

No. 26
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Thursday, March 17, 2011.

10:00 a.m.

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

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

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

Hood—present
Hopgood—present
Hune—present
Hunter—present
Jansen—present
Johnson—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

Pastor Don Milton of New Life Vineyard Church of Midland offered the following invocation:

Lord, we humbly exalt and acknowledge You as Creator, Sustainer, and Savior of the world. It is by Your bidding that we are ordained to do the work in these hallowed halls. We pray that You would minister to each one here.

We stand as a people humbled by Your presence. We are grateful for the people who serve here and for their sacrifice for our beloved state. Lord, grant them the wisdom of the ages, and lead them through these most difficult times. Protect them and give Your angels to watch over them. Give them ears to hear and receptive hearts for what Your Spirit has to say.

Also, Lord, protect their families. For those who are married, may they have an abundance of Your grace in their personal relationship. If they are blessed with children and grandchildren, please watch over them. Bless their lives and travels as they judiciously carry out the duties among us. I pray, Lord, that You also would grant them extra energy on little sleep; that they may receive Your help and rest and peace for their souls when addressing pressing tasks and overwhelming problems. Whisper into their hearts and minds and spirits as they face the challenges of this great state, and speak to them with Your inner voice.

In the name of the Father, Son, and Holy Spirit. Amen.

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

Motions and Communications

Senator Meekhof moved that Senators Brandenburg and Emmons be temporarily excused from today's session. The motion prevailed.

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

Senators Brandenburg, Emmons and Warren entered the Senate Chamber.

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senator Casperson admittance to the Senate floor, including the center aisle.

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

Senator Meekhof moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle.

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

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:07 a.m.

10:16 a.m.

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

During the recess, Senator Casperson introduced the Bark River-Harris High School Girls Basketball Team, participants in the Class D State Finals; Principal Darrin Bray, Coach Joel Schultz, and team captain Megan Mackowiak.

Ms. Mackowiak responded briefly.

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:

I rise today to offer recognition to a dear friend and wonderful Michigander and his wife in our east Gallery, Michael Wegner. I would like to read a tribute that we are presenting to him today in recognition of his work at multiple levels

throughout our state, whether it is as an elected official, county commissioner, appointee to office in our intermediate school districts, or in multiple other areas:

“LET IT BE KNOWN, That it is with sincere appreciation of the hard work, dedication, and professionalism Michael J. Wegner exemplified during his endeavors as a servant to his country, university, and home town that he is honored with this expression of our deepest gratitude.

Whereas, Mike graduated from St. Andrew High School in Saginaw and soon after his endeavors earned him both a bachelor’s and master’s degree from Central Michigan University. His aptitude for serving the public encouraged him to make teaching and counseling his profession for more than 30 years. During that time, he served on two educational boards: Swan Valley Board of Education for seven years and Saginaw County Intermediate School District Board of Education for eight years. There, Mike’s philosophy was dedication and earned him the title of ‘Teacher of Detail.’

Whereas, Mike gave more than 40 years to area service and civic organizations, such as the Saginaw-Bay Substances Service Agency, Saginaw Economic Development Corporation, Saginaw Area Growth Alliance, First Central Michigan Planning and Development, and the Region VII Area Agency on Aging. He has been the chaplain of the American Legion #439, a 40-year volunteer for Central Michigan University, and a board member of the Saginaw County Sports Hall of Fame. Additionally, he was elected to political offices 11 times when he served as a member of the Saginaw County Board of Commissioners for 10 years, Thomas Township Clerk for four years, and now is serving as a member of the Thomas Township Zoning Board of Appeals.

Whereas, Mike was a member of the U.S. Navy and Navy Reserve for six years. He spent time at NATO headquarters and worked in the offices of the Commander in Chief, Atlantic Fleet, based in Norfolk, Virginia. Mike has been an active volunteer and Special Lt. Deputy with the Saginaw County Sheriff’s Department. He has received a number of awards, including twice being awarded the Saginaw County Sheriff’s Distinguished Service Honor. He also spent many years as an auxiliary fire chief.

Whereas, In conjunction with his extensive list of accomplishments, Mike is also a founding member of Holy Spirit Parish and has been a member for more than 52 years. He has served in many capacities with the church, including participation as a lay minister, a key member of the church’s 50th anniversary steering committee, and a member of the Catholic Diocese of Saginaw Marriage Tribunal, among various other important responsibilities.

