

No. 37
STATE OF MICHIGAN
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Senate Chamber, Lansing, Wednesday, May 4, 2011.

10:00 a.m.

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

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

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

Hood—present
Hopgood—present
Hune—present
Hunter—present
Jansen—present
Johnson—excused
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 Jim Irwin of Bethel Gilead Community Church of Bronson offered the following invocation:

Lord God, we present ourselves before You this morning humbly requesting Your merciful favor for ourselves, our families, our state and nation—even for our world.

We are grateful, for all good things come from Your hands. We are hopeful because You, Lord, are good, and Your goodness endures through every generation. We are confident, for Yours alone is the kingdom, the power, and the glory forever. In our weaknesses, You are strong. In our inabilities, You are able. In our insecurities, You are steadfast. Even in our confusion, You remain true.

I now ask You, O God, on behalf of this assembly of leaders, choice men and women who daily bear the burdens of our state of Michigan—overwhelming needs that are economic, familial, social, educational, and even spiritual—give these, Your servants, both knowledge and wisdom; knowledge to understand the times in which we live and wisdom to know what to do. Amen.

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

Motions and Communications

Senator Gregory entered the Senate Chamber.

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

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

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

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senators Robertson, Green and Colbeck 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, including the center aisle.

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 10:08 a.m.

10:14 a.m.

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

During the recess, Senator Robertson introduced the Waterford Our Lady of the Lakes Catholic High School Girls Basketball Team, Class D State Champions; Coach Steve Robak; and presented them with a Special Tribute.

Coach Robak responded briefly.

During the recess, Senators Marleau and Hunter entered the Senate Chamber.

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

The motion prevailed.

Senator Green's statement is as follows:

I have a Special Tribute that I would like to offer today. John Lazet has been in my office for the past four months and been around the State Senate for 28 years. Probably many of you, if you don't know him, have heard about him, seen him, or met him. John has served under four Governors and five State Senators.

He is leaving as of yesterday to go to the Attorney General's office to become the crime victim's rights advocate for the state of Michigan, a job that he passionately loves and has been involved with for a long time.

So I have a Special Tribute that I would like to read:

"LET IT BE KNOWN, That it is a distinct honor to recognize John Lazet for his 28 years of dedication and commitment to the Michigan State Senate. John entered into professional life teaching high school chemistry and English and in 1983 began his long tenure in the Michigan Senate. Through the terms of four Governors, he has admirably served five State Senators in roles from legislative aide to chief of staff. His leadership in these positions allowed him to work directly on over 2,000 legislative bills, of which over 900 were signed into law. His efforts have been pivotal in improving the quality of life of his fellow citizens.

In addition to his legislative responsibilities, John has furthered the rights of crime victims in our state as a founding member of the Crime Victims Foundation. Through the foundation, he has assisted countless individuals during the darkest moments of their lives and had a real and positive impact on our communities. His efforts to coordinate the annual Crime Victim's Vigil at the State Capitol are to be commended.

John has also served his community as a member of the Vevay Township Planning Commission. He is a review consultant for the National Institute of Justice division of the U.S. Department of Justice and was appointed by the Michigan Supreme Court as a member of the Child Support Leadership Council.

A dedicated husband and father, John's professional dedication and personal sacrifices have tremendously impacted not only his local community and the members and staff of the Michigan Senate, but also the lives of thousands of families and individuals throughout the state. While his title may change, we know his sense of service and contribution to the state of Michigan will continue.

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to honor John Lazet for his years of selfless dedication and service and to wish him the best of success in all of his future endeavors."

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

Senate Bill No. 273

Senate Bill No. 276

Senate Bill No. 277

Senate Bill No. 278

Senate Bill No. 279

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 3:

House Bill Nos. 4381 4382 4383

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, May 3, for his approval the following bills:

Enrolled Senate Bill No. 100 at 1:33 p.m.

Enrolled Senate Bill No. 263 at 1:35 p.m.

The Secretary announced that the following official bills were printed on Tuesday, May 3, and are available at the legislative website:

Senate Bill Nos. 351 352 353 354

Messages from the Governor

The following message from the Governor was received and read:

April 21, 2011

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

Correctional Officers' Training Council

Sherry L. Burt of 900 Long Boulevard, Apt. 333, Lansing, Michigan 48911, county of Ingham, representing the Department of Corrections, succeeding herself, is reappointed for a term expiring March 29, 2014.

