No. 4 STATE OF MICHIGAN

Journal of the Senate

96th Legislature REGULAR SESSION OF 2011

Senate Chamber, Lansing, Thursday, January 20, 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
Johnson—present
Kahn—present
Kahn—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

Dr. Ryan Beilfuss of First Baptist Church of Evart offered the following invocation:

Father God, I come before You this morning on behalf of the men and women gathered in this chamber and the work they have been asked to do on behalf of the people of this state. You are well aware of every detail of the situation we are currently in and the work they have to do and the magnitude of it. We come before You asking for Your blessing. Your word says that if any of us lack wisdom, we are to ask God who giveth to all men and gives it liberally.

Today, we ask that You would give them wisdom and a heart to understand and a heart to lead. Every one of these people, while elected, have left behind people and things they care very deeply for to serve us and represent us. Today, we ask Your blessing and Your help as they lead, and give them direction that we would be recipients of their wisdom and direction. We plead Your blessing 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 Hansen, Pavlov and Kowall entered the Senate Chamber.

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

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

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

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

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

The motion prevailed.

Senator Anderson's statement is as follows:

I rise this morning to ask my colleagues in the Michigan Senate to join me in honoring a fallen police officer from my district. Officer Larry Nehasil was shot and killed on Monday, January 18, during an exchange of gunfire with a suspect in a home invasion in Walled Lake.

Officer Larry Nehasil was an exceptional and dedicated police officer, having received two chief of police awards, five commendations, one unit commendation, and a Livonia Police Department award in 1995. Officer Larry Nehasil is survived by his wife Linda, two sons Adam and Aaron, two sisters, and a brother.

His death is a terrible loss for law enforcement, the Livonia community, and, indeed, our state. I ask that the Michigan Senate observe a moment of silence to honor his memory.

A moment of silence was observed in memory of Officer Larry Nehasil.

Senators Robertson, Johnson and Young entered the Senate Chamber.

Senator Richardville asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Richardville's first statement is as follows:

I have a couple of very special tributes that I would like to present this morning. I rise today to acknowledge the retirement of a dedicated member of the Office of the Secretary of the Senate. John Sherlock has served the Michigan Senate in the Office of the Secretary with distinction for more than eight years. As a senior staff accountant for the Senate's finance department, John has played an important role in expanding and improving the budgeting, auditing, and benefit processes for the Senate. John has helped the finance department to maintain a high level of efficiency in areas including, but not limited to, transaction approval, accounting system maintenance, and the implementation of new processes and procedures for the Senate's appropriated funds.

It is with a deep appreciation and my pleasure that we acknowledge the exceptional work of John Sherlock on the occasion of his retirement. On behalf of the lawmakers, staff, and all who have worked with John, I would like to extend our best wishes and gratitude for his outstanding contributions to the Michigan Senate. We wish you good luck, John, and we hope you have a relaxing and enjoyable retirement.

Senator Richardville's second statement is as follows:

I would also like to recognize Laurie Rospond for her commitment and contributions as an outstanding individual and dedicated public servant. Laurie has been a dedicated public servant to the people of Michigan for 14 years. During that time, she has served in various capacities in the Secretary of the Senate's office and also the Lieutenant Governor's office. She has done so with competence, efficiency, and grace.

Most importantly, Laurie is commended for her smiling, friendly, and always helpful attitude in all of her endeavors. Her dedicated, organized, and detail-oriented approach to all of her responsibilities has gained her the admiration and gratitude of all who have worked with her. While we will certainly miss Laurie and her exceptional work ethic here in the Senate, we know that she will perform her duties in her new position in the legislative liaison office for Michigan Governor Rick Snyder.

Good luck to you, Laurie, and we wish you much more continued success.

The following communications were received: Department of State

Administrative Rules Notices of Filing

November 8, 2010

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2007-052-LG (Secretary of State Filing #10-11-04) on this date at 11:17 a.m. for the Department of Energy, Labor, and Economic Growth, entitled "Construction Code – Part 10. Michigan Uniform Energy Code."

These rules take effect 120 days after filing with the Secretary of State.

November 8, 2010

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2007-053-LG (Secretary of State Filing #10-11-05) on this date at 11:19 a.m. for the Department of Energy, Labor, and Economic Growth, entitled "Construction Code – Part 10a. Michigan Uniform Energy Code."

These rules take effect 120 days after filing with the Secretary of State.

November 8, 2010

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-010-LG (Secretary of State Filing #10-11-06) on this date at 11:21 a.m. for the Department of Energy, Labor, and Economic Growth, entitled "Rehabilitation Code."

These rules take effect 120 days after filing with the Secretary of State.

November 8, 2010

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-009-LG (Secretary of State Filing #10-11-07) on this date at 11:23 a.m. for the Department of Energy, Labor, and Economic Growth, entitled "Construction Code – Part 4. Building Code."

These rules take effect 120 days after filing with the Secretary of State.

November 9, 2010

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2010-037-LG (Secretary of State Filing #10-11-08) on this date at 11:19 a.m. for the Department of Energy, Labor, and Economic Growth, entitled "Part 16. Power Transmission & Distribution."

These rules take effect 14 days after filing with the Secretary of State.

November 29, 2010

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Community Health and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-053-CH (Secretary of State Filing #10-11-09) on this date at 4:46 p.m. for the Department of Community Health, entitled "Board of Physical Therapy - General Rules."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

December 1, 2010

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2010-030-LG (Secretary of State Filing #10-12-01) on this date at 3:03 p.m. for the Department of Energy, Labor, and Economic Growth, entitled "Workers' Compensation Health Care Services Rules."

These rules become effective 7 days after filing with the Secretary of State.

December 7, 2010

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2010-041-LG (Secretary of State Filing #10-12-02) on this date at 12:07 p.m. for the Department of Energy, Labor, and Economic Growth, entitled "Part 26. Steel Erection."

These rules become effective 14 days after filing with the Secretary of State.

December 8, 2010

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Treasury and the State Office of Administrative Hearings and Rules filed Administrative Rule #2010-001-TY (Secretary of State Filing #10-12-03) on this date at 11:55 a.m. for the Department of Treasury, entitled "State Tax Commission General Rules."

Sincerely, Terri Lynn Land Secretary of State Robin L. Houston, Departmental Supervisor Office of the Great Seal

The communications were referred to the Secretary for record.

The Secretary announced that the following official bills and joint resolutions were printed on Friday, January 14, and are available at the legislative website:

House Bill Nos. 4	001	4002	4003	4004	4005	4006	4007	4008	4009	4010	4011	4012	4013	4014
4	015	4016	4017	4018	4019	4020	4021	4022	4023	4024	4025	4026	4027	4028
4	029	4030	4031	4032	4033	4034	4035	4036	4037	4038	4039	4040	4041	4042
4	043	4044	4045	4046	4047	4048	4049	4050	4051	4052	4053	4054	4055	4056
4	057	4058	4059	4060	4061	4062	4063	4064	4065	4066	4067	4068	4069	4070
4	071	4072	4073	4074	4075	4076	4077	4078	4079	4080	4081	4082	4083	4084
4	085													
House Joint Resolut	ions	Δ	R	C	D	E								

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, January 19, and are available at the legislative website:

House Bill Nos. 4086 4087 4088 4089 4090 4091 4092 4093 4094 4095 4096 4097 4098 4099 4100 4101 4102 4103 4104 4105 4106 4107 4108

House Joint Resolution F

Messages from the Governor

The following messages from the Governor were received and read:

January 13, 2011

I respectfully submit to the Senate, pursuant to Sections 1 and 2 of the Grand Valley State University Board of Control, 1960 PA 120, MCL 390.841 and 390.842, please be advised of the following appointments to office:

Grand Valley State University Board of Control

David S. Hooker of 2747 Bonnell Avenue, Grand Rapids, Michigan 49506, county of Kent, succeeding Lucille S. Taylor, whose term ended December 31, 2010, is appointed to represent Grand Valley State University Board of Control, for a term commencing January 12, 2011 and expiring December 31, 2018.

John Kennedy of 4610 Bradford Street, N.E., Grand Rapids, Michigan 49525, county of Kent, succeeding Dorothy A. Johnson, whose term ended December 31, 2010, is appointed to represent Grand Valley State University Board of Control, for a term commencing January 12, 2010 and expiring December 31, 2018.

January 13, 2011

I respectfully submit to the Senate, pursuant to Subsection 2 of 501 of the Natural Resources & Environmental Protection Act, 1994 PA 451, MCL 324.501 and Section 1 of Article B of Executive Reorganization Order, E.R.O., No. 2009-31, MCL 324.99919, please be advised of the following appointments to office:

Natural Resources and Environment Commission

John Madigan of 831 Munising Avenue, Munising, Michigan 49862, county of Alger, is reappointed for a term commencing January 13, 2011 and expiring December 31, 2014.

James R. Richardson of 36658 McGuire Road, Ontonagon, Michigan 49953, county of Ontonagon, is reappointed for a term commencing January 13, 2011 and expiring December 31, 2014.

January 13, 2011

I respectfully submit to the Senate, pursuant to Section 1 of the Central, Eastern, Northern, and Western Michigan Universities, 1963 PA 48 (2nd Ex. Sess.), MCL 390.551, please be advised of the following appointments to office:

Northern Michigan University Board of Control

Stephen L. Gulis, Jr., of 7164 DeCosta Court, Rockford, Michigan 49341, county of Kent, succeeding Larry C. Inman, whose term expired on December 31, 2010, is appointed for a term commencing January 12, 2011 and expiring December 31, 2018.

Richard M. Popp of 18225 Edenderry Drive, Northville Township, Michigan 49341, county of Wayne, succeeding Douglas Beedle Roberts, whose term expired on December 31, 2010, is appointed for a term commencing January 12, 2011 and expiring December 31, 2018.

January 13, 2011

I respectfully submit to the Senate, pursuant to Section C of Article 2 of Executive Order No. 2009-51, please be advised of the following appointment:

Chair, State Tax Commission

Doug Roberts of 1853 Northgate, East Lansing, Michigan 48823, county of Ingham, succeeding Robert Naftaly, whose term expired January 13, 2011, is appointed to Chair, State Tax Commission, for a term expiring at the pleasure of the Governor.

January 18, 2011

I respectfully submit to the Senate, pursuant to Section 1 of the Central, Eastern, Northern, and Western Michigan Universities, 1963 PA 48 (2nd Ex. Sess.), MCL 390.551, please be advised of the following appointments to office:

Central Michigan University Board of Control

William Kanine of 501 Kalamazoo Avenue, Petoskey, Michigan 49770, county of Emmet, succeeding Gail F. Torreano, whose term expired on December 31, 2010, is appointed for a term commencing January 12, 2011 and expiring December 31, 2018.

Dr. Patricia Maryland of 532 Barrington Court, Bloomfield Hills, Michigan 48304, county of Oakland, succeeding Stephanie Comai, whose term expired December 31, 2010, is appointed for a term commencing January 12, 2011 and expiring December 31, 2018.

Sincerely, Rick Snyder Governor

The appointments were referred to the Committee on Government Operations.

Resolutions

Senators Schuitmaker, Emmons, Warren and Whitmer offered the following resolution:

Senate Resolution No. 4.

A resolution proclaiming February 3, 2011, as Go Red for Women Day.

Whereas, Heart disease is the No. 1 cause of death among women; and

Whereas, Cardiovascular disease claims the lives of 460,000 American women every year—almost one death per minute—and only 1 in 3 women can properly identify the symptoms of a heart attack; and

Whereas, More women die of cardiovascular disease than the next five causes of death combined, including all forms of cancer; and

Whereas, Sixty-four percent of women who die suddenly of coronary heart disease have no previous symptoms and in 2006, females represented 52.1 percent of deaths from cardiovascular disease; and

Whereas, Research shows that 80 percent of cardiac events in women could be prevented if women made the right choices for their hearts and were made aware of the symptoms associated with heart attacks; and

Whereas, The American Heart Association started Go Red for Women Day in 2004 to educate women about heart disease and its prevention; and

Whereas, Go Red for Women Day is celebrated throughout the United States to raise awareness of heart disease in women and how to prevent it; now, therefore, be it

Resolved by the Senate, That in recognition of the importance of the ongoing fight against heart disease and stroke, we do hereby proclaim February 3, 2011, as Go Red for Women Day in Michigan. We encourage all citizens to wear red in recognition of family, friends, and neighbors who have suffered from heart disease and 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 Go Red for Women Leadership Committee as evidence of our esteem for their dedication and commitment to fighting this disease and saving countless lives.

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 question being on the adoption of the resolution,

Senator Meekhof requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The resolution was adopted, a majority of the members voting therefor, as follows:

Roll Call No. 6 Yeas—38

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

Excused—0

Not Voting—0

In The Chair: President

Senators Schuitmaker, Whitmer, Emmons and Warren asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Schuitmaker's statement is as follows:

I rise in the chamber with my fellow colleagues in support of a resolution for Go Red for Women and the importance of educating Michigan's women on the dangers of heart disease—the No. 1 cause of death among women.

Senator Whitmer's statement is as follows:

In 2004, the American Heart Association faced a challenge. Cardiovascular disease claimed the lives of nearly 500,000 women each year, yet women were not paying attention. This is more than all cancers combined. In fact, many even dismissed it as an older man's disease.