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to join with family, Janice, Michele, and Mark, as well as co-workers and the residents of Thomas Township and Saginaw County, in honoring Michael J. Wegner in acknowledgement of his lifetime devotion to public service.”

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, March 16:
House Bill No. 4231

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, March 16, for his approval the following bills:

Enrolled Senate Bill No. 157 at 3:43 p.m.
Enrolled Senate Bill No. 158 at 3:45 p.m.

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, March 16, and are available at the legislative website:

Senate Bill Nos.	264	265																	
House Bill Nos.	4415	4416	4417	4418	4419	4420	4421	4422	4423	4424	4425	4426	4427	4428					
	4429	4430	4431	4432	4433	4434	4435	4436	4437	4438	4439	4440	4441	4442					
	4443	4444	4445																
House Joint Resolution		P																	

Messages from the Governor

The following messages from the Governor were received and read:

March 9, 2011

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

Sault Ste. Marie Bridge Authority

Linda K. Hoath of 793 E. 5 Mile Road, Sault Ste. Marie, Michigan 49783, county of Chippewa, succeeding William Sutter, for a term expiring at the pleasure of the Governor.

Scott A. Shackleton of 2762 W. 16th Avenue, Sault Ste. Marie, Michigan 49783, county of Chippewa, succeeding Richard A. LeBlanc, for a term expiring at the pleasure of the Governor.

Nicholas J. White of 920 East Mitchell Street, Petoskey, Michigan 49770, county of Emmet, succeeding Brian L. Davie, for a term expiring at the pleasure of the Governor.

Stuart C. Bradley of 64600 County Road 581, Ishpeming, Michigan 49849, county of Marquette, succeeding Gary L. LaPlant, for a term expiring at the pleasure of the Governor.

March 9, 2011

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

Michigan Veterans Facilities Board of Managers

James F. Dunn of 1331 Dennison Road, East Lansing, Michigan 48823, county of Ingham, representing veterans, succeeding David E. Hall, for a term expiring February 28, 2017.

Ernest E. Meyers, Sr., of 925 Forest Street, Charlotte, Michigan 48813, county of Eaton, representing Veterans of Foreign Wars, is reappointed for a term expiring February 28, 2017.

March 16, 2011

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

Great Lakes Protection Fund Board of Directors

Richard L. Baird of 4755 Hawk Hollow Drive East, Bath, Michigan 48808, county of Clinton, succeeding Kenneth DeBeaussaert, for a term expiring October 11, 2012.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

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

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schuitmaker, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

Senate Bill No. 192, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 871 (MCL 600.871), as amended by 2005 PA 326.

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. 259, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7212 (MCL 333.7212), as amended by 2010 PA 171.

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

Third Reading of Bills

The following bill was announced:

House Bill No. 4158, entitled

A bill to regulate certain pricing of consumer items and the advertising of consumer items, goods, merchandise, and commodities; to prescribe the powers and duties of certain state and local officials; to provide remedies and penalties; to make appropriations; and to repeal acts and parts of acts.

(This bill was passed on March 16 and the motion for immediate effect postponed. See Senate Journal No. 25, p. 353.)

The question being on the motion to give the bill immediate effect,

Senator Meekhof withdrew the motion.

Senator Meekhof moved to reconsider the vote by which the bill was passed.

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

The question being on the passage of the bill,

Senator Kowall offered the following amendment:

1. Amend page 13, line 7, by striking out all of enacting section 1 and inserting:

“Enacting section 1. 1976 PA 449, MCL 445.351 to 445.364, is repealed effective September 1, 2011.

Enacting section 2. This act takes effect September 1, 2011.”.

The amendment was adopted, a majority of the members serving voting therefor.

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. 74**Yeas—25**

Booher	Hansen	Kowall	Pavlov
Brandenburg	Hildenbrand	Marleau	Proos
Casperson	Hune	Meekhof	Richardville
Caswell	Jansen	Moolenaar	Robertson
Colbeck	Jones	Nofs	Schuitmaker
Emmons	Kahn	Pappageorge	Walker
Green			

Nays—13

Anderson	Hood	Johnson	Warren
Bieda	Hopgood	Rocca	Whitmer
Gleason	Hunter	Smith	Young
Gregory			

Excused—0**Not Voting—0**

In The Chair: Schuitmaker

Senator Meekhof moved that the bill be given immediate effect.

The motion did not prevail, 2/3 of the members serving not voting therefor.

Senator Hunter requested the yeas and nays.

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

The motion prevailed, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 75**Yeas—31**

Bieda	Green	Kahn	Proos
Booher	Hansen	Kowall	Richardville
Brandenburg	Hildenbrand	Marleau	Robertson
Casperson	Hune	Meekhof	Rocca
Caswell	Hunter	Moolenaar	Schuitmaker
Colbeck	Jansen	Nofs	Walker

Emmons
Gleason

Johnson
Jones

Pappageorge
Pavlov

Whitmer

Nays—7

Anderson
Gregory

Hood
Hopgood

Smith
Warren

Young

Excused—0

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 5, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” (MCL 436.1101 to 436.2303) by adding section 547.

The question being on the passage of the bill,

Senator Pappageorge offered the following amendments:

1. Amend page 1, line 5, after the first “A” by inserting “**SPECIALLY DESIGNATED DISTRIBUTOR, SPECIALLY DESIGNATED MERCHANT, OR**”.
2. Amend page 1, line 7, after “**ESTABLISHMENT**” by inserting “**OR RETAIL FOOD ESTABLISHMENT**”.
3. Amend page 2, line 7, after “**BY**” by striking out “**AN**” and inserting “**A SPECIALLY DESIGNATED DISTRIBUTOR, SPECIALLY DESIGNATED MERCHANT, OR**”.
4. Amend page 2, line 12, after the second “A” by inserting “**SPECIALLY DESIGNATED DISTRIBUTOR, SPECIALLY DESIGNATED MERCHANT, OR**”.
5. Amend page 2, line 13, after “**THAT**” by striking out “**ON-PREMISES**”.
6. Amend page 2, line 19, after “**APPLICANT**” by striking out “**WHOSE FOOD SERVICE ESTABLISHMENT**” and inserting “**WHO**”.
7. Amend page 3, line 8, after the third “**THE**” by striking out “**ON-PREMISES LICENSEE**” and inserting “**APPLICANT**”.
8. Amend page 3, line 9, after the second “**THE**” by inserting “**SPECIALLY DESIGNATED DISTRIBUTOR, SPECIALLY DESIGNATED MERCHANT, OR**”.
9. Amend page 4, following line 3, by inserting:
“(11) **A CATERING PERMIT HOLDER WHO PREPARES FOOD OR DRINK FOR DIRECT CONSUMPTION THROUGH SERVICE ON THE PREMISES OR ELSEWHERE SHALL COMPLY WITH THE REQUIREMENTS FOR FOOD SERVICE ESTABLISHMENTS UNDER THE FOOD LAW OF 2000, 2000 PA 92, MCL 289.1101 TO 289.8111.**” and renumbering the remaining subsection.

The amendments were adopted, a majority of the members serving voting therefor.

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. 76

Yeas—37

Anderson
Bieda

Gregory
Hansen

Kahn
Kowall

Richardville
Robertson

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

Nays—1

Hood

Excused—0**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 223, entitled

A bill to amend 2005 PA 210, entitled “Commercial rehabilitation act,” by amending sections 2 and 8 (MCL 207.842 and 207.848), as amended by 2008 PA 500.

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. 77**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: Schuitmaker

The Senate agreed to the title of the bill.

Resolutions

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

House Concurrent Resolution No. 4

The motion prevailed.

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

Senate Resolution No. 28

The resolution consent calendar was adopted.

Senator Robertson offered the following resolution:

Senate Resolution No. 28.

A resolution recognizing March 20-26, 2011, as Home Education Week in the state of Michigan.

