

No. 44
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Thursday, May 19, 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

Reverend Susan Bock of St. Gabriel's Episcopal Church of Eastpointe offered the following invocation:

Holy One of blessings, I pray for these men and women who have taken on this sacred, terrifying, exhilarating responsibility of leadership. Help them bring to it today their own best selves—all the wisdom, imagination, faith, humor, patience, and especially love, the courage of love—and to all that add Your own grace.

Whether or not their work achieves the results they seek, may it meet Your ends and desires. May their work be right, true, and graceful and have lasting value. And may it help tilt this beloved world even just a little more toward You and Your hopes for it. Each of these servants arrives here now with hopes of their own, with heartaches, worries, questions, longings, and dreams. Help them to carry those today and to entrust to Your keeping and care all whom they love and all who love them.

We pray for all whom they serve, especially those in any need or danger, for our service men and women abroad, for our elders, for the sick and despairing, for the homeless and unemployed, and for every child. For every child, we pray that each precious one could learn and grow in safety and peace and find their way into that particular work of love that they were made for.

We give You thanks for this day, a gift not a given, and for the freedom of peace in which to gather without fear. We are grateful to all who have given lives to make it so and who still do not only for us, but for so many others throughout this war-torn world, for which we ask healing and peace. Make us worthy of those sacrifices by helping us to live this day with grateful, generous, joyful hearts, humble spirits, peaceful minds, brave ideas, gentle manners, and gracious words.

Our God, we dare to ask these things of You because we trust that Your love for us and all creation is a wild, unrelenting, unyielding love. And by this love and for its sake, we ask that it all may be so. May it be so. Amen.

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

Motions and Communications

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

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 18:
House Bill Nos. 4156 4436

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, May 18, and are available at the legislative website:

House Bill Nos. 4643 4644 4645 4646 4647 4648 4649 4650 4651 4652
House Joint Resolution AA

Messages from the Governor

The following messages from the Governor were received and read:

April 18, 2011

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

State Board of Professional Engineers

Troy R. Naperala of 638 East Orchard Drive, Traverse City, Michigan 49686, county of Grand Traverse, representing professional engineers, succeeding Keith M. Swaffer, is appointed for a term expiring March 31, 2015.

April 25, 2011

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

State Board of Architects

Troy R. Naperala of 638 East Orchard Drive, Traverse City, Michigan 49686, county of Grand Traverse, representing licensed professional engineers, succeeding John G. Kraus, is appointed for a term expiring March 31, 2015.

Kenneth R. Van Tine of 21109 Gill Road, Farmington Hills, Michigan 48167, county of Oakland, representing architects, succeeding Daniel A. Redstone, is appointed for a term expiring March 31, 2015.

May 10, 2011

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

Director, Michigan Department of Corrections

Daniel H. Heyns of 1326 Austscot Drive, Jackson, Michigan 49203, county of Jackson, succeeding Richard McKeon, is appointed for a term commencing June 1, 2011 and expiring at the pleasure of the Governor.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

Senator Warren entered the Senate Chamber.

Senate Bill No. 139, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 367b, 371, 384, 386, and 423 (MCL 18.1367b, 18.1371, 18.1384, 18.1386, and 18.1423), section 367b as amended by 2007 PA 183, section 371 as amended by 2007 PA 2, and sections 384 and 386 as amended by 1999 PA 8.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1984 PA 431, entitled "An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts," by amending sections 367b and 386 (MCL 18.1367b and 18.1386), section 367b as amended by 2007 PA 183 and section 386 as amended by 1999 PA 8.

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

Senator Meekhof moved that the rule be suspended.

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

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

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

Roll Call No. 216

Yeas—38

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	Johnson	Proos	Young
Green	Jones		

Nays—0

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.
The Senate agreed to the title as amended.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 220, 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, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 245, entitled

A bill to amend 1967 PA 227, entitled "An act to regulate the inspection, construction, installation, alteration, maintenance, repair and operation of elevators and the licensing of elevator contractors; to prescribe the functions of the director of labor; to create, and prescribe the functions of, the elevator safety board; to provide penalties for violations of the act; and to repeal certain acts and parts of acts," by amending section 6 (MCL 408.806).

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

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

Senate Bill No. 318, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 36a (MCL 117.36a), as amended by 2011 PA 7.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,
Senator Meekhof moved that the rule be suspended.

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

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

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

Roll Call No. 217**Yeas—37**

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

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

Nays—1

Caswell

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. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate proceeded to the order of

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 Young as Chairperson.

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

House Bill No. 4389, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16185 (MCL 333.16185), as added by 2006 PA 25.

Senate Bill No. 287, entitled

A bill to amend 1933 PA 254, entitled "The motor carrier act," by amending section 2 of article V (MCL 479.2), as amended by 2008 PA 584.

Senate Bill No. 346, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 33d (MCL 791.233d), as amended by 2001 PA 86.

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. 24, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1505 (MCL 500.1505). 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.

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

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:

House Bill No. 4381

House Bill No. 4382

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

By unanimous consent the Senate returned 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 Young as Chairperson.

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

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.

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 bills were placed on the order of Third Reading of Bills.

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

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senator Hildenbrand admittance to the Senate floor.

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

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

House Bill No. 4381

House Bill No. 4382

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

The following bill was read a third time:

Senate Bill No. 226, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7b (MCL 722.627b), as added by 1997 PA 167.

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. 218

Yeas—38

Anderson
 Bieda
 Booher

Gregory
 Hansen
 Hildenbrand

Kahn
 Kowall
 Marleau

Richardville
 Robertson
 Rocca

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 227, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," (MCL 722.621 to 722.638) by adding section 7k.

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. 219

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Pappageorge

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 228, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7 (MCL 722.627), as amended by 2008 PA 300.

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. 220

Yeas—38

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	Johnson	Proos	Young
Green	Jones		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 229, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7b (MCL 722.627b), as added by 1997 PA 167.

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. 221

Yeas—38

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	Johnson	Proos	Young
Green	Jones		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

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 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. 222

Yeas—38

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	Johnson	Proos	Young
Green	Jones		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

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

“An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of

name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide remedies and penalties.”.

The Senate agreed to the full title.

The following bill was read a third time:

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 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. 223

Yeas—38

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	Johnson	Proos	Young
Green	Jones		

Nays—0

Excused—0

Not Voting—0

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. The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Johnson and Brandenburg introduced

Senate Bill No. 385, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.532) by adding section 281.

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

Senators Moolenaar, Colbeck, Robertson, Green, Jones, Schuitmaker, Hildenbrand, Booher, Nofs, Hansen, Proos, Casperson, Pappageorge and Emmons introduced

Senate Bill No. 386, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 286.

The bill was read a first and second time by title and referred to the Committee on Veterans, Military Affairs and Homeland Security.

Senators Gleason, Hunter, Bieda, Jones, Nofs, Schuitmaker, Moolenaar, Pappageorge, Green and Whitmer introduced

Senate Bill No. 387, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 479a (MCL 750.479a), as amended by 2002 PA 270.

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

Senators Nofs, Gleason, Hunter, Bieda, Jones, Schuitmaker, Moolenaar, Pappageorge, Green and Whitmer introduced

Senate Bill No. 388, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2006 PA 234.

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

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

Senate Bill No. 389, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2009 PA 99, and by adding section 811r.

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

Senators Marleau and Young introduced

Senate Bill No. 390, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 22216.

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

House Bill No. 4156, entitled

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending section 13 (MCL 38.1133), as amended by 2009 PA 84.

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. 4436, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 44 and 44a (MCL 211.44 and 211.44a), section 44 as amended by 2008 PA 352 and section 44a as amended by 2008 PA 498.

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 Local Government and Elections.

Senator Pappageorge stated that had he been present earlier today when the vote was taken on the passage of the following bill, he would have voted "yea":

Senate Bill No. 227

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

The following communications were received and read:
 Office of the Senate Majority Leader

May 19, 2011

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-1) to House Bill 4325, the Senate appoints the following members to sit on the conference committee:

Senator Roger Kahn
 Senator John Moolenaar
 Senator Glenn Anderson

Thank you for your prompt consideration of this matter.

May 19, 2011

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-1) to House Bill 4526, the Senate appoints the following members to sit on the conference committee:

Senator Roger Kahn
 Senator John Moolenaar
 Senator Glenn Anderson

Thank you for your prompt consideration of this matter.

Sincerely,
 Randy Richardville
 Senate Majority Leader
 17th District

The communications were referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Whitmer, Jansen, Smith and Young asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Whitmer's statement is as follows:

On January 12, 2011, I stood at this podium and talked about the hope and earnest desire to work together as a chamber, to get past the partisanship that has plagued us and crippled us in the past, and to look to the future to create a new Michigan, hopefully, for our kids and our grandkids. I also remember sitting outside the Capitol on a cold winter's day as our new Governor made the claim that he was going to reinvent Michigan and must not leave anyone behind. How times have changed. We all know that Rick Snyder is one tough nerd. He spent millions of dollars of his own money telling us that. It seemed to resonate with Michigan voters. But I think, in general, people also believed that he was a nice guy. But it begs the question: Do nice guys take money from school kids to give business tax breaks? Do nice guys wage a tax increase on retirees living on their fixed incomes to give business tax breaks? Do nice guys eliminate the hand up to the working poor and plunge 14,000 kids in our state into poverty to give business tax breaks?

We all know the Governor's an accountant, who says he doesn't like shell games, gimmicks, or one-time fixes—or so he says—but here are the facts. His two main sources of revenue, his pension tax and the corporate income tax on C corps, are based on revenue sources that won't be around for very long. Who is going to have a pension in 20 years? How many C corps won't figure out how to avoid paying his new corporate income tax?

His school funding scheme is a shell game of taking School Aid Fund dollars, our Proposal A dollars, away from our schools and laundering it to backfill the General Fund. I've heard the Governor expressly say that it is legal despite what his fellow Republican, former Representative Oxender, who was here during Proposal A, has opined. I don't know if it is legal or not, but I know it is not right.

I've heard Republican leaders in Lansing say we can't afford to pay more for education. So, I ask you, how can we afford a \$1.8 billion tax break? It's a tax break the Governor himself has admitted he can't prove won't just go to bigger bottom lines. He can't point to one iota of a metric to prove it will spur job growth or state investment. Lately, I've felt like I am living in an alternative universe. When the heck did the Republicans become the tax and spenders? For those of you keeping track, it's 2011.

Last week, I had an understanding with the Republican leadership on using some of the Revenue Estimating Conference surplus to mitigate the Governor's attack on school kids—the foundation allowance specially. However, this week, everyone seems to have amnesia. Yes, I am glad you have negotiated amongst yourselves to hurt schools less, but that's not good enough. So to my seven colleagues who voted against the K-12 budget, specifically the Senators from the 10th District and the 11th District, both in Macomb County; the district in Battle Creek, which is the 19th; the 29th District in Kent County; the 24th District in Eaton County, my colleague who has gotten glowing *Lansing State Journal* endorsements and editorials; the 31st District in Mayville; and the 34th District in Hart: When the budget comes back to you and your leadership wants you to vote for it as a procedural matter, know this, Democrats will not cast a single vote for your school cuts; not on the bill and certainly not on immediate effect. Therefore, every single one of you need to vote for those cuts to go into effect, every Republican member of this chamber.

So let me frame this in a different way: Just one of you has the power to stop the cuts to schools. It takes just one courageous member to stand up and say I am not going to support these cuts on schools. If 1 of the 7 of you has the political wherewithal to stand up for your school kids, your constituents, and your property owners, you can stop this. I am begging you to. If you all capitulate, you will own it, even if you voted against it once before. Remember John Kerry: "I voted against it before I voted for it." That doesn't work. So through you, Madam President, to the Lieutenant Governor and his boss, the Governor, you may never see 19 again if you don't help us save our school kids from these budget cuts.

Senator Jansen's statement is as follows:

I want to thank all 38 members this morning. We were spending the last four years working on child death review legislation, and it fell short in the House last term. We have strong support this time around, and all of us this morning voted for four bills, except in one case, one of the Senators was out partaking of some delicious food from Grand Rapids. Other than that, it was 38 each time.

This package of bills deals with the child death review, and there are various child welfare professionals currently responsible, some statutorily, for reviewing and reporting on instances of child death. However, there is a critical need for collaboration, as well as cohesive data on children who have died while in the state's care. Because there have been multiple entities that annually review child death, different standards are used in counting, and therefore, the statistics don't match. A comparison of the figures doesn't provide a clear conclusion on how many children have died while under state care in any given year.

This legislative package of bills would increase collaboration between the three branches of government and allow for a cohesive approach to data related to child death, and I pray that we will have no more. Unfortunately, we live in a broken world, but we have done something today that was badly needed, and I want to commend the Senate for doing this unanimously.

Senator Smith's statement is as follows:

I rise today because I have a sad heart because someone I look up to passed away today. Mr. Don Barden passed away today, and he was 67 years old. He was one who had a true vision. He was an African American who didn't just want to work on the line at Ford and eventually became an entrepreneur and owned Barden Cablevision, which he sold for \$100 million and put that into the casino industry.

I would like to take just a moment to reminisce personally about his man. When I was growing up, he stayed on a street called Fairway, which we called the million-dollar mile. He had the biggest house on the block. The street was a mile long which is why we called it the million-dollar mile. We used to always say that if he can get there, we can get there. We would always strive to be that kind of individual.

Moving forward, when I had my first House race, I had a fundraiser downtown. I sent an invitation to him hoping that he would come. I didn't really know him at the time. I had only met him a few times through my father, but he came and shared a few pearls of wisdom with me. Afterward, I was going through my donations, and I was hoping that he left something because I was thinking that this was one of the wealthiest African Americans in the country, and he didn't. I later found out that it was because he was in the casino industry. He did always take the time, though, every time he would see me or I had a fundraiser—because I was his State Representative and currently his State Senator—to stop by and see how I was doing. To keep pushing me forward even when things were tough, he would always take the time to keep pushing me forward. I will always hold that near and dear to my heart because every chance that I get to pass something on to the next generation, I do because that is what we are here for.

I would just like to say rest in peace, Mr. Don Barden. You will truly be missed. Thank you for your wisdom, vision, courage, and your leadership.

Senator Young's statement is as follows:

Madam President, I would like to start with a quote: "We cannot live only for ourselves. A thousand fibers connect us with our fellow men; and among those fibers, as sympathetic threads, our actions run as causes, and they come back to us as effects." The reason why I say that is because I want to talk about the community benefits agreements, for they are proposed at the NITC.

In the city of Detroit, we have a 20 percent unemployment rate. You have men and women who have applied for jobs maybe hundreds of times and come up empty. You have people who went from working in the plant, maybe working in the hospital, to having their house foreclosed upon to families living in the house now living in a car and now looking at their three kids while the repo man is knocking on the window to take that. You have people who went from living in an apartment to now they are squatting in the building, Madam President. In this time, now more than ever, Michigan and the city of Detroit need jobs.

The NITC is a symbol of not only economic development and for us to become an economic power house, but it is also an opportunity to put people back to work who have fallen on hard times. It truly is an opportunity for the city of Detroit to change its trajectory to go through a transformation to become a more prosperous phenomenon, to become an abundant paragon. But if we do not have community benefits agreements and we do not have jobs and Detroiters working in those jobs, we will miss a generational opportunity. So I urge upon my colleagues to really think on the quote that I said earlier that our actions are due to come back as effects. The actions that we take here will impact the lives not only of this generation, but the generations to come.

The story should be written that a group of stout-hearted men and women came together and put partisan differences aside for the greater good for the state and its people. They are here to police people, to protect the general welfare, the public health, the safety, and the morality of the community. They grabbed hold of explosive growth, and we took a quantum leap forward into the future with dynamism and provided jobs to those who needed them the most. This is something that is very important. There is no problem in this state that cannot be fixed with a good-paying job.

I believe as a government we have an opportunity to help those who cannot help themselves, to give power to the powerless, but more importantly, to allow people to be able to put food on the table for their families. What is more honorable, what is more valorous than a man being able to provide for his family, for a single parent to be able to put food on a table for their children and to put clothes on their backs? What is more righteous than the people who have been elected to protect the general welfare to be able to enhance the constituents whom they serve and go to the next level of shared prosperity?

So I encourage everyone when voting on the NITC that include community benefits agreement because, in the end, we are in this together. I cannot be free if I don't protect your freedom. I cannot be abundantly prosperous if you are not as well. So please let us vote for community benefits agreements with the NITC bridge.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 231, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2841 (MCL 333.2841).

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.

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. 234, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16226 (MCL 333.16226), as amended by 2004 PA 214.

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. 235, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16221 (MCL 333.16221), as amended by 2004 PA 214.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 236, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16245 (MCL 333.16245), as amended by 2006 PA 26.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 258, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 703 (MCL 436.1703), as amended by 2006 PA 443.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 354, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 35 (MCL 28.735), as amended by 2005 PA 322.

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. 380, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13k of chapter XVII (MCL 777.13k), as added by 2002 PA 30.

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.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, May 17, 2011, at 2:30 p.m., Room 110, Farnum Building

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

The Committee on Families, Seniors and Human Services reported

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.

With the recommendation that the bill pass.

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

Judith K. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Rocca, Nofs and Gregory

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Seniors and Human Services reported

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.

With the recommendation that the bill pass.

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

Judith K. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Rocca, Nofs and Gregory

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Seniors and Human Services submitted the following:

Meeting held on Wednesday, May 18, 2011, at 3:03 p.m., Room 210, Farnum Building

Present: Senators Emmons (C), Rocca, Nofs and Gregory

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Wednesday, May 18, 2011, at 1:56 p.m., Room 110, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Redistricting submitted the following:
Meeting held on Wednesday, May 18, 2011, at 3:03 p.m., Senate Hearing Room, Ground Floor, Boji Tower
Present: Senators Hune (C), Jones, Hildenbrand, Marleau, Proos, Bieda, Johnson and Smith
Excused: Senator Moolenaar

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources, Environment and Great Lakes submitted the following:
Meeting held on Thursday, May 19, 2011, at 9:00 a.m., Room 210, Farnum Building
Present: Senators Caspersen (C), Pavlov, Green, Kowall, Meekhof, Warren and Hood

Scheduled Meetings**Conference Committees -**

Agriculture and Rural Development (SB 169) - Tuesday, May 24, 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Community Colleges (SB 171) - Tuesday, May 24, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Military and Veterans Affairs (SB 181) - Tuesday, May 24, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police (SB 184) - Tuesday, May 24, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Energy and Technology - Tuesday, May 24, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5307)

Finance - Wednesday, May 25, 12:30 p.m., Room 210, Farnum Building (373-5307)

State Drug Treatment Court Advisory Committee - Tuesday, May 24, 9:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 11:12 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Tuesday, May 24, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