Senator Emmons' statement is as follows:

To dispel the myths and raise awareness of heart disease as the No. 1 killer of woman, the American Heart Association created Go Red for Women, a passionate, emotional, social initiative designed to empower women to take charge of their heart health.

Senator Warren's statement is as follows:

Therefore, the bipartisan Women's Caucus rises today to request your support in proclaiming February 3 as Go Red for Women Day. I would like to remind you to wear red that day while you are on the floor.

Introduction and Referral of Bills

Senator Meekhof introduced

Senate Bill No. 46, entitled

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," (MCL 125.3101 to 125.3702) by adding section 513

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

Senator Gregory introduced

Senate Bill No. 47, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109 (MCL 400.109), as amended by 2006 PA 576.

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

Senator Gregory introduced

Senate Bill No. 48, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1263 (MCL 380.1263), as amended by 2006 PA 276.

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

Senators Bieda, Gleason, Johnson, Hood, Warren, Young, Hopgood, Anderson, Hunter and Whitmer introduced Senate Bill No. 49, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 758, 759, and 759b (MCL 168.758, 168.759, and 168.759b), section 758 as amended by 1996 PA 207 and section 759 as amended by 1995 PA 261.

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

Senators Warren, Young, Gregory, Hopgood, Whitmer, Hood, Hunter, Gleason and Bieda introduced Senate Bill No. 50, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406s.

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

Senators Marleau, Kowall, Robertson, Pappageorge, Brandenburg, Proos, Pavlov, Nofs, Hildenbrand, Meekhof and Booher introduced

Senate Bill No. 51, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2685 and 2688 (MCL 333.2685 and 333.2688).

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

Senators Marleau, Kowall and Pappageorge introduced

Senate Bill No. 52, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 628 and 629 (MCL 257.628 and 257.629), as amended by 2006 PA 85.

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

Senators Marleau, Pappageorge, Robertson, Jones, Hune, Emmons, Gleason, Warren, Schuitmaker and Meekhof introduced

Senate Bill No. 53, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2155.

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

Senator Jones introduced

Senate Bill No. 54, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2848 and 13807 (MCL 333.2848 and 333.13807), section 2848 as amended by 2002 PA 562 and section 13807 as added by 1990 PA 21, and by adding sections 2836 and 2854.

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

Senator Jones introduced

Senate Bill No. 55, 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.

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

Statements

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

The motion prevailed.

Senator Hunter's statement is as follows:

I rise today to speak on an issue that I feel must be a priority for the Senate to address this term, and that is autism spectrum disorder. This is an issue that many of us are deeply concerned about and an issue that saw bipartisan cooperation during the last legislative session. Last December, we came close to passing a bill that would have added Michigan to the long list of states requiring insurance companies to cover autism treatments. I hope that we will continue working on this issue this year with the goal of quickly passing this much-needed legislation.

According to the National Council of State Legislatures, in 2010, eight states have enhanced their existing laws that provide for insurance coverage for autism. Those states are Iowa, Kansas, Kentucky, Maine, Missouri, New Hampshire, Vermont,

and Massachusetts. Twenty-three states have now passed laws that specifically require insurance companies to cover autism treatments. Another nine states provide assistance with the cost of autism treatments in other ways. Georgia, for example, requires that insurers that provide benefits for neurological disorders cannot deny benefits for neurological disorders because of a diagnosis of autism.

In 2010, Oklahoma covered autism treatments by enacting legislation specifying that health insurance policies that provide medical and surgical benefits must provide the same coverage and benefits to children under the age of 18 years who has been diagnosed with an autistic disorder as it would provide coverage to an individual who has not been diagnosed with the disorder. According to the group Autism Speaks, Oregon is the first state to introduce autism insurance legislation in 2011. NCSL also lists Mississippi as another state that has introduced autism insurance legislation this year.

I have introduced autism insurance legislation, and I am hopeful for immediate consideration. This is a bipartisan issue, and I appreciate Senate Majority Leader Richardville's work last year for hosting autism insurance coverage hearings across the state. Michigan families are struggling with the cost of the treatments their children need. We all buy insurance policies to help us with the costs that we otherwise could not afford. Families with autistic children want and need this same option. These families are not asking for a handout. They are just asking for the option to buy health insurance to help with the costs of the treatments their children need in order to reach their full potential.

Scheduled Meetings

Appropriations -

Subcommittee -

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

Judiciary - Tuesday, January 25, 2:30 p.m., Room 110, Farnum Building (373-5323)

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

State Drug Treatment Court Advisory Committee - Tuesday, January 25, 9:30 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 10:26 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Tuesday January 25, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI Secretary of the Senate