

No. 7
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Thursday, January 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—present
Casperson—present
Caswell—present
Colbeck—present
Emmons—present
Gleason—present
Green—present
Gregory—present
Hansen—present
Hildenbrand—present

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

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

Pastor Samuel E. Wickard of Liberty Bible Church of Pittsford offered the following invocation:

Our Heavenly Father, we not only thank You for this day, but we rejoice in this day with all of its possibilities and promised blessings. Following the admonition of James, we pause in this historic chamber to draw nigh to You, O God, realizing as we do, You have promised to draw nigh to us. We openly confess just how much we need that special nearness of and to You because without You, we can do nothing. We know that every good and every perfect gift is from above and cometh down from the Father of lights, with whom is no variableness, neither shadow of turning.

Guide the people of this chamber today who have gathered to conduct the business of our great state. I know each one is aware of and concerned about the urgent challenges we face and that this is a time to unite in the best interest of all. I ask, O God, that You would grant to each Senator wisdom to recognize the real needs and the courage to do whatever needs to be done to set us on a path of renewal.

May we experience that good success You promised to Joshua as he courageously accepted the challenge of leading Your people on into the Promised Land. Give our leaders the courage to lead as Joshua led. May they be strong and very courageous. May they observe to do according to all Thy laws. Let them not turn to the right hand or to the left, that they may prosper having embraced Your plan and Your principles for true success. May their hearts be true, their minds clear, and their lives a compliment to integrity.

Bless every one of our Senators with that special blessing that makes the soul rich. Bless their spouses and their families with Your presence, Your peace, Your power, and Your protection. I ask all of this in the name that is above all names, the name of Jesus Christ our Savior and Lord. Amen.

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

Motions and Communications

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

The motion prevailed.

Senator Walker's statement is as follows:

I'm here on a cold Michigan morning in hopes of helping to warm your taste buds. First, let me tell you about a Michigan success story. Mike and Denise Busley, whom I am proud to say are my constituents, started a little pie shop in downtown Traverse City in 1996. The pies, desserts, and café cuisine they served at the pie shop were not ordinary. They were made from scratch utilizing 95 percent Michigan-made ingredients. This includes cherries, apples, blueberries, and strawberries, as well as sugar and flour. Mike and Denise's shop got a reputation for quality and delicious food. Because of the success of the original location in Grand Traverse County, Grand Traverse Pie Company locations began to open, a new franchise was born, and another Michigan success story is being written.

Currently, there are 18 Grand Traverse Pie Company stores across Michigan and Indiana. I'm happy to announce the nineteenth will be opening Monday right down the street in Lansing on the corner of Allegan and Washington. It is estimated that the company will drive over \$18 million of business into Michigan's economy. To celebrate the opening of the nineteenth store, the Busleys and their staff have graciously come to the Capitol today to serve us some of their delicious Grand Traverse Pie Company pie.

I welcome Denise, their son Bobby, and their daughter Kelly to the Capitol, and congratulate them on their success story. I welcome you and my colleagues to get a piece of their pie, which is being served just outside the chamber. I would ask for a round of applause for the Busleys and their commitment to our state.

Senator Hunter moved that Senator Hopgood be temporarily excused from today's session.

The motion prevailed.

Senator Hunter moved that Senator Hood be excused from today's session.

The motion prevailed.

Senator Hopgood entered the Senate Chamber.

The following communication was received and read:
Office of the Auditor General

January 25, 2011

Enclosed is a copy of the following audit report:

Financial audit of the State Sponsored Group Insurance Fund, a proprietary fund of the State of Michigan, administered by the Department of Technology, Management & Budget, the Civil Service Commission, and the Office of the State Employer, for the period October 1, 2009 through September 30, 2010.

Auditor General

The audit report was referred to the Committee on Government Operations.

The Secretary announced that the Majority Leader has made the appointment of the following statutory standing committees:

Administrative Rules - Senators Pappageorge (C), Meekhof, Marleau, Hunter and Johnson.

Legislative Council - Senators Richardville (C), Rocca, Schuitmaker, Jansen, Whitmer and Hunter; Alternates: Senators Hildenbrand, Moolenaar and Bieda.

Michigan Capitol Committee - Senators Richardville (C), Hildenbrand, Meekhof and Bieda.

Senate Fiscal Agency Board of Governors - Senators Kahn (C), Richardville, Caswell, Whitmer and Anderson.

The statutory standing committee appointments were approved, a majority of the members serving voting therefor.

The Secretary announced that the following official bills were printed on Wednesday, January 26, and are available at the legislative website:

Senate Bill Nos.	56	57	58	59	60	61	62	63	64	65	66
House Bill Nos.	4129	4130	4131	4132	4133	4134	4135	4136	4137		

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 22, entitled

A bill to amend 1988 PA 418, entitled "Uniform statutory rule against perpetuities," by amending section 5 (MCL 554.75), as amended by 2008 PA 149.

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. 8

Yeas—37

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

Nays—0

Excused—1

Hood

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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 Bieda 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 with a substitute therefor, the following bill:

Senate Bill No. 23, entitled

A bill to amend 2008 PA 148, entitled "Personal property trust perpetuities act," by amending section 4 (MCL 554.94). 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.

Introduction and Referral of Bills

Senator Schuitmaker introduced

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

Senator Gregory introduced

Senate Bill No. 78, entitled

A bill to amend 1981 PA 80, entitled "Fiscal stabilization act," by amending sections 3, 4, 5, and 9 (MCL 141.1003, 141.1004, 141.1005, and 141.1009), sections 3, 4, and 9 as amended by 2010 PA 4 and section 5 as amended by 1987 PA 279, and by adding section 4a.

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

Senators Whitmer, Hunter, Bieda, Gleason, Hopgood and Anderson introduced

Senate Bill No. 79, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 2802, 2803, and 2804 (MCL 700.2802, 700.2803, and 700.2804).

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

Senators Whitmer, Hunter, Bieda, Gleason, Hopgood and Anderson introduced

Senate Bill No. 80, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 174a (MCL 750.174a), as amended by 2004 PA 255.

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

Senators Whitmer, Hunter, Bieda, Gleason, Hopgood and Anderson introduced

Senate Bill No. 81, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2010 PA 95.

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

Senators Whitmer, Hunter, Bieda, Gleason, Hopgood and Anderson introduced

Senate Bill No. 82, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16o of chapter XVII (MCL 777.16o), as amended by 2010 PA 130.

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

Senators Whitmer, Hunter, Bieda, Gleason, Hopgood and Anderson introduced

Senate Bill No. 83, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 159g and 273 (MCL 750.159g and 750.273), section 159g as amended by 2010 PA 362.

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

Senators Whitmer, Hunter, Gleason, Hopgood and Anderson introduced

Senate Bill No. 84, entitled

A bill to amend 1999 PA 276, entitled "Banking code of 1999," (MCL 487.11101 to 487.15105) by adding section 4101a.

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

Senators Whitmer, Hunter, Gleason, Hopgood and Anderson introduced

Senate Bill No. 85, entitled

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," (MCL 491.102 to 491.1202) by adding section 601.

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

Senators Whitmer, Hunter, Gleason, Hopgood and Anderson introduced

Senate Bill No. 86, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," (MCL 487.3101 to 487.3804) by adding section 401a.

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

Senators Rocca and Marleau introduced

Senate Bill No. 87, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 6 (MCL 460.6), as amended by 2005 PA 190, and by adding section 6t.

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

Senators Rocca, Anderson, Schuitmaker, Bieda and Marleau introduced

Senate Bill No. 88, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 482a.

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

Senators Rocca, Green, Schuitmaker and Marleau introduced

Senate Bill No. 89, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27 (MCL 211.27), as amended by 2010 PA 340.

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

Senators Rocca, Brandenburg, Marleau, Schuitmaker, Pavlov, Nofs and Moolenaar introduced

Senate Bill No. 90, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending sections 11 and 13 (MCL 141.911 and 141.913), section 11 as amended by 2004 PA 356 and section 13 as amended by 2006 PA 437.

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

Senator Bieda introduced

Senate Bill No. 91, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78m (MCL 211.78m), as amended by 2006 PA 498.

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

Senator Bieda introduced

Senate Bill No. 92, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5501 (MCL 700.5501).

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

Senator Hansen introduced

Senate Bill No. 93, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 11b and 16m of chapter XVII (MCL 777.11b and 777.16m), section 11b as amended by 2008 PA 538 and section 16m as amended by 2005 PA 106.

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

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Wednesday, January 26, 2011, at 12:30 p.m., Room 100, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources, Environment and Great Lakes submitted the following:

Meeting held on Thursday, January 27, 2011, at 8:30 a.m., Room 210, Farnum Building

Present: Senators Caspersen (C), Pavlov, Green, Kowall, Meekhof and Warren

Excused: Senator Hood

Scheduled Meetings

Appropriations -

Subcommittees -

Community Colleges and House Community Colleges Appropriations Subcommittee - Friday, February 18, 1:00 p.m., Jackson Community College, Board Room #214, Potter Center, 2111 Emmons Road, Jackson (373-2768)

State Police and Military Affairs - Thursdays, February 3, February 24, March 3, March 10 and March 17, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Energy and Technology - Tuesday, February 1, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5307)

Finance - Wednesday, February 2, 12:30 p.m., Room 210, Farnum Building (373-5307)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 10:30 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Tuesday, February 1, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

