

No. 75
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Wednesday, October 5, 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—present

Senator Howard Walker the 37th District offered the following invocation:

Heavenly Father, thank You for another beautiful day in Michigan, and thank You for being here with us. We also want to thank You for inspiring those founding fathers who created this system of government which allows us to represent so many people from this great state.

I would ask for Your continued blessing for our state's leaders, for this governing body, and for wisdom so we might know and do Your will. I would also ask that the hearts and minds of Michigan's citizens be opened to see Your hand and Your guidance as we do our work here in Lansing.

For these things, I pray 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

Senators Casperson, Young and Jansen entered the Senate Chamber.

Senator Meekhof moved that Senators Green, Kahn and Hildenbrand be temporarily excused from today's session. The motion prevailed.

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

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

House Bill No. 4087

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

Senators Green, Hildenbrand and Kahn entered the Senate Chamber.

The following communications were received and read:

Office of the Auditor General

September 30, 2011

Enclosed is a copy of the following audit report:

Performance audit of the Community Development and Revitalization Programs, Michigan State Housing Development Authority, Department of Treasury.

September 30, 2011

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Legislative Retirement System for the period October 1, 2008 through September 30, 2010.

Michigan Auditor General

The audit reports were referred to the Committee on Government Operations.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, October 4:

House Bill Nos. 4578 4888

The Secretary announced that the following official bills and joint resolution were printed on Tuesday, October 4, and are available at the legislative website:

Senate Bill Nos. 713 714 715 716 717 718 719 720 721 722 723

Senate Joint Resolution N

House Bill Nos. 5032 5033 5034 5035 5036

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Meekhof moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Calley, designated Senator Proos as Chairperson.

Recess

Senator Meekhof moved that the Committee of the Whole recess subject to the call of the Chairperson. The motion prevailed, the time being 10:21 a.m.

11:10 a.m.

The Committee of the Whole was called to order by the Chairperson, Senator Proos.

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

Senate Bill No. 644, entitled

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending section 8 (MCL 12.258), as amended by 2009 PA 183.

The bill 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. 508, entitled

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

Substitute (S-2).

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. 509, entitled

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

Substitute (S-2).

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. 510, entitled

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

Substitute (S-2).

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. 556, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 5, 88b, and 88h (MCL 125.2005, 125.2088b, and 125.2088h), section 5 as amended by 2008 PA 224, section 88b as amended by 2011 PA 3, and section 88h as added by 2005 PA 225, and by adding section 88r.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 18, line 1, after "STATE" by inserting "AS REPORTED TO THE FUND".

The Senate agreed to the substitute, as amended, 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:

House Bill No. 4087, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending section 75 (MCL 38.1075), as amended by 1998 PA 501.

Substitute (S-2).

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

During the Committee of the Whole, Senators Hunter and Johnson entered the Senate Chamber.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Senator Meekhof moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

House Bill No. 4087

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

Senator Meekhof moved that the following bills be placed at the head of the Third Reading of Bills calendar:

House Bill No. 4721

House Bill No. 4087

The motion prevailed.

The following bill was read a third time:

House Bill No. 4721, entitled

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

The 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. 548

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	Smith
Emmons	Hunter	Nofs	Walker
Gleason	Jansen	Pappageorge	Whitmer

Nays—2

Warren	Young
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Excused—0

Not Voting—0

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 the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions 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. 4087, entitled

A bill to amend 1957 PA 261, entitled “Michigan legislative retirement system act,” by amending sections 75 and 79 (MCL 38.1075 and 38.1079), section 75 as amended by 1998 PA 501 and section 79 as amended by 2006 PA 614.

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. 549

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—1

Young

Excused—0

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 for the creation, maintenance, and administration of a legislative members’ and presiding officers’ retirement system within the legislature; to provide retirement allowances to the participants of the retirement system, and survivors’

allowances and other benefits to their beneficiaries upon death; to exempt those allowances and benefits from certain taxes and legal processes; to establish certain funds in connection with the retirement system; to authorize and make appropriations for the retirement system; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; and to prescribe penalties and provide remedies.”

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Meekhof moved that consideration of the following resolutions be postponed for today:

Senate Resolution No. 34

Senate Resolution No. 67

The motion prevailed.

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

Senate Resolution No. 80

The resolution consent calendar was adopted.

Senator Anderson offered the following resolution:

Senate Resolution No. 80.

A resolution designating October 2011 as Breast Cancer Awareness Month in the state of Michigan.

Whereas, The National Cancer Institute estimates that a woman in the United States has a 1 in 8 chance of developing invasive breast cancer during her lifetime; and

Whereas, Excluding cancers of the skin, breast cancer is the most common cancer diagnosed among U.S. women, accounting for more than 1 in 4 cancers; and

Whereas, Breast cancer is the most frequently diagnosed cancer among women in Michigan. In 2010, there were 7,340 new cases of breast cancer in Michigan; and

Whereas, Breast cancer is the second-leading cause of cancer death for women in the U.S. It is estimated that 230,480 new cases of invasive breast cancer will be diagnosed among women in the U.S. in 2011; and

Whereas, All women are at risk for breast cancer; now, therefore, be it

Resolved by the Senate, That we join together in recognizing October 2011 as Breast Cancer Awareness Month in Michigan; and be it further

Resolved, That the members of this legislative body urge all Michiganians to use this month as an opportunity to educate themselves about breast cancer and take proactive steps to reduce their risk and get appropriate screening; and be it further

Resolved, That we stand in full support of those currently battling this serious disease; and be it further

Resolved, That we offer the sincerest of condolences to those who have lost loved ones to breast cancer; and be it further

Resolved, That we congratulate those who have won their fight with breast cancer; and be it further

Resolved, That we support all those making efforts to diagnose, research, and treat breast cancer across Michigan.

Senators Bieda, Booher, Brandenburg, Caswell, Hansen, Hood, Hopgood, Jones, Marleau, Pappageorge, Richardville, Rocca and Warren were named co-sponsors of the resolution.

Senator Meekhof offered the following resolution:

Senate Resolution No. 81.

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 2.103 of the Standing Rules of the Senate be amended to read as follows:

“2.103 STANDING COMMITTEES

The standing committees of the Senate shall be:

Agriculture (5 members)

Appropriations (16 members)

Banking and Financial Institutions (7 members)

Economic Development (7 members)

Education (5 members)

Energy and Technology (9 members)

Families, Seniors and Human Services (4 members)

Finance (7 members)

Government Operations (5 members)

Health Policy (8 members)
 Insurance (7 members)
 Judiciary (4 members)
 Local Government and Elections (4 members)
 Natural Resources, Environment and Great Lakes (7 members)
 Outdoor Recreation and Tourism (7 members)
 Redistricting (9 members)
 Reforms, Restructuring and Reinventing (7 members)
 Regulatory Reform (7 members)
 Transportation (6-7 members)
 Veterans, Military Affairs and Homeland Security (5 members)
 Statutory standing committees:
 Administrative Rules (5 members) (see MCL 24.235)
 Legislative Council (6 members and 3 alternates) (see MCL 4.1103)
 Legislative Retirement Board of Trustees (2 members) (see MCL 38.1026)
 Michigan Capitol Committee (4 members) (see MCL 4.1701)".
 Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,
 Senator Meekhof moved that the rule be suspended.
 The motion prevailed, a majority of the members serving voting therefor.
 The resolution was adopted, a majority of the members serving voting therefor.

By unanimous consent the Senate returned to the order of

Messages from the Governor

The following messages from the Governor were received:

Date: September 30, 2011
 Time: 2:26 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 494 (Public Act No. 158), being

An act to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending sections 1, 2, 3, 5, and 7 (MCL 28.291, 28.292, 28.293, 28.295, and 28.297), section 1 as amended by 2008 PA 31, section 2 as amended by 2008 PA 40, section 3 as amended by 1998 PA 2, section 5 as amended by 2004 PA 149, and section 7 as amended by 2009 PA 101.

(Filed with the Secretary of State on September 30, 2011, at 3:38 p.m.)

Date: September 30, 2011
 Time: 2:28 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 495 (Public Act No. 159), being

An act to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 57, 208b, 217a, 232, 301, 303, 306, 307, 307a, 312e, 312f, 312h, 314, 319b, 319d, 319f,

319g, 320a, 602b, 605, 732, 801, 801g, 802, 803b, 803r, 804, 806, 809, 811e, 811h, and 907 (MCL 257.57, 257.208b, 257.217a, 257.232, 257.301, 257.303, 257.306, 257.307, 257.307a, 257.312e, 257.312f, 257.312h, 257.314, 257.319b, 257.319d, 257.319f, 257.319g, 257.320a, 257.602b, 257.605, 257.732, 257.801, 257.801g, 257.802, 257.803b, 257.803r, 257.804, 257.806, 257.809, 257.811e, 257.811h, and 257.907), sections 57 and 301 as amended by 1988 PA 346, sections 208b, 217a, 232, 801, 802, 803b, 803r, 804, 806, 809, and 811h as amended by 2009 PA 99, section 303 as amended by 2010 PA 155, sections 306, 307a, 312e, 312f, 319f, and 319g as amended by 2006 PA 298, section 307 as amended by 2008 PA 36, section 312h as amended by 2003 PA 152, section 314 as amended by 2008 PA 7, section 319b as amended by 2008 PA 463, section 319d as amended by 1996 PA 404, section 320a as amended by 2010 PA 58, section 602b as added by 2010 PA 60, section 605 as amended by 2000 PA 97, sections 732 and 907 as amended by 2010 PA 59, section 801g as amended by 1992 PA 29, and section 811e as amended by 2011 PA 66, and by adding section 36b.

(Filed with the Secretary of State on September 30, 2011, at 3:40 p.m.)

Date: September 30, 2011

Time: 2:30 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 496 (Public Act No. 160), being

An act to amend 1963 PA 181, entitled “An act to promote safety upon highways open to the public by regulating the operation of certain vehicles; to provide consistent regulation of these areas by state agencies and local units of government; to establish the qualifications of persons necessary for the safe operation of such vehicles; to establish certain violations of shippers offering certain materials for transportation; to limit the hours of service of persons engaged in operating such vehicles; to require the keeping of records of such operations; to provide penalties for the violation of this act; to prescribe the powers and duties of certain state agencies; and to repeal acts and parts of acts,” by amending sections 1a, 2d, and 5 (MCL 480.11a, 480.12d, and 480.15), section 1a as amended by 2006 PA 50, section 2d as amended by 2005 PA 177, and section 5 as amended by 2006 PA 595; and to repeal acts and parts of acts.

(Filed with the Secretary of State on September 30, 2011, at 3:42 p.m.)

Respectfully,

Brian Calley

Acting and Lieutenant Governor

Date: October 4, 2011

Time: 3:21 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 77 (Public Act No. 162), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” 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.

(Filed with the Secretary of State on October 4, 2011, at 4:29 p.m.)

Date: October 4, 2011

Time: 3:41 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 584 (Public Act No. 163), being

An act to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard

against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” 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.

(Filed with the Secretary of State on October 4, 2011, at 4:31 p.m.)

Respectfully,
Rick Snyder
Governor

By unanimous consent the Senate returned to the order of
Motions and Communications

The Secretary announced that the Majority Leader has made the appointment of the following standing committees:
Local Government and Elections - Senator Meekhof replacing Senator Hansen.

Transportation - Senator Hansen as a member.

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

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

Senators Moolenaar, Proos, Casperson, Nofs, Hansen, Brandenburg, Pappageorge, Anderson, Walker, Marleau, Emmons, Green, Rocca, Hune, Pavlov and Schuitmaker introduced

Senate Bill No. 724, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 40111b.

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

Senators Moolenaar, Proos, Casperson, Nofs, Brandenburg, Hansen, Walker, Marleau, Emmons, Green, Hune and Schuitmaker introduced

Senate Bill No. 725, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending sections 7dd and 34c (MCL 211.7dd and 211.34c), section 7dd as amended by 2010 PA 17 and section 34c as amended by 2006 PA 646.

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

Senators Jones, Nofs, Schuitmaker, Jansen, Marleau, Proos, Brandenburg, Pappageorge and Rocca introduced

Senate Bill No. 726, 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.

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

Senators Booher, Pappageorge and Jones introduced

Senate Bill No. 727, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 18 of chapter XVI (MCL 776.18).

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

Senators Booher, Pappageorge and Jones introduced

Senate Bill No. 728, entitled

A bill to amend 1911 PA 41, entitled “An act authorizing prosecuting attorneys in certain cases to appoint assistant prosecuting attorneys for their respective counties, and prescribing the powers and duties of such assistants,” by amending section 1 (MCL 49.41).

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

House Bill No. 4578, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11715 (MCL 324.11715), as amended by 2004 PA 381.

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 Natural Resources, Environment and Great Lakes.

House Bill No. 4888, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 70.

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 Anderson, Johnson, Young and Caswell asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Anderson's statement is as follows:

Senate colleagues, I rise today to thank all of you for your support in passing Senate Resolution No. 80, proclaiming October as Breast Cancer Awareness Month in Michigan. Observances and celebrations for survivors are taking place all across Michigan this month to mark this important month. Breast cancer is the most common form of cancer diagnosed among women in this state, and the National Cancer Institute estimates that a woman in this country has a 1 in 8 chance of developing breast cancer at some point in her lifetime. Last year, there were over 7,300 new cases of breast cancer diagnosed in Michigan alone.

Despite being the second-leading cause of cancer death for women in our country, there are still women who do not get tested for breast cancer on a regular basis. Some of these women do not get tested because they simply cannot afford it. Early detection means the difference between a high probability of survival and a potentially terminal case.

There is more that this body can do to combat this devastating disease. We can directly improve the chances of survival by a simple vote. Senate Bill No. 389, which creates a Pink Ribbon license plate, was introduced on May 19, passed through the Senate Transportation Committee in less than a week, and is awaiting action on the floor of this body. The bill has the co-sponsorship of every member of this body, so, obviously, there is no opposition to it. Governor Snyder has also personally told me that he will sign the bill when it gets to his desk.

I have been working on this legislation for over two years, building a statewide coalition of citizens, local health officials, nonprofit organizations, and health care providers that are excited to see Michigan join the many other states that currently offer a breast cancer fundraising license plate. I have already raised, through private donations from supportive individuals and health organizations, all of the necessary start-up costs, which totals \$15,000, to begin manufacturing this plate once it is signed into law. All that needs to happen now is for the Legislature to approve the authorizing bill, Senate Bill No. 389.

The license plate bills that we passed recently offer funding to worthy causes. We have passed license plate bills in support of the Boy Scouts, wildlife conservation, historic preservation, and the Children's Trust Fund—all great causes. The funding generated by this plate will save lives. The funding from this plate will provide women an opportunity to get the screenings that they otherwise would not be able to afford.

What better time to pass this bill than now, when we are doing what we can to raise awareness about this terrible disease? Let's send a bipartisan message to all those affected, directly or indirectly, by breast cancer that this body is not just a body of words, but actions as well.

I urge the esteemed leadership on the other side of the aisle to bring this bill up for a vote, so we can pass this important legislation this month—during Breast Cancer Awareness Month—and start saving the lives of Michigan citizens.

Senator Johnson's statement is as follows:

Today is Count Day for Michigan schools, and I rise today to again hold my colleagues across the aisle accountable for their drastic cuts to schools. Today is the day each fall that schools must tally and report attendance figures to the state, determining much of their state aid for the year. Due to school cuts in the most recent budget, Count Day is more important than ever, but at least Republicans have made it easier on the administrators. Thanks to you, there are more kids in fewer classrooms across the state.

Public schools in Michigan receive their funding based on per-pupil grants from the state. This Republican-led Legislature cut the amount of aid attached to each student this year by as much as \$470 per pupil, so schools are more anxious about Count Day than ever. Earlier this year, my colleagues from across the aisle moved to place an even greater emphasis on

the fall Count Day in the K-12 budget that we opposed. The fall date now accounts for 90 percent in determining state aid, up from 75 percent before. The winter Count Day in February is now worth only 10 percent, down from 25 percent. Count Day is starting to feel like cut day, as schools are worrying more about how much they're going to get cut per pupil next year than how much state funding they're going to get.

Our public schools are getting attacked from all sides. The drastic K-12 cuts made by this body have already resulted in fewer teachers, larger classrooms, diminished learning resources, and defunct afterschool programs. You are purposely and vengefully making public schools less desirable for parents and students while continuing to put all of the funding weight on student population. Your school cuts were deplorable and are devastating to our schools, but the worst of it is that they were unnecessary.

We actually had a surplus in the School Aid Fund, and our educators believed that they might get a bump, but instead, you went against the intent of Michigan voters and raided the School Aid Fund to fill other budget holes, created in large part by your \$1.8 billion corporate tax break. We've introduced a constitutional amendment to make sure that never happens again, but I think it's safe to assume that this body will never take it up. Time and again, I have warned you that our businesses and our economy suffer when schools suffer. Our deteriorating and depleted education system is chasing parents out of state and making it harder and harder for kids to be properly prepared for college and a career.

Your attack on public education is driving this state into the ground, and on Count Day and every other day, I implore you to right your wrongs and start making education funding a priority.

Senator Young's statement is as follows:

I would like to start with a quote: "The welfare of each of us is dependent fundamentally on the welfare of all of us." Theodore Roosevelt. My colleagues, I rise today to remind you that we have the chance to right one of the wrongs committed by this body and to save thousands of children from starvation and homelessness.

A federal judge has ruled that the Department of Human Services has violated the due process rights of more than 11,000 families. Notices received by these families who would no longer be receiving assistance through the Family Independence Program failed to disclose the rules for filing an appeal and seeking an exemption. The notices failed to appropriately cite the policy allowing DHS to cut these vital funds.

Yet beyond the due process rights, we must also be concerned about human rights. We must be concerned with the ramifications of a retroactive policy that affects the parents' ability to feed their children or put a roof over their heads. We have a moral obligation to make sure that these children have their basic needs met and that they are able to receive a minimum quality of life.

Surely, all of my colleagues who proudly call themselves pro-life can see that this matter is an issue of life and death for more than 20,000 Michigan children. Those of you who value life can see the mistake in giving corporations nearly \$2 billion in tax cuts while children are kicked out of their homes and families struggle to eat. We have a responsibility to take care of the least among us. Who is more deserving of that care—children or big business?

While DHS prepares notices to comply with the judge's orders, we have time to reverse course. We have time to make appropriate reforms that address our state's budgeting concerns while preventing thousands of children from falling into poverty. Now is the time to do the right thing. Now is the time to stand in the gap. Now is the time for truth, justice, and the American way to prevail. Now is the time to build a better future and not allow these children to fall through the cracks.

Mr. President, please join me in standing up for our children.

Senator Caswell's statement is as follows:

A short time ago, this body passed welfare reform for the state of Michigan. This body made sure that with the 48-month limit, the disabled, their caretakers, and other groups were excluded and were allowed to remain on welfare for the federal limit of five years. The actions that this body took resulted in approximately 100 people losing their cash benefits. In addition, the department has made it very clear that food stamps will continue to be available to these families, and the childcare subsidies will continue to be available. Personal plans can be built for each individual who is losing cash assistance as they move to self-sufficiency, and Medicaid will continue to be available.

The federal government does not allow the exemptions that this body put in place when the bill was passed. As a result, when these folks hit five years, under federal law, they would no longer be able to get cash assistance. I want to make it very clear that other forms of assistance are available, including food and housing. If any of these folks come in and are willing to look at retraining and work-related activities, they have been told that they will get housing for a period of time, and Medicaid health assistance will still be available.

As we move forward, we need to understand that what we have done here is a thing that is not fun for any of us, but self-sufficiency is key. Self-sufficiency allows people to once again live the American Dream and to pull themselves up.

My heart is very heavy when I hear comments made that these citizens have been cut off from everything. They have not. There is a lot of help left, and if they are willing to enroll in work-related programs, there is even more help available, and that will continue to be the case.

Committee Reports

The Committee on Insurance reported

Senate Bill No. 298, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 4501 and 4503 (MCL 500.4501 and 500.4503), as added by 1995 PA 276.

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.

Joseph R. Hune
Chairperson

To Report Out:

Yeas: Senators Hune, Brandenburg, Hansen, Robertson, Smith and Bieda

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 Insurance submitted the following:

Meeting held on Tuesday, October 4, 2011, at 2:31 p.m., Room 100, Farnum Building

Present: Senators Hune (C), Brandenburg, Hansen, Robertson, Smith and Bieda

Excused: Senator Marleau

The Committee on Judiciary reported

Senate Bill No. 630, entitled

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

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. 631, entitled

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

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. 632, entitled

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

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. 633, entitled

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

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. 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.

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, October 4, 2011, at 2:30 p.m., Room 110, Farnum Building

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

The Committee on Transportation reported

Senate Bill No. 561, entitled

A bill to amend 1990 PA 271, entitled "Limousine transportation act," by amending sections 5, 7, 13, and 15 (MCL 257.1905, 257.1907, 257.1913, and 257.1915), section 7 as amended by 2000 PA 487; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Thomas A. Casperson
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, October 4, 2011, at 12:30 p.m., Room 100, Farnum Building

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

The Committee on Reforms, Restructuring and Reinventing reported

House Bill No. 4087, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending section 75 (MCL 38.1075), as amended by 1998 PA 501.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Jansen, Colbeck, Casperson, Kowall, Robertson and Warren

Nays: Senator Young

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, October 5, 2011, at 8:33 a.m., Rooms 402 and 403, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Tuesday, October 4, 2011, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Nofs (C), Proos, Jones, Marleau, Schuitmaker, Walker, Hoppood, Bieda and Young

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Tuesday, October 4, 2011, at 2:02 p.m., Rooms 402 and 403, Capitol Building

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

Scheduled Meetings

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

Appropriations -

Subcommittees -

Corrections and House Corrections Appropriations Subcommittee - Thursday, October 6, 3:00 p.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Human Services Department; Families, Seniors and Human Services; House Human Services Appropriations Subcommittee; and House Families, Children, and Seniors - Thursday, October 6, 8:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building; and Thursday, October 27, 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

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

Banking and Financial Institutions - Thursday, October 6, 1:30 p.m., Room 100, Farnum Building (373-5324)

Health Policy - Thursday, October 6, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

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

Natural Resources, Environment and Great Lakes - Thursday, October 6, 8:30 a.m., Room 210, Farnum Building (373-5323)

Outdoor Recreation and Tourism - Thursday, October 6, 12:30 p.m., Room 210, Farnum Building (373-5323)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 11:40 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, October 6, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

