

No. 70
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Wednesday, September 21, 2011.

10:00 a.m.

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

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

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

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

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

Senator Randy Richardville of the 17th District offered the following invocation:

“Have no anxiety about anything, but in everything by prayer and supplication with thanksgiving, let your request be known to God.” Philippians 4:6.

Father, in Jesus’ name we come before You as humble servants; servants not only of You, but of the people of Michigan. We come to You with hearts of thanksgiving, seeking to do the right thing; things that would give You glory and would honor Your will.

We ask that You would be with each member as we consider issues today and throughout the entire workday, workweek, and this year as we seek to do Your will, again, 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

Senator Whitmer entered the Senate Chamber.

Senator Hunter moved that Senator Young be excused from today’s session.
The motion prevailed.

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senator Hunter admittance to the Senate floor, including the center aisle.

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

Senator Meekhof moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor.
The motion prevailed, a majority of the members serving voting therefor.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:04 a.m.

11:00 a.m.

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

During the recess, Senator Johnson introduced the Michigan Monarchs 12U Girls Basketball Team, 2011 Amateur Athletic Union State Champions; Head Coach Rufus Stephens and Assistant Coach Shaun Nelson; and presented a Special Tribute. Coaches Stephens and Nelson responded briefly.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, September 20:
House Bill Nos. 4071 4642

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, September 20, for his approval the following bills:

Enrolled Senate Bill No. 213 at 11:16 a.m.

Enrolled Senate Bill No. 212 at 11:18 a.m.

The Secretary announced that the following official bills were printed on Tuesday, September 20, and are available at the legislative website:

Senate Bill Nos. 682 683 684 685 686 687 688 689 690

Messages from the Governor

The following messages from the Governor were received:

Date: September 20, 2011
Time: 3:12 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 347 (Public Act No. 141), being

An act to amend 1937 PA 94, entitled “An act to provide for the levy, assessment, and collection of a specific excise tax on the storage, use, or consumption in this state of tangible personal property and certain services; to appropriate the proceeds of that tax; to prescribe penalties; and to make appropriations,” by amending section 3f (MCL 205.93f), as added by 2008 PA 440.

(Filed with the Secretary of State on September 20, 2011, at 4:24 p.m.)

Date: September 20, 2011
Time: 3:15 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 348 (Public Act No. 142), being

An act to impose an assessment on certain health care claims; to impose certain duties and obligations on certain insurance or health coverage providers; to impose certain duties on certain state departments, agencies, and officials; to create certain funds; to authorize certain expenditures; to impose certain remedies and penalties; to provide for an appropriation; and to repeal acts and parts of acts.

(Filed with the Secretary of State on September 20, 2011, at 4:26 p.m.)

Respectfully,
Rick Snyder
Governor

Messages from the House

Senate Bill No. 77, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 5805 and 5839 (MCL 600.5805 and 600.5839), section 5805 as amended by 2002 PA 715 and section 5839 as amended by 1985 PA 188.

The House of Representatives has amended the bill as follows:

1. Amend page 4, line 5, by striking out the balance of the subsection and inserting “**AN ACTION AGAINST A STATE LICENSED ARCHITECT OR PROFESSIONAL ENGINEER OR LICENSED PROFESSIONAL SURVEYOR ARISING FROM PROFESSIONAL SERVICES RENDERED IS AN ACTION CHARGING MALPRACTICE SUBJECT TO THE PERIOD OF LIMITATION CONTAINED IN SUBSECTION (6).**”

(15) THE PERIODS OF LIMITATION UNDER THIS SECTION ARE SUBJECT TO THE APPLICABLE PERIOD OF REPOSE ESTABLISHED IN SECTION 5839.” and renumbering the remaining subsections.

2. Amend page 6, line 21, after “effect” by striking out “May 1, 2011” and inserting “January 1, 2012”.

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

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

Senate Bill No. 331, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 229 (MCL 436.1229), as amended by 2005 PA 288; and to repeal acts and parts of acts.

The House of Representatives has amended the bill as follows:

1. Amend page 2, following line 12, by striking out all of enacting section 2 and inserting:

“Enacting section 2. This amendatory act takes effect October 1, 2012.”.

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

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Meekhof moved that the rule be suspended.

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

The question being on concurring in the amendment made to the bill by the House,

The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 491**Yeas—37**

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

Nays—0**Excused—1**

Young

Not Voting—0

In The Chair: President

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

Senate Bill No. 584, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 613a, 614a, 615a, and 759a (MCL 168.613a, 168.614a, 168.615a, and 168.759a), section 613a as amended by 2003 PA 13, sections 614a and 615a as amended by 1999 PA 72, and section 759a as amended by 2010 PA 50, and by adding sections 615c and 759c; 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.

Senator Meekhof moved that the bill be given immediate effect.

The motion did not prevail, 2/3 of the members serving not voting therefor.

Senator Hunter requested the yeas and nays.

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

The motion prevailed, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 492**Yeas—26**

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

Nays—11

Anderson
Bieda
Gleason

Gregory
Hood
Hopgood

Hunter
Johnson
Smith

Warren
Whitmer

Excused—1

Young

Not Voting—0

In The Chair: President

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. 160

Senate Bill No. 161

Senate Bill No. 502

House Bill No. 4349

House Bill No. 4703

Senate Bill No. 525

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 160, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 90h.

The question being on the passage of the bill,

Senator Warren offered the following amendment:

1. Amend page 1, line 2, after "ACT". by inserting "**THIS SECTION DOES NOT APPLY WHEN A PHYSICIAN IS TREATING A PREGNANCY LOSS.**".

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

Senator Gregory offered the following amendment:

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

"**(6) THIS SECTION DOES NOT APPLY IF THE PHYSICIAN IS TREATING A WOMAN WHOSE PREGNANCY IS THE RESULT OF INCEST OR RAPE.**" and renumbering the remaining subsection.

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

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 493**Yeas—9**

Anderson
Bieda
Gregory

Hood
Hopgood

Johnson
Smith

Warren
Whitmer

Nays—27

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

Excused—1

Young

Not Voting—1

Gleason

In The Chair: President

Senator Warren offered the following amendment:

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

“(6) **EVERY INDIVIDUAL HAS A FUNDAMENTAL RIGHT TO CONTRACEPTIVES.**” and renumbering the remaining subsection.

The question being on the adoption of the amendment,

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 494**Yeas—9**

Anderson	Hood	Johnson	Warren
Bieda	Hopgood	Smith	Whitmer
Gregory			

Nays—27

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

Excused—1

Young

Not Voting—1

Gleason

In The Chair: President

Senator Warren offered the following amendment:

1. Amend page 1, line 2, after “ACT”.” by inserting “**THIS SECTION ONLY APPLIES TO A PATIENT WHOSE PREGNANCY IS DETERMINED TO BE IN THE POSTVIABILITY STAGE. AS USED IN THIS SUBSECTION, “VIABILITY” MEANS THE POINT IN THE PREGNANCY WHEN, IN THE GOOD-FAITH JUDGMENT OF THE PHYSICIAN ON THE PARTICULAR FACTS OF THE CASE BEFORE THE PHYSICIAN, THERE IS REASONABLE LIKELIHOOD OF THE FETUS’ SUSTAINED SURVIVAL OUTSIDE THE UTERUS WITHOUT THE APPLICATION OF EXTRAORDINARY MEDICAL MEASURES.**”.

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

Senator Anderson offered the following amendment:

1. Amend page 2, line 3, after the first “LIFE” by striking out the balance of the subsection and inserting a comma and “**PRESERVE THE HEALTH, OR PRESERVE THE FUTURE FERTILITY OF A WOMAN WHOSE LIFE, HEALTH, OR FUTURE FERTILITY IS ENDANGERED.**”.

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

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 495**Yeas—9**Anderson
Bieda
GregoryHood
HopgoodJohnson
SmithWarren
Whitmer**Nays—27**Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
GreenHansen
Hildenbrand
Hune
Hunter
Jansen
Jones
KahnKowall
Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
PavlovProos
Richardville
Robertson
Rocca
Schuitmaker
Walker**Excused—1**

Young

Not Voting—1

Gleason

In The Chair: President

Senator Warren offered the following amendment:

1. Amend page 3, line 10, by striking out all of enacting section 2.

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. 496

Yeas—29

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

Nays—8

Anderson	Hood	Johnson	Warren
Gregory	Hopgood	Smith	Whitmer

Excused—1

Young

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Booher, Brandenburg, Casperson, Caswell, Gleason, Green, Hune, Hunter, Jansen, Kahn, Kowall, Moolenaar, Nofs, Richardville and Walker were named co-sponsors of the bill.

Protests

Senators Warren and Whitmer, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 160.

Senator Warren's statement, in which Senator Whitmer concurred, is as follows:

Colleagues, I would just like the opportunity to stand before you and explain my "no" vote on Senate Bill No. 160. The fact that I am standing here for at least the fifth time today is probably no surprise to any of you. But as a longtime advocate for women's rights, I wholeheartedly support our fundamental right to choose and oppose any attempt to interfere in the private medical decisions made between women and their doctors. Beyond that, however, I am standing here today because at their very core, Senate Bill No. 160 and its companion bill, Senate Bill No. 161, are an answer in search of a question.

They are redundant and unnecessary bills that ban a safe and rarely used medical procedure that, in fact, has already been prohibited by federal legislation. Even more alarming, they offer absolutely no exception to protect a woman's health, future fertility, and do nothing to increase our citizens' access to birth control or comprehensive sexuality education.

I was elected to the Legislature in order to pass public policies that would put the people of Michigan before petty politics. With each bill we read and each vote we take, I believe it is our duty as elected officials to ask ourselves, “How is this legislation going to move Michigan forward?” After spending countless hours discussing and debating this issue over the course of my career, I can tell you without equivocation that this legislation simply does not pass the test, and yet today, in every one of our districts, 1 in 10 people are unemployed in this state. Here we are taking up this legislation that will not create one single job, will not fix one single crumbling road or bridge, and will not help one single family put food on their table in these tremendously difficult times.

Quite simply, we are taking a vote on two bills that do not do one thing to make Michigan a stronger or better place to live. In my opinion, the worse thing about such a purely political piece of legislation like this is that it doesn’t even have the shelf life of the headlines that are going to be written about it later today. I know my constituents expect more from me. I think you will find that yours will demand more from you. So let’s put the political posturing aside and have the courage to do the hard work that we were sent here to do.

Let’s reject this recycled attempt to appeal to a select constituency today, and tackle the issues that will truly build a greater Michigan tomorrow.

The following bill was read a third time:

Senate Bill No. 161, entitled

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

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 497

Yeas—29

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

Nays—8

Anderson	Hood	Johnson	Warren
Gregory	Hopgood	Smith	Whitmer

Excused—1

Young

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Booher, Brandenburg, Casperson, Caswell, Gleason, Green, Hune, Hunter, Jansen, Kahn, Kowall, Moolenaar, Nofs, Richardville and Walker were named co-sponsors of the bill.

The following bill was read a third time:

Senate Bill No. 502, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 513a.

The question being on the passage of the bill,

Senator Nofs offered the following substitute:

Substitute (S-2).

The substitute 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. 498

Yeas—37

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

Nays—0

Excused—1

Young

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

The following bill was read a third time:

House Bill No. 4349, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7524 (MCL 333.7524), as amended by 2006 PA 558.

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. 499

Yeas—34

Anderson	Gregory	Jones	Pavlov
Bieda	Hansen	Kahn	Proos

Booher	Hildenbrand	Kowall	Richardville
Brandenburg	Hood	Marleau	Robertson
Casperson	Hopgood	Meekhof	Rocca
Colbeck	Hune	Moolenaar	Schuitmaker
Emmons	Hunter	Nofs	Walker
Gleason	Jansen	Pappageorge	Whitmer
Green	Johnson		

Nays—2

Caswell	Warren
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Excused—2

Smith	Young
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Not Voting—0

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 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.

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. 500**Yeas—36**

Anderson	Green	Johnson	Pavlov
Bieda	Gregory	Jones	Proos

Booher	Hansen	Kahn	Richardville
Brandenburg	Hildenbrand	Kowall	Robertson
Casperson	Hood	Marleau	Rocca
Caswell	Hopgood	Meekhof	Schuitmaker
Colbeck	Hune	Moolenaar	Walker
Emmons	Hunter	Nofs	Warren
Gleason	Jansen	Pappageorge	Whitmer

Nays—0

Excused—2

Smith Young

Not Voting—0

In The Chair: President

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

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

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

“An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to provide for a lifetime electronic monitoring program; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 525, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 51 (MCL 28.4251), as amended by 2008 PA 406.

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. 501

Yeas—35

Anderson	Green	Johnson	Pavlov
Bieda	Gregory	Jones	Proos

Booher	Hansen	Kahn	Richardville
Brandenburg	Hildenbrand	Kowall	Robertson
Casperson	Hood	Marleau	Rocca
Caswell	Hopgood	Meekhof	Schuitmaker
Colbeck	Hune	Moolenaar	Walker
Emmons	Hunter	Nofs	Whitmer
Gleason	Jansen	Pappageorge	

Nays—1

Warren

Excused—2

Smith

Young

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

Messages from the House

Senator Meekhof moved that rule 3.202 be suspended to permit immediate consideration of the following bill:

Senate Bill No. 77

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

Senate Bill No. 77, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5805 and 5839 (MCL 600.5805 and 600.5839), section 5805 as amended by 2002 PA 715 and section 5839 as amended by 1985 PA 188.

(This bill was returned from the House with amendments earlier today and laid over under the rules. See p. 2149.)

The question being on concurring in the amendments made to the bill by the House,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 502**Yeas—36**

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

Nays—0

Excused—2

Smith

Young

Not Voting—0

In The Chair: President

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

Senator Meekhof moved that rule 2.106 be suspended to allow committees to meet during Senate session.
The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 79

The resolution consent calendar was adopted.

Senators Moolenaar, Hood, Pappageorge, Gregory and Emmons offered the following resolution:

Senate Resolution No. 79.

A resolution recognizing Ford Motor Company being honored as a recipient of the 2011 Secretary of Defense Employer Support Freedom Award.

Whereas, The Freedom Award is the highest honor bestowed by the U.S. Department of Defense upon America's employers, providing exceptional support to their employees serving in the National Guard and Reserve; and

Whereas, The Freedom Award recognizes employers for the formal and informal initiatives they put in place for Guard and Reserve employees and their families. In the U.S., Ford Motor Company employs more than 700 reservists and guardsmen and more than 7,000 veterans. Ford presently has nearly 30 employees actively serving in the military; and

Whereas, Ford Motor Company is one of 15 companies nationwide selected for this prestigious award; and

Whereas, Ford has a longstanding commitment to its veterans and military personnel. Its relationship with Disabled American Veterans (DAV) began in 1922 when Henry Ford organized a cross-country caravan of 50 Model Ts to take disabled veterans to their convention in San Francisco. Since 1974, Ford Motor Company and the Ford Motor Company Fund have provided more than \$6 million to veterans' organizations; and

Whereas, The Ford Veterans Network Group, one of Ford's corporately-supported Employee Resource Groups, sponsors activities throughout the year in support of its veterans, military personnel, and their families, which reflects the commitment of Ford Motor Company; and

Whereas, A national selection board composed of senior defense officials, business leaders, and prior awardees selected the recipients of the awards; and

Whereas, Ford Motor Company and its employees are honored members of the Michigan community. It employs more than 40,000 people at 16 major manufacturing facilities in Michigan. In 2010, Ford purchased \$15.8 billion worth of goods and services from more than 2,000 Michigan-based suppliers; now, therefore, be it

Resolved by the Senate, That we hereby officially recognize Ford Motor Company being honored as a recipient of the 2011 Secretary of Defense Employer Support Freedom Award for its outstanding service to the United States and its veterans; and be it further

Resolved, That a copy of this resolution be transmitted to the Ford Motor Company as evidence of our highest esteem.

Senators Anderson, Bieda, Booher, Brandenburg, Caswell, Colbeck, Gleason, Green, Hansen, Hildenbrand, Hopgood, Marleau, Proos, Richardville 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 Hildenbrand introduced

Senate Bill No. 691, entitled

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

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

House Bill No. 4071, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 62b and 62c (MCL 791.262b and 791.262c), section 62b as amended by 2000 PA 211 and section 62c as amended by 1988 PA 293.

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.

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 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

Senators Gregory, Johnson, Meekhof and Gleason asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Gregory's statement is as follows:

Mr. President and to my colleagues, I rise today to share some disturbing news regarding the care of 650 veterans at the Grand Rapids Home for Veterans. Earlier this year, when we were debating the budget for this facility, I rose in opposition to the proposal to privatize the workers there. I warned that privatizing vital resident care workers would endanger our veterans, but my colleagues across the aisle were willing to sacrifice care to cut costs.

Today, we are, unfortunately, seeing those exact consequences take place. According to an article in today's *Detroit News*, the private contractor that is now staffing the home is paying more than 50 percent less than the top rate state resident care aides are normally getting. As a result, there have been several recent incidents of improper care and injury to veterans staying in the home. In the past month, contract workers at the home are responsible for incidents in which a veteran suffered a broken neck from improper lifting procedures, and another had a tube pulled from his stomach and was given solid foods against a doctor's written orders.

One employee who has worked at the home for more than 17 years has said, "The state is allowing our veterans to be taken care of by untrained workers who are literally putting our veterans' lives in danger every single day." What is even scarier is that the state is turning over more resident care aide work over to a private contractor in less than two weeks as part of a plan that this body supported to save about \$4.2 million.

The contractor has had trouble filling the shifts it is responsible for because of these low wages, high turnover, and is resorting to hiring inexperienced and underqualified workers. According to the *Detroit News* article, some of these workers make between \$8.50 and \$9.00 an hour. The current workers make \$20.00 per hour. So logic will tell you that those people who are making \$8.50 and \$9.00 per hour are in a transit situation. They are there looking for a better job. So what you will have in this Grand Rapids home is temporary help always looking for other work, and that means that the training and the care of the residents there will always be suffering because of the lack of continuity from the workers who would be there.

The worst part is that these injuries to veterans whose families have entrusted the Grand Rapids Home for Veterans with their care could have possibly been avoided if state funding was sufficient to maintain quality care. We have already seen the adverse effects of privatizing these veteran care positions.

Today, I am calling on the Civil Service Commission to stop the ordered layoff of 170 nursing assistants at the Grand Rapids Home for Veterans. I ask my colleagues—all my colleagues—to join with me so that our veterans' safety will not continue to be jeopardized.

I hope the next time one of you talks to our proud veterans that you think about the actions you have taken that have directly put so many of them in harm's way. They deserve far better from us.

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

Senator Johnson's statement is as follows:

So, today, the culture wars begin anew in our state's Capitol. The most recent jobs report showed an increase in joblessness in Michigan. The unemployment rate was 10.2 percent in April, and now it's 11.2 percent, the third-highest rate in the nation.

Nine months ago, our legislative leaders told us that job one was jobs. Yet here we are today passing bills to ban a procedure that's already been banned. This, in fact, is needless legislation.

Whenever the discussion enters the realm of such divisive social issues, we tend to hear a lot about morals from our politicians, and that's fine because we all have our faith. I have mine as well. I can't help but wonder if this, however, is the majority's way of getting rid of some of their outstanding guilt of legislating so far this year, in which we've shut out the poor, pushed down the disadvantaged, and attacked working men and women—all in the name of broadening our expansive corporate welfare system.

While Michiganders continue to struggle; while folks who want to work can't find a job; while those out of a job for many months are having their last lifeline snatched away, Lansing is advancing bills that have two main flaws: One, they are unneeded. The federal government already prohibits these procedures. And two, they do nothing to create jobs that Michigan citizens so desperately need.

Submissions have been coming in to our MI Neighbors website, located at www.mineighbors.com, about the new restrictions on the Family Independence Agency's program going into effect on October 1st. A gentleman from the lower east side of city of Detroit wrote: "What the Republicans did is wrong!" Sometimes the simplest statement contains the most truth.

A lady from the northeast side of Detroit related a story about her experiences on state assistance. "I needed it to supplement my disability income," she wrote. "I am now working again. Thank God for the help in between. I used to complain about the \$200 for the four of us. But believe me, I balanced, budgeted and cut coupons. Not sure what people will do with nothing!"

I'm not sure either. You see, these are not folks sitting around, watching TV, just waiting for the next check to come in from Lansing. This unfortunate stereotype is further perpetuated by the new requirement of DHS workers to document the assets of people seeking food stamps. And, again, the tinges of institutional and constructive racism behind this policy are illustrated perfectly in the comments by the director of policy and compliance at the state DHS when he said, "If you're driving an Escalade, maybe it's time to find a car that better fits your current economic situation." Of course, it's an Escalade. What else could someone living off the government afford? How about a tractor because farmland and farming equipment will be exempt from this asset test? I remember when bigoted government policies were at least glossed over and sugar-coated. Now it's just blatant.

Any savings an individual may have over \$5,000 will now disqualify them from food assistance. This doesn't do anything to improve people's economic situation. We are essentially mandating that people spend their money rather than save it. I thought this was about fiscal responsibility? Value limits on vehicles owned by food stamp recipients will discourage families from owning more than one car, thereby making traveling to work and school even harder.

In reality, these are not the welfare queens that President Reagan so graciously introduced to the American people in his 1976 campaign. These are, in fact, heads of households with families to feed and care for. These are good men and women whose jobs have been eliminated due to our own politicians' policies over the years. And now the same politicians are denying them assistance because they chose to hand over billions to their corporate benefactors rather than provide a meager lifeline when times are tough for ordinary citizens.

Socialism and welfare for the rich. Strict libertarian austerity for the poor. Now that's class warfare.

Senator Meekhof's statement is as follows:

Senators, thank you for your support of Senate Bill Nos. 160 and 161. Senate Bill No. 160 makes partial-birth abortion illegal in Michigan as a state law. This bill is modeled after the federal partial-birth abortion act which was ruled to be constitutional by the United State Supreme Court. This issue is of particular importance for me. I was adopted as an infant, and my mother chose to place me up for adoption rather than have an abortion. I have been thankful for this my entire life.

I believe one of our duties as elected officials is to do everything we can to protect life. Even if you are personally pro-choice, you should be able to recognize that partial-birth abortions are particularly barbaric. I don't know how anyone can deny that there is life in a baby that is partially delivered and then killed. Life is extremely precious. It must be defended. You should support these bills and should be confident in your pro-life stance and should support this even if you are pro-choice. Life in this particular delivered baby is a boy or a girl, and it should be illegal to kill that baby boy or girl.

Opponents of this bill say it is unnecessary because partial-birth abortions are already illegal at the federal level. While they are illegal, this bill is still vitally important and necessary. First of all, the FBI and United States attorneys are in charge of enforcing federal law, and it is probably just not reasonable to think they have the resources to spend on

enforcing partial-birth abortions. If we make this barbaric procedure illegal in Michigan, we will empower our locals—our police, county prosecutors, and our Attorney General—to enforce this law.

Secondly, I don't think we should rely on Congress to keep partial-birth abortions illegal. By putting this bill into Michigan law, we can certainly remain and will have the protection regardless of what Congress may do in the future.

Lastly, our current President has decided that he will not enforce certain laws with which he doesn't agree. For example, the President announced in February that he no longer agrees with the Defense of Marriage Act. Despite the fact that this act was backed by Congress and signed by the President, he will no longer enforce this law. He could do the exact same thing with the partial-birth abortion act and that concerns me. Putting the ban in Michigan law ensures that this procedure would remain illegal regardless of what this or any President or Congress may do.

This bill is about protecting life. Because of that, there is an exception in here for the case if a pregnant woman's life is in danger. I thank all the Senators today for sponsoring life and voting for life.

Senator Gleason's statement is as follows:

Isn't it a grand day in Michigan? I think it is marvelous how we have had this vigorous discussion about philosophical differences in this chamber. It is important that we are reminded of the graces that are bestowed upon us by others. Too many times, peace is an item that is talked about, ending a war or conflict, but today across the world, today is International Day of Peace.

Now peace isn't only when you have an armed military organization. Peace is something that can be constructed or enhanced in your own home, in your own community, in your state, and in your nation. I hope that our state will think it is just as important as other nations that we recognize and appreciate and consider our full blessings about the International Day of Peace.

As I visit schools from time to time, as many of you do, there is one question that I always ask the young kids: "How many of you in this classroom today have thought about the young men and women halfway across the globe and what they are dealing with?" Over the last few years, I have not seen one hand raised by the young folks in our state at the schools. I think this is a terrible neglect of civic duty and irresponsibility that is hard to measure.

But on this day of peace, on the peace of this beautiful day in Michigan, let's not take our peace for granted, and let's understand fully about the young men and women who are halfway across the globe doing what they can on behalf of our nation. Very few days go by that I don't think about our nephew Sergeant Scott Sather. He was killed in Iraq. He was one of the first. He was killed on April 8, 2003. He was an integral part of international peace. So as we go about our business today, let's think about those who have afforded us this very generous blessing.

Remember, peace is not free. Peace too many times is not readily available, but we want to thank all those who gave us this day. I think it is important that we recognize those who thought it was important to have an International Day of Peace because in the final analysis, that is all anybody ever wanted.

So I would ask that my words be recorded as well, and let's take this to heart. Let's take this day to heart—International Day of Peace. Let's take it to heart here in Michigan.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 642, entitled

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

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. 643, entitled

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

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

House Bill No. 4403, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1313 (MCL 600.1313), as amended by 2004 PA 12.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, September 20, 2011, at 2:30 p.m., Room 110, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:

Joint meeting held on Tuesday, September 20, 2011, at 8:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Walker (C), Caswell, Pappageorge and Hopgood

COMMITTEE ATTENDANCE REPORT

The Committee on Veterans, Military Affairs and Homeland Security submitted the following:

Meeting held on Tuesday, September 20, 2011, at 12:35 p.m., Room 210, Farnum Building

Present: Senators Moolenaar (C), Pappageorge, Emmons and Gregory

Excused: Senator Smith

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Tuesday, September 20, 2011, at 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary submitted the following:

Meeting held on Wednesday, September 21, 2011, at 8:00 a.m., Room 210, Farnum Building

Present: Senators Proos (C), Schuitmaker and Johnson

Scheduled Meetings

Appropriations - Thursday, September 22, 11:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Subcommittees -

Capital Outlay - Thursday, September 22, 9:00 a.m., Room 426, Capitol Building (373-8080)

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 - Thursdays, September 22 and 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)

Families, Seniors and Human Services; Human Services Department Appropriations Subcommittee; House Families, Children, and Seniors; and House Human Services Appropriations Subcommittee - Thursdays, September 22 and October 6, 8:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-5312)

Legislative Council - Thursday, September 22, 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Legislative Retirement Board of Trustees -

Subcommittee -

Investment - Friday, September 23, 1:00 p.m., Room H-65, Capitol Building (373-0575)

Outdoor Recreation and Tourism - Thursday, September 22, 12:30 p.m., Room 210, Farnum Building (373-5323)

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

Regulatory Reform - Thursday, September 22, 12:30 p.m., Room 110, Farnum Building (373-5307)

Senate Fiscal Agency Board of Governors - Thursday, September 22, 9:00 a.m., Room S-324, Capitol Building (373-2768)

State Drug Treatment Court Advisory Committee - Tuesday, September 27, 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 12:04 p.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, September 22, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