Jeremy S. Stephens of 2749 Bent Tree Drive, Dexter, Michigan 48130, county of Washtenaw, representing the State Personnel Director, succeeding himself, is reappointed for a term expiring March 29, 2014.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

Third Reading of Bills

The following bill was read a third time:

House Bill No. 4004, entitled

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," by amending section 10 (MCL 474.60), as amended by 2008 PA 570.

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. 122

Yeas—36

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

Nays—0

Excused—1

Johnson

Not Voting—1

Brandenburg

In The Chair: Schuitmaker

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

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

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

"An act to improve and maintain transportation services in this state; to provide for the acquisition and use of funds; to provide for the acquisition of certain railroad facilities and certain property; to provide for the disposition and use of facilities and property acquired under this act; to provide for financial assistance to certain private transportation services; to prescribe the powers and duties of certain state departments and agencies; to provide for the transfer of certain funds; to provide for the creation of certain funds; and to provide for appropriations,".

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 212, entitled

A bill to provide firefighter training programs to certain individuals; and to provide for certain firefighter examinations.

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. 123

Yeas—37

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

Nays—0

Excused—1

Johnson

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 215, entitled

A bill to amend 1957 PA 185, entitled “An act to authorize the establishing of a department and board of public works in counties; to prescribe the powers and duties of any municipality subject to the provisions of this act; to authorize the incurring of contract obligations and the issuance and payment of bonds or notes; to provide for a pledge by a municipality of its full faith and credit and the levy of taxes without limitation as to rate or amount to the extent necessary; to validate obligations issued; and to prescribe a procedure for special assessments and condemnation,” by amending section 2 (MCL 123.732), as amended by 1987 PA 214.

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. 124

Yeas—37

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson
Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker

Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker
Colbeck	Hunter	Pappageorge	Warren
Emmons	Jansen	Pavlov	Whitmer
Gleason	Jones	Proos	Young
Green			

Nays—0

Excused—1

Johnson

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 216, entitled

A bill to amend 1978 PA 566, entitled “An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies,” by amending section 3 (MCL 15.183), as amended by 2009 PA 210.

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. 125

Yeas—37

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

Nays—0

Excused—1

Johnson

Not Voting—0

In The Chair: Schuitmaker

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 pro tempore, Senator Schuitmaker, designated Senator Robertson as Chairperson.

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

Senate Bill No. 272, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 32, 40, 43, 61, and 64 (MCL 24.232, 24.240, 24.243, 24.261, and 24.264), section 40 as amended by 1999 PA 262, section 43 as amended by 1989 PA 288, and section 61 as amended by 1982 PA 413.

Senate Bill No. 273, entitled

A bill to amend 1984 PA 27, entitled "An act to provide immunity from civil action to members of the legislature of this state for acts done pursuant to duty as legislators; to prohibit members of the legislature of this state from being made parties to contested cases or other administrative proceedings for acts done pursuant to duty as legislators; and to provide for certain exemptions from subpoenas," by amending section 2 (MCL 4.552).

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. 271, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 45 (MCL 24.245), as amended by 2004 PA 491.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 274, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 35 and 45a (MCL 24.235 and 24.245a), section 35 as amended by 1995 PA 178 and section 45a as amended by 2004 PA 491.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 276, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 3, 39, and 122 (MCL 24.203, 24.239, and 24.322), section 3 as amended by 1988 PA 277, section 39 as amended by 2004 PA 23, and section 122 as added by 1984 PA 196, and by adding section 45b.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 278, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 53 (MCL 24.253), as amended by 2004 PA 23.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 277, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 27.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 279, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 1505.

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.

Resolutions

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

Senate Resolution No. 47

Senate Resolution No. 48

Senate Resolution No. 49

Senate Resolution No. 50

The resolution consent calendar was adopted.

Senators Warren, Anderson, Hunter and Johnson offered the following resolution:

Senate Resolution No. 47.

A resolution to declare May 2011 as Postpartum Depression Awareness Month in the state of Michigan.

Whereas, Postpartum depression (PPD), which is also known as perinatal mood disorder or PMD, affects nearly 20 percent of families who have infants, and many more cases go unreported or undiagnosed. It affects primarily birth mothers, but it can also afflict fathers, grandparents, and adoptive parents. PPD can develop immediately after the baby is born and up to 18 months after, but it can also appear during pregnancy and the adoption process. Over 2,500 women and their families are affected by PPD each year in the state of Michigan; and

Whereas, PPD/PMD is an umbrella term used to describe a whole category of postpartum mood disorders, including postpartum depression, postpartum panic/anxiety disorder, postpartum OCD, postpartum post-traumatic stress disorder, and postpartum psychosis. The symptoms of PPD/PMD vary from person to person but can include anxiety, feeling overwhelmed, guilt, irritability, anger, rage, difficulty sleeping or sleeping too much, changes in appetite, difficulty concentrating or making simple decisions, extreme worry, panic, hopelessness, feeling disconnected from one's baby, frightening or intrusive thoughts, inability to function in daily life, wanting to run away or escape, irrational thoughts, and thoughts of harm to self or baby; and

Whereas, Education is the best tool to fight PPD/PMD, and raising awareness among new parents, educating the public, and reaching out to health practitioners can increase the rate at which afflicted mothers get help. Some medical professionals erroneously dismiss patients' concerns, telling them that they are just tired, stressed, need a break, or that it is all in their head. A simple screening tool already in use nationwide, the Edinburgh Postnatal Depression Scale, can be used by families and professionals to assess a parent with PPD/PMD. In New Jersey, a recent PPD awareness campaign was titled "Speak Up When You're Down." Encouraging women and families to push for the help and support they need will result in a reduced incidence and severity of PPD; and

Whereas, Media reports have publicized the most severe cases, known as postpartum psychosis, and caused many women with PPD to fear coming forward and asking for help, imagining they would be judged or their children taken away. The shame and guilt that goes along with PPD lead many to suffer in silence; and

Whereas, Much is unknown about the causes of PPD/PMD. Contributing factors can include lack of social and emotional support, a difficult pregnancy or delivery, family history of depression or anxiety, biochemical and hormonal imbalance, major life changes (job loss, moving, financial hardship) and, in some cases, the death of a baby. Additionally, many families in Michigan are dealing with multiple stressors in this difficult economic time, and extended families are just not able to help like they once were; now, therefore, be it

Resolved by the Senate, That the members of this legislative body declare May 2011 as Postpartum Depression Awareness Month in the state of Michigan. We encourage all citizens to participate in the aims and goals of this effort.

Senators Bieda, Brandenburg, Gregory, Hopgood, Kowall, Marleau, Proos and Richardville were named co-sponsors of the resolution.

Senator Hune offered the following resolution:

Senate Resolution No. 48.

A resolution proclaiming May 9-13, 2011, as InfantSEE® Week in Michigan.

Whereas, The most critical stages of vision development occur in the first year of a child's life; and

Whereas, Undetected eye and vision problems can lead to permanent vision impairment or loss of life; and

Whereas, 1 in 10 children is at risk from undiagnosed eye and vision problems; and

Whereas, 1 in 30 children will be affected by amblyopia, a leading cause of vision loss in people younger than 45 years old; and

Whereas, Undetected vision problems can contribute to a decrease in a child's quality of life and may lead to developmental and behavioral difficulties which impede classroom learning, as well as increase the costs to society; and

Whereas, Early detection of vision problems is the best way to treat and prevent permanent vision impairment; and

Whereas, Member optometrists of the American Optometric Association and The Vision Care Institute of Johnson & Johnson Vision Care, Inc., have partnered to create InfantSEE®, a public health program to provide a one-time, no-cost eye assessment for infants six to twelve months of age; now, therefore, be it

Resolved by the Senate, That the members of this legislative body declare the week of May 9-13, 2011, as InfantSEE® Week in the state of Michigan. We aim to promote awareness of children's vision care; and be it further

Resolved, That the state of Michigan encourages parents to schedule an InfantSEE® assessment for their infants; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Optometric Association with our highest esteem.

Senators Anderson, Bieda, Booher, Brandenburg, Gregory, Hopgood, Hunter, Kowall, Marleau, Proos, Richardville, Smith and Warren were named co-sponsors of the resolution.

Senator Hopgood offered the following resolution:

Senate Resolution No. 49.

A resolution declaring May 2011 as Asian Pacific American Heritage Month in the state of Michigan.

Whereas, The state of Michigan is fortunate to be home to more than 230,000 residents of Asian and Pacific Island descent; and

Whereas, Asian Pacific Americans comprise one of the fastest-growing populations in both the state and the nation; in fact, the largest-growing population in Michigan, according to the 2010 U.S. Census; and

Whereas, The Asian and Pacific Island regions are tremendously diverse; with more than 30 countries, 16 major ethnic groups, 9 languages, and numerous belief systems bringing their culture to Michigan; and

Whereas, Citizens of Asian and Pacific Island descent, in each generation, have enhanced our culture, quality of life, and economic vitality through leadership, commitments to knowledge and advancement, and dedication to their communities; and Whereas, The state of Michigan and the United States of America have been enriched by the contributions of Asian Pacific Americans to all facets of life, including the arts, sciences, business, education, and philanthropy; and

Whereas, The culture and contributions of our Asian and Pacific Island residents will continue to grow in significance as more Asian Pacific Americans choose to make Michigan their home and as our economy becomes increasingly intertwined with the economies throughout Asia; and

Whereas, Asian Pacific Americans, through advocating issues of justice and equality, continue to break down the barriers of discrimination, indifference, and intolerance, thereby opening doors for all Asian Pacific Americans; and

Whereas, Asian Pacific American residents are proudly served in Michigan by many dedicated organizations, including the Asian Pacific American Affairs Commission, the Asian Pacific American Chamber of Commerce, the Council of Asian Pacific Americans, Asian American Citizens for Justice, the Asian Pacific American Women's Association, the Mid-Michigan Asian Pacific American Association, the Asian Center, Michigan Asian and Pacific Islander American Vote, and the Michigan Asian Pacific American Bar Association; and

Whereas, The state of Michigan takes pride in its cultural diversity and welcomes the opportunity to honor our Asian Pacific American residents for their lasting, expanding imprint upon our state; now, therefore, be it

Resolved by the Senate, That the members of this legislative body declare May 2011 as Asian Pacific American Heritage Month in the state of Michigan. We encourage all citizens to celebrate the individual and collective contributions of Asian Pacific Americans to this state and to this country; and be it further

Resolved, That copies of this resolution be transmitted to the Asian Pacific Affairs Commission with our highest esteem.

Senators Anderson, Bieda, Booher, Brandenburg, Gregory, Hunter, Kowall, Marleau, Pappageorge, Proos, Richardville, Rocca, Smith and Warren were named co-sponsors of the resolution.

Senators Marleau, Hune, Meekhof, Jones, Green, Brandenburg, Hansen, Rocca, Robertson, Hildenbrand, Booher, Proos, Pavlov, Kowall, Emmons, Schuitmaker, Casperson, Caswell, Pappageorge, Jansen, Kahn and Colbeck offered the following resolution:

Senate Resolution No. 50.

A resolution recognizing 2011 as World Veterinary Year in Michigan.

Whereas, The world's first veterinary school was founded in Lyon, France, in 1761; and

Whereas, 2011 will mark the 250th anniversary of the founding of the veterinary medical profession; and

Whereas, Veterinarians have played an integral role in discovering the causes of numerous diseases that affect human beings, such as salmonellosis, West Nile virus infection, yellow fever, and malaria; and

Whereas, Valuable public health services are provided by veterinarians through preventive medicine, protection of food safety, control of zoonotic diseases, preparedness for emergency response to natural and man-made disasters, and scientific research; and

Whereas, Veterinarians have advanced human and animal health by inventing and refining techniques and instrumentations, such as artificial hips, bone plates, splints, and arthroscopy; and

Whereas, Michigan veterinarians are dedicated to preserving the human-animal bond and promoting the highest standards of science-based, ethical animal welfare; now, therefore, be it

Resolved by the Senate, That we hereby recognize 2011 as World Veterinary Year in the state of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to State Veterinarian Dr. Steve Halstead, the Michigan Department of Agriculture, and the Michigan Department of Community Health with our highest esteem.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Warren, Johnson, Young, Hopgood and Smith introduced

Senate Bill No. 355, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 33e, 34, and 35 (MCL 791.233e, 791.234, and 791.235), section 33e as added by 1992 PA 181, section 34 as amended by 2010 PA 353, and section 35 as amended by 1998 PA 315.

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

Senators Jones, Bieda, Johnson, Schuitmaker, Marleau, Caswell, Hunter, Rocca, Anderson, Young, Nofs, Proos, Colbeck and Hansen introduced

Senate Bill No. 356, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4702 (MCL 600.4702), as amended by 2002 PA 142.

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

Senators Johnson, Bieda, Jones, Schuitmaker, Marleau, Caswell, Hunter, Rocca, Anderson, Gregory, Young, Nofs, Proos, Colbeck and Hansen introduced

Senate Bill No. 357, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 3801 (MCL 600.3801), as amended by 1988 PA 2.

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

Senators Bieda, Jones, Johnson, Schuitmaker, Marleau, Caswell, Hunter, Rocca, Anderson, Gregory, Young, Nofs, Proos, Colbeck and Hansen introduced

Senate Bill No. 358, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 159g (MCL 750.159g), 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 Jansen, Hunter and Pappageorge introduced

Senate Bill No. 359, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," (MCL 450.1101 to 450.2098) by adding chapter 9A. The bill was read a first and second time by title and referred to the Committee on Economic Development.

Senators Jansen, Hunter and Pappageorge introduced

Senate Bill No. 360, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending sections 105, 106, 202, 211, and 911 (MCL 450.1105, 450.1106, 450.1202, 450.1211, and 450.1911), section 105 as amended by 2001 PA 57, section 106 as amended by 2006 PA 68, section 202 as amended by 1989 PA 121, section 211 as amended by 2008 PA 402, and section 911 as amended by 2007 PA 182.

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

House Bill No. 4361, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending the title and sections 2, 4, 6, 24, 26, 30, 30f, 36, 51, 52, 91, 102, 103, 105, 110, 115, 132, 195, 201, 251, 255, 256, 265, 266, 270, 271, 272, 278, 301, 311, 315, 322, 325, 351, 355, 365, 402, 408, 451, 455, 471, 475, 508, 510, 512, 514, 520, 522, 526, 527a, 530, and 532 (MCL 206.2, 206.4, 206.6, 206.24, 206.26, 206.30, 206.30f, 206.36, 206.51, 206.52, 206.91, 206.102, 206.103, 206.105, 206.110, 206.115, 206.132, 206.195, 206.201, 206.251, 206.255, 206.256, 206.265, 206.266, 206.270, 206.271, 206.272, 206.278, 206.301, 206.311, 206.315, 206.322, 206.325, 206.351, 206.355, 206.365, 206.402, 206.408, 206.451, 206.455, 206.471, 206.475, 206.508, 206.510, 206.512, 206.514, 206.520, 206.522, 206.526, 206.527a, 206.530, and 206.532), section 4 as amended by 2003 PA 52, section 26 as amended by 2003 PA 50, section 30 as amended by 2009 PA 134, section 30f as added by 2000 PA 163, sections 51 and 270 as amended by 2007 PA 94, section 52 as added by 1988 PA 1, section 110 as amended by 2003 PA 21, sections 255, 256, 301, and 475 as amended by 1996 PA 484, section 265 as amended by 1998 PA 19, section 266 as amended by 2008 PA 447, section 272 as added by 2006 PA 372, section 278 as added by 2010 PA 235, section 311 as amended by 2004 PA 199, section 315 as amended by 2003 PA 49, sections 325 and 514 as amended by 1987 PA 254, sections 351, 355, and 365 as amended by 2008 PA 360, section 402 as added and section 408 as amended by 1980 PA 169, section 451 as amended by 2003 PA 46, section 471 as amended by 2002 PA 486, section 508 as amended by 1990 PA 283, sections 510 and 520 as amended by 1995 PA 245, section 512 as amended by 2003 PA 29, section 522 as amended by 2000 PA 41, section 527a as amended by 2004 PA 335, and section 530 as amended by 1982 PA 480, by designating sections 1 to 532 as part 1, and by adding part 2; 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 Reforms, Restructuring and Reinventing.

House Bill No. 4362, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 107, 117, and 455 (MCL 208.1107, 208.1117, and 208.1455), section 117 as amended by 2009 PA 142 and section 455 as amended by 2010 PA 312, and by adding section 500; 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 Reforms, Restructuring and Reinventing.

House Bill No. 4381, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 43 of chapter X (MCL 710.43), as amended by 1996 PA 409.

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. 4382, entitled

A bill to amend 1935 PA 220, entitled "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act," by amending section 9 (MCL 400.209), as amended by 2004 PA 470.

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. 4383, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19c (MCL 712A.19c), as amended by 2008 PA 203.

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. 4479, entitled

A bill to amend 1969 PA 343, entitled "An act to adopt a multistate tax compact to facilitate and promote convenient, uniform, nonduplicative and proper determination of state and local tax liability of multistate taxpayers," by amending section 1 (MCL 205.581).

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 Reforms, Restructuring and Reinventing.

House Bill No. 4480, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 40 (MCL 38.40), as amended by 2002 PA 99.

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 Reforms, Restructuring and Reinventing.

House Bill No. 4481, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 46 (MCL 38.1346), as amended by 2002 PA 94.

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 Reforms, Restructuring and Reinventing.

House Bill No. 4482, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending section 57 (MCL 38.1057), as amended by 2002 PA 97.

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 Reforms, Restructuring and Reinventing.

House Bill No. 4483, entitled

A bill to amend 1927 PA 339, entitled "An act to authorize the establishment of a system of retiring allowances for employes of public libraries now existing or which may hereafter be established in incorporated cities of 250,000 population or more," by amending section 5 (MCL 38.705).

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 Reforms, Restructuring and Reinventing.

House Bill No. 4484, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending section 720 (MCL 38.2670), as amended by 2002 PA 95.

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 Reforms, Restructuring and Reinventing.

Statements

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

The motion prevailed.

Senator Gregory's statement is as follows:

I would like to start with a quote by Henry David Thoreau: "It's not what you look at that matters, it's what you see." I rise today to speak in opposition to Governor Snyder's pension tax proposal that passed the House last week and is going to be taken up any day now by the Senate Republican majority.

A majority of Michigan's seniors are living on a fixed income. Also many retired police officers do not receive Social Security. For many seniors, their pensions are all they have to live on, and they are already struggling to make ends meet. They have given back to the state their whole lives, working hard and building a life and family here. They have nothing more to give, yet Governor Snyder and legislative Republicans are still asking for more. We should be thanking our seniors for everything they've done for this state, not knocking on their doors with our hands out yet again.

It is not what you look at that matters, it's what you see. When I look at this proposal, I see a proposal that is ill-advised. I see a quick fix to a budget on the back of those who have made Michigan the great state that it is, our seniors. I see the total opposite of the Robin Hood effect. This proposal will steal from the poor and give to the rich.

Therefore, I urge you, my Senate colleagues, to vote against this bill when it comes before us.

Committee Reports

The Committee on Transportation reported

Senate Bill No. 102, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803e (MCL 257.803e), as amended by 2003 PA 30.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Kowall, Brandenburg, Pavlov, Gleason and Hood

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 Transportation submitted the following:

Meeting held on Tuesday, May 3, 2011, at 12:30 p.m., Room 100, Farnum Building

Present: Senators Casperson (C), Kowall, Brandenburg, Pavlov, Gleason and Hood

The Committee on Veterans, Military Affairs and Homeland Security reported

Senate Bill No. 282, entitled

A bill to designate the period beginning on September 11 through September 17 of each year as Patriot Week in the state of Michigan.

With the recommendation that the bill pass.

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

John R. Moolenaar
Chairperson

To Report Out:

Yeas: Senators Moolenaar, Pappageorge and Emmons

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, May 3, 2011, at 1:04 p.m., Room 210, Farnum Building

Present: Senators Moolenaar (C), Pappageorge and Emmons

Excused: Senators Gregory and Smith

The Committee on Banking and Financial Institutions reported

Senate Bill No. 43, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 219d.

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.

Darwin L. Booher
Chairperson

To Report Out:

Yeas: Senators Booher, Nofs, Green, Marleau, Rocca, Hunter and Smith

Nays: None

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

The Committee on Banking and Financial Institutions reported

Senate Bill No. 44, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16^l of chapter XVII (MCL 777.16^l), as amended by 2005 PA 171.

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.

Darwin L. Booher
Chairperson

To Report Out:

Yeas: Senators Booher, Nofs, Green, Marleau, Rocca, Hunter and Smith

Nays: None

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

The Committee on Banking and Financial Institutions reported

Senate Bill No. 249, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 218 (MCL 750.218), as amended by 2004 PA 154.

With the recommendation that the bill pass.

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

Darwin L. Booher
Chairperson

To Report Out:

Yeas: Senators Booher, Nofs, Green, Marleau, Rocca, Hunter and Smith

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Banking and Financial Institutions reported

Senate Bill No. 250, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16^l of chapter XVII (MCL 777.16^l), as amended by 2005 PA 171.

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.

Darwin L. Booher
Chairperson

To Report Out:

Yeas: Senators Booher, Nofs, Green, Marleau, Rocca, Hunter and Smith
Nays: None

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

The Committee on Banking and Financial Institutions reported

Senate Bill No. 251, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 2005 PA 35.

With the recommendation that the bill pass.

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

Darwin L. Booher
Chairperson

To Report Out:

Yeas: Senators Booher, Nofs, Green, Marleau, Rocca, Hunter and Smith
Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Banking and Financial Institutions reported

Senate Bill No. 252, entitled

A bill to amend 2003 PA 238, entitled "Michigan notary public act," by amending sections 41, 43, and 49 (MCL 55.301, 55.303, and 55.309).

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Darwin L. Booher
Chairperson

To Report Out:

Yeas: Senators Booher, Nofs, Green, Marleau, Rocca, Hunter and Smith
Nays: None

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

The Committee on Banking and Financial Institutions reported

Senate Bill No. 253, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11c of chapter XVII (MCL 777.11c), as added by 2002 PA 31.

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.

Darwin L. Booher
Chairperson

To Report Out:

Yeas: Senators Booher, Nofs, Green, Marleau, Rocca, Hunter and Smith
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 Banking and Financial Institutions submitted the following:
Meeting held on Tuesday, May 3, 2011, at 1:09 p.m., Room 405, Capitol Building
Present: Senators Booher (C), Nofs, Green, Marleau, Rocca, Hunter and Smith

The Committee on Economic Development reported

Senate Bill No. 273, entitled

A bill to amend 1984 PA 27, entitled "An act to provide immunity from civil action to members of the legislature of this state for acts done pursuant to duty as legislators; to prohibit members of the legislature of this state from being made parties to contested cases or other administrative proceedings for acts done pursuant to duty as legislators; and to provide for certain exemptions from subpoenas," by amending section 2 (MCL 4.552).

With the recommendation that the bill pass.

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

Michael W. Kowall
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Emmons, Hansen and Hunter

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development reported

Senate Bill No. 276, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 3, 39, and 122 (MCL 24.203, 24.239, and 24.322), section 3 as amended by 1988 PA 277, section 39 as amended by 2004 PA 23, and section 122 as added by 1984 PA 196, and by adding section 45b.

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.

Michael W. Kowall
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Emmons and Hansen

Nays: Senator Hunter

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

The Committee on Economic Development reported

Senate Bill No. 277, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 27.

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.

Michael W. Kowall
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons and Hansen

Nays: Senator Hunter

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

The Committee on Economic Development reported

Senate Bill No. 278, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 53 (MCL 24.253), as amended by 2004 PA 23.

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.

Michael W. Kowall
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons and Hansen

Nays: Senator Hunter

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

The Committee on Economic Development reported

Senate Bill No. 279, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 1505.

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.

Michael W. Kowall
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons and Hansen

Nays: Senator Hunter

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

The Committee on Economic Development reported

Senate Bill No. 334, entitled

A bill to amend 1961 PA 120, entitled "An act to authorize the development or redevelopment of principal shopping districts and business improvement districts; to permit the creation of certain boards; to provide for the operation of principal shopping districts and business improvement districts; to provide for the creation, operation, and dissolution of business improvement zones; and to authorize the collection of revenue and the bonding of certain local governmental units for the development or redevelopment projects," by amending sections 10, 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10h, 10i, 10j, 10k, 10l, and 10m (MCL 125.990, 125.990a, 125.990b, 125.990c, 125.990d, 125.990e, 125.990f, 125.990g, 125.990h, 125.990i, 125.990j, 125.990k, 125.990l, and 125.990m), as added by 2001 PA 260.

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.

Michael W. Kowall
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons, Hansen and Hunter

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 Economic Development submitted the following:

Meeting held on Tuesday, May 3, 2011, at 2:38 p.m., Room 100, Farnum Building

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

Excused: Senator Smith

COMMITTEE ATTENDANCE REPORT

The Committee on Reforms, Restructuring and Reinventing submitted the following:

Meeting held on Wednesday, May 4, 2011, at 8:34 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Jansen (C), Colbeck, Casperson, Kowall, Robertson, Young and Warren

Scheduled Meetings

Appropriations -

Subcommittee -

Capital Outlay - Thursdays, May 5 (CANCELED), and May 12, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-8080)

Health Policy - Thursday, May 5, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

Natural Resources, Environment and Great Lakes - Thursday, May 5, 8:30 a.m., Room 210, Farnum Building (373-5323)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 10:57 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, May 5, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate