

No. 5
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Tuesday, January 25, 2011.

10:00 a.m.

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

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

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

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

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

Father Richard Leliaert of St. Robert Bellarmine Parish of Redford offered the following invocation:

Almighty and gracious God, in You we live and we move and we have our being. May Your wisdom which has created the heavens and the earth, which gives life and spirit to those who walk the earth, so teach us to number our days aright, that we may gain a heart of wisdom.

May Your wisdom give us an understanding heart, Lord, so that we might govern our people wisely and justly. May Your wisdom empower us to forge a bold political vision that will transcend current stalemates and conventional politics. Give to those here who lead Your people a fresh anointing of Your grace, for without a strong vision, O Lord, the people languish.

May we take inspiration from the words of Abraham Lincoln as he spoke to the U.S. Congress amidst some of our country's darkest moments: "We can succeed only by concert (by unified and concerted action). It is not 'can any of us imagine better?' but 'can we all do better?' The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew, and act anew. We must disenthrall ourselves, and then we shall save our country."

May Your words in turn give us strength, O Lord: "See, I grasp you by the hand for the victory of justice...for the covenant of the people." May the needs of the people surpass special interests for the realization of the common good in all areas of our life together—locally, nationally, and globally.

Lastly, Lord, keep us humble in Your sight. Keep us mindful that You can accomplish as much in spite of us as because of us. In the words of the ancient prophet Jeremiah: "Let the Lord Your God show us what we should take and what we should do. Whether it is pleasant or difficult, may we follow the Lord's path, so that it may go well with us." Amen.

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

Motions and Communications

The following communication was received and read:

Office of the Auditor General

January 19, 2011

Enclosed is a copy of the following audit report:

Performance audit of the Procurement Card Program, Financial Services, Department of Technology, Management & Budget.

Auditor General

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

The Secretary announced that the following official bills and joint resolutions were printed on Thursday, January 20, and are available at the legislative website:

Senate Bill Nos.	1	2	3	4	5	6	7	8	9	10	11	12	13	14
	15	16	17	18	19	20	21	22	23	24	25	26	27	28
	29	30	31	32	33	34	35	36	37	38	39	40	41	42
	43	44	45											
Senate Joint Resolutions	A	B	C											

The Secretary announced that the following official bills were printed on Friday, January 21, and are available at the legislative website:

Senate Bill Nos.	46	47	48	49	50	51	52	53	54	55				
House Bill Nos.	4109	4110	4111	4112	4113	4114	4115	4116	4117	4118	4119	4120	4121	4122
	4123	4124	4125	4126	4127	4128								

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

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

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Young, Green and Johnson entered the Senate Chamber.

Senators Gleason and Robertson introduced

Senate Bill No. 56, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1059.

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

Senators Kowall, Green, Meekhof, Jansen, Moolenaar and Robertson introduced

Senate Bill No. 57, entitled

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

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

Senators Green, Kowall, Brandenburg, Colbeck, Casperson, Emmons, Jansen, Moolenaar and Robertson introduced

Senate Bill No. 58, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 5c (MCL 28.425c), as amended by 2002 PA 719; and to repeal acts and parts of acts.

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

Senators Green, Casperson, Pavlov, Robertson and Moolenaar introduced

Senate Bill No. 59, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 2a, 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5j, 5k, 5l, 5m, 5o, 6a, and 8 (MCL 28.422a, 28.424, 28.425, 28.425a, 28.425b, 28.425c, 28.425d, 28.425e, 28.425f, 28.425j, 28.425k, 28.425l, 28.425m, 28.425o, 28.426a, and 28.428), section 2a as amended by 2010 PA 210, section 4 as added by 1992 PA 219, sections 5, 5a, 5e, 5k, and 5m as added by 2000 PA 381, sections 5b, 5l, and 8 as amended by 2008 PA 406, sections 5c and 5d as amended by 2002 PA 719, section 5f as amended by 2008 PA 194, section 5j as amended by 2004 PA 254, section 5o as amended by 2008 PA 407, and section 6a as amended by 1991 PA 34, and by adding section 5x.

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

Senators Bieda, Casperson, Gleason, Anderson, Johnson, Warren and Kowall introduced

Senate Bill No. 60, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2009 PA 134.

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

Senators Bieda, Casperson, Gleason, Anderson, Johnson, Warren, Hood, Gregory, Kowall, Hopgood and Hunter introduced

Senate Bill No. 61, entitled

A bill to provide compensation and other relief for individuals wrongfully imprisoned for crimes; to prescribe the powers and duties of certain state governmental officers and agencies; and to provide remedies.

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

Senator Schuitmaker introduced

Senate Bill No. 62, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 451 (MCL 18.1451), as amended by 1999 PA 8.

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

Senator Schuitmaker introduced

Senate Bill No. 63, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 491 (MCL 18.1491).

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

Senators Jones and Schuitmaker introduced

Senate Bill No. 64, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5714 (MCL 600.5714), as amended by 2004 PA 105.

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

Senators Schuitmaker and Jones introduced

Senate Bill No. 65, entitled

A bill to amend 1846 RS 66, entitled "Of estates in dower, by the curtesy, and general provisions concerning real estate," by amending section 34 (MCL 554.134), as amended by 2004 PA 106.

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

Senators Hopgood, Warren, Gregory, Anderson and Hunter introduced

Senate Bill No. 66, entitled

A bill to authorize a multinational bridge authority; to prescribe the powers and duties of the authority; to authorize procurement, design, finance, construction, maintenance, operation, improvement, and repair of international bridges and approaches; to authorize agreements with public and private entities; to provide for the issuance of, and terms and conditions for, certain bonds; to provide for the collection and enforcement of user fees and other charges; to authorize the acquisition, maintenance, and disposal of interests in real and personal property; to provide for certain duties of certain state departments and officers; to provide for the power to enter into interlocal agreements; to exempt property, income, and activities of the authority from tax; to make an appropriation; and to repeal acts and parts of acts.

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

Statements

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

The motion prevailed.

Senator Meekhof's statement is as follows:

This past Saturday, January 22, marked the 38th anniversary of the Supreme Court's decision in *Roe v. Wade*. This landmark decision made abortion legal throughout the United States. This issue is very near and dear to me. I am a child of adoption. I was born to a mother who could not handle the responsibilities of motherhood. She made the decision to carry me to term and give me up for adoption.

I will never know if she chose adoption over abortion because of some personal conviction or if it was because abortion was illegal in Michigan in 1959. That tells you how old I am. But one thing is clear. I was protected by the law while I was still unborn. Since 1973, those protections have been stripped away.

Because of the Supreme Court's ruling, many people believe that the issue of abortion rights should be restricted to the federal level. I would disagree. We have dealt with several related issues at the state level in the past few years, and unfortunately, the protection of human life has been eroded.

Embryonic stem cell research is now legal in Michigan. It is now legal for scientists and researchers to terminate life in the name of research. The Legislature also recently attempted to pass a state-level partial-birth abortion ban that passed both houses by a wide majority but was ultimately vetoed by the Governor.

These are issues that can be dealt with on the state level. We won't need to wait for Supreme Court action before we can get to work. I ask the Governor, my colleagues in the Senate, and my friends in the House to join me in being proactive in defense of life.

By unanimous consent the Senate returned to the order of

Resolutions

Senator Kahn offered the following resolution:

Senate Resolution No. 5.

A resolution to recognize February 2011 as Heart Health Awareness Month.

Whereas, Heart disease has been the No. 1 cause of death in Michigan for more than 100 years; and

Whereas, The most common heart disease in the United States is coronary artery disease which manifests itself as a heart attack; and

Whereas, In 2009, approximately 785,000 Americans had a first heart attack, and about 470,000 will have a second attack; and

Whereas, About every 25 seconds, an American will have a heart attack, and about one American will pass away from one. Compared to national death rates, 39 Michigan counties are above the national death rate for heart disease; and

Whereas, The chance of developing coronary artery disease can be reduced by taking steps to prevent and control the factors that put people at greater risk. Additionally, knowing the signs and symptoms of a heart attack—including uncomfortable pressure, squeezing, fullness, pain in the chest or upper body, and shortness of breath—is crucial to the most positive outcome after having a heart attack; and

Whereas, Although risk factors for heart disease such as age, family health history, and race cannot be avoided, other risk factors such as cigarette smoking, inactivity, and obesity are completely manageable; and

Whereas, Preventing heart disease by adopting a healthy lifestyle, as well as recognizing the symptoms of heart disease, can save lives; now, therefore, be it

Resolved by the Senate, That in recognition of the importance of the ongoing fight against heart disease, we do hereby proclaim February 2011 as Heart Health Awareness Month in Michigan. We encourage all citizens to help educate and support family, friends, and neighbors who have been diagnosed with heart disease as a show of support to fight this deadly disease. By increasing awareness of the risk factors for this devastating disease and taking actions to reduce them, we can save thousands of lives each year; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Department of Community Health.

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.

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

The motion prevailed.

Senator Kahn's statement is as follows:

The resolution before us today would proclaim February 2011 as Heart Health Awareness Month in Michigan. This is a subject that I am particularly interested in because of my background as a cardiologist.

Heart disease, which bears remembering, is the No. 1 cause of death in Michigan and the No. 1 cost driver in health care. Each year, all of us lose loved ones, friends, and neighbors to this disease. In 2009, approximately 785,000 Americans had a first heart attack, and about 470,000 will have a second heart attack. Compared to national death rates, we in Michigan have 39 counties that are above the national death rate for heart disease. I would point out also that Michigan is above the national rate in cigarette smoking.

We can reduce coronary artery disease by taking some healthy steps. I, for one, have recently committed, unfortunately or fortunately, to regular exercise and other personal goals, and I am following myself on Facebook as I try to lose some weight. I would respectfully encourage all Michiganians to look at their risk factors for heart disease. Those risk factors include things you can't do much about, such as age and family history. But if you have a family history of heart disease or you are getting older, I would hope that would incentivize you to do something about the things you can control, such as cigarette smoking, inactivity, and weight, and make a commitment particularly in this new year to positive changes. Preventing heart disease by adopting a healthy lifestyle, as well as recognizing the symptoms of heart disease, saves lives. This is something that everyone can make a difference in.

Therefore, in recognition of the importance of the ongoing fight against heart disease, we have a resolution before us, Senate Resolution No. 5, to proclaim February 2011 as Heart Health Awareness Month in Michigan. It encourages all the citizens to help educate and support family, friends, and neighbors who have been diagnosed with this deadly disease in support of fighting it. By increasing awareness of the risk factors for this devastating disease and taking actions to reduce those risk factors, we can work to save thousands of lives per year.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Thursday, January 20, 2011, at 2:32 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Marleau (C), Robertson, Emmons, Hune, Jones, Schuitmaker, Warren and Gleason

Scheduled Meetings

Appropriations -

Subcommittee -

State Police and Military Affairs - Thursdays, January 27, February 3, February 24, March 3, March 10 and March 17, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Education - Wednesday, January 26, 12:30 p.m., Room 100, Farnum Building (373-5324)

Reforms, Restructuring and Reinventing - Wednesday, January 26, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-5314)

Regulatory Reform - Thursday, January 27, 12:30 p.m., Room 110, Farnum Building (373-5307)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 10:21 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, January 26, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate