule 3.202, the bill was laid over one day.

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 Proos as Chairperson.

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

Senate Bill No. 535, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1j of chapter IX (MCL 769.1j), as amended by 2008 PA 547.

Senate Bill No. 537, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 18 and 18m of chapter XIIA (MCL 712A.18 and 712A.18m), section 18 as amended by 2004 PA 475 and section 18m as amended by 2008 PA 543.

Senate Bill No. 538, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8381 (MCL 600.8381), as amended by 2003 PA 96.

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. 536, entitled

A bill to amend 1989 PA 196, entitled "An act to abolish the criminal assessments commission; to prescribe certain duties of the crime victim services commission; to create the crime victim's rights fund; to provide for expenditures from the fund; to provide for assessments against criminal defendants and certain juvenile offenders; to provide for payment of crime victim's rights services; and to prescribe the powers and duties of certain state and local agencies and departments," by amending sections 1 and 5 (MCL 780.901 and 780.905), section 1 as amended by 2008 PA 396 and section 5 as amended by 2010 PA 281.

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.

During the Committee of the Whole, Senator Young entered the Senate Chamber.

Resolutions

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

Senate Resolution No. 77

The resolution consent calendar was adopted.

Senator Hopgood offered the following resolution:

Senate Resolution No. 77.

A resolution to recognize October 2011 as Filipino American Heritage Month in the state of Michigan.

Whereas, We are proud to join with the Philippine American community of Michigan as they celebrate contributions they have made throughout the entire state. This recognition is a reflection of unselfishness and commitment to the common good that is most commendable; and

Whereas, It is with pride and gratitude that we welcome this opportunity to salute the many ways in which the Philippine American community has given its time and energy for the betterment of our state; and

Whereas, The Philippine American community of Michigan continues to foster understanding through the development, promotion, and preservation of Philippine values, culture, and tradition. These concerned citizens have truly made a difference, and their professional and civic involvement will continue to enrich our state; and

Whereas, The members of the Philippine American community give to the American people and to the citizens of Michigan a very important gift; a rich culture based on traditional values of family, religion, and a strong work ethic. A strong political, cultural, and economic bond exists between us as a result and is cemented by the mutual respect and admiration we have for one another; and

Whereas, The heritage of the Philippine people enriches our own culture, for America is a melting pot, and America's culture is a rich blend of many cultures. This legislative body welcomes the heritage, culture, and contributions of the Philippine American community to our state and our nation; and

Whereas, Like their counterparts across the country, the Philippine American community in Michigan is committed to strengthening the public institutions that promote the cultural heritage of Filipinos, as well as eliminating prejudices, stereotypes, and ignorance. By promoting awareness of Philippine American contributions to social, economic, cultural, and political life in the United States, everyone can take great pride in their effective community service; now, therefore, be it;

Resolved by the Senate, That the members of this legislative body recognize October 2011 as Filipino American Heritage Month in the state of Michigan. We thank the Philippine American community for their many contributions that enhance our quality of life in Michigan, and we encourage all citizens to do the same.

Senators Anderson, Bieda, Booher, Brandenburg, Colbeck, Gregory, Hansen, Marleau, Pappageorge, Proos and Rocca were named co-sponsors of the resolution.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Rocca introduced

Senate Bill No. 625, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145e. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senator Rocca introduced

Senate Bill No. 626, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2008 PA 521.

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

Senator Schuitmaker introduced

Senate Bill No. 627, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.285) by adding section 69. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senator Hood introduced

Senate Bill No. 628, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2111 (MCL 500.2111), as amended by 2002 PA 492.

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

Senator Gleason introduced

Senate Bill No. 629, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 951 and 952 (MCL 168.951 and 168.952), section 951 as amended by 1993 PA 45 and section 952 as amended by 1993 PA 137.

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

Senators Jones, Schuitmaker, Gleason, Marleau, Bieda, Proos and Pappageorge introduced

Senate Bill No. 630, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1070 (MCL 600.1070), as added by 2004 PA 224.

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

Senators Schuitmaker, Jones, Gleason, Marleau, Bieda, Proos and Pappageorge introduced

Senate Bill No. 631, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 350a (MCL 750.350a), as amended by 2004 PA 223.

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

Senators Bieda, Jones, Schuitmaker, Gleason, Marleau, Proos and Pappageorge introduced

Senate Bill No. 632, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7411 (MCL 333.7411), as amended by 2004 PA 225.

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

Senators Smith, Jones, Gleason, Marleau, Bieda, Proos and Pappageorge introduced

Senate Bill No. 633, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 4a of chapter IX (MCL 769.4a), as amended by 2006 PA 663.

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

Senator Hune introduced

Senate Bill No. 634, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 51 (MCL 211.51), as amended by 2009 PA 189.

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

Senator Hune introduced

Senate Bill No. 635, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17241 (MCL 333.17241), as amended by 1986 PA 174.

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

Senator Meekhof introduced

Senate Bill No. 636, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 10 (MCL 423.210).

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

House Bill No. 4721, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 10a and 10b (MCL 400.10a and 400.10b), as added by 1996 PA 190, and by adding section 10c.

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 Families, Seniors and Human Services.

House Bill No. 4722, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57v.

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 Families, Seniors and Human Services.

House Bill No. 4723, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 10d.

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 Families, Seniors and Human Services.

House Bill No. 4726, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 27 (MCL 421.27), as amended by 2011 PA 14.

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 Economic Development.

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.

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 Regulatory Reform.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 557, entitled

A bill to provide procedures to determine the paternity of children in certain circumstances; to allow acknowledgments, determinations, and judgments relating to paternity to be set aside in certain circumstances; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide remedies.

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. 558, entitled

A bill to amend 1996 PA 305, entitled "Acknowledgment of parentage act," by amending section 7 (MCL 722.1007), as amended by 2006 PA 105; 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.

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. 559, entitled

A bill to amend 1956 PA 205, entitled "The paternity act," by amending section 10 (MCL 722.720), as amended by 2001 PA 109.

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. 560, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 2114 (MCL 700.2114), as amended by 2004 PA 314.

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

House Bill No. 4703, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 36 (MCL 791.236), as amended by 2008 PA 191.

With the recommendation that the bill pass.

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

Rick Jones

Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Wednesday, September 7, 2011, at 8:30 a.m., Room 110, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Wednesday, September 7, 2011, at 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Pavlov (C), Emmons, Colbeck, Hopgood and Young

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Wednesday, September 7, 2011, at 1:34 p.m., Room 110, Farnum Building

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

Scheduled Meetings

Administrative Rules - Thursday, September 15, 9:00 a.m., Room 426, Capitol Building (373-5773)

Appropriations -**Subcommittees -**

Agriculture and Rural Development and Department of Natural Resources - Tuesday, September 13, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

K-12, School Aid, Education and House School Aid Appropriations Subcommittee - Thursday, September 15, and Tuesday, September 20, 8:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 10:24 a.m.

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

CAROL MOREY VIVENTI
Secretary of the Senate