Whereas, Homeschooling is the fastest-growing educational trend in the United States, growing by an estimated 15 percent per year, with over 2 million children nationwide now in a homeschool program; and

Whereas, The state of Michigan has long recognized that parents and legal guardians have a natural and fundamental right to direct the care, education, and upbringing of their children; and

Whereas, Homeschooling provides young people with a strong foundation of values and academic skills needed to become responsible citizens of our state and nation; and

Whereas, Homeschool parents understand they are to be the primary educators and know that parental supervision and involvement play a major role in the education of students; and

Whereas, Parents know that teaching morals and values is essential to the complete education of the student since every member of society continually makes moral decisions; and

Whereas, The homeschool parents are dedicated to producing academically-strong students who also commit themselves to service. Studies indicate that homeschool students have a stronger understanding and higher participation rate in the governmental system and elections, and a significantly higher percentage are involved in community organizations; and

Whereas, Numerous individuals of note are products of homeschooling, including George Washington, Thomas Edison, Helen Keller, Agatha Christie, and Franklin D. Roosevelt; and

Whereas, Homeschoolers come from a diverse number of socioeconomic backgrounds and are from a variety of races and creeds; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize March 20-26, 2011, as Home Education Week in the state of Michigan.

Senators Booher, Brandenburg, Caswell, Emmons, Green, Jones, Kowall, Marleau and Proos were named co-sponsors of the resolution.

House Concurrent Resolution No. 2.

A concurrent resolution to express opposition to the imposition of a ban of firearm hunting and snowmobiling in certain areas of the Huron-Manistee National Forest.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Senator Emmons was named co-sponsor of the concurrent resolution.

Senators Kowall, Brandenburg, Casperson, Pavlov, Green, Nofs, Colbeck, Booher, Proos, Kahn and Schuitmaker offered the following resolution:

Senate Resolution No. 27.

A resolution to urge the President of the United States to impose a moratorium on any new regulations and to memorialize the Congress of the United States enact the Regulations from the Executive in Need of Scrutiny (REINS) Act.

Whereas, The difficult economy Michigan has faced over the past decade and the challenges before our country as we compete in the global marketplace make it clear that government policies at all levels need to change. In addition to more

appropriate tax policies, it is essential that regulatory requirements must reflect the realities facing businesses across our state and nation. While it is always important to make sure regulations are reasonable and provide a fair measure of protections without imposing a crushing burden on job creators, the need for this approach is dramatized when unemployment rates hover near double digits or higher; and

Whereas, Nonproductive and burdensome regulations take a major toll on the job-creating capacity of companies of all sizes and types. The total cost of complying with all federal regulations has been estimated to be as high as more than \$1 trillion, which amounts to \$10,500 each year for every person employed by a small business. This cost is strangling the national and state economy; and

Whereas, The onslaught of excessive regulations is wide-ranging and reflects proposals concerning the so-called greenhouse gases issue, the many mandates soon to befall the country in health care, and excessive financial and consumer protection measures. Many of these regulations directly impede our capacity to compete with other countries; and

Whereas, Congress has before it legislation that would implement a new approach to the entire regulatory process. The Regulations from the Executive in Need of Scrutiny (REINS) Act (H.R.10) would greatly revamp the regulatory process. This measure would bring regulations more in line with the constitutional powers granted to Congress, and it would require Congress to review and approve major rules. This change would bring greater accountability to the federal government and strengthen the faith the American people have in how laws are implemented on their behalf; now, therefore, be it

Resolved by the Senate, That we urge the President of the United States to impose a moratorium on any new regulations and memorialize the Congress of the United States to pass the Regulations from the Executive in Need of Scrutiny (REINS) Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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 moved that the resolution be referred to the Committee on Economic Development.

The motion prevailed.

Senators Emmons and Marleau were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators Whitmer, Anderson, Smith, Bieda, Gregory, Warren, Hood, Young, Hunter, Hopgood, Gleason and Johnson introduced

Senate Joint Resolution I, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 28 to article I, to create a right to collective bargaining.

The joint resolution was read a first and second time by title and referred to the Committee on Government Operations.

Senators Gleason, Kowall, Gregory, Jones, Hunter, Smith, Anderson, Young, Hopgood, Whitmer and Bieda introduced **Senate Bill No. 270, entitled**

A bill to amend 2000 PA 321, entitled "Recreational authorities act," by amending section 3 (MCL 123.1133), as amended by 2003 PA 135.

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

Senators Brandenburg, Green, Nofs, Marleau, Emmons, Booher, Kahn and Schuitmaker introduced

Senate Bill No. 271, entitled

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

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

Senators Kowall, Brandenburg, Green, Robertson, Marleau, Emmons, Rocca, Casperson, Booher, Jones, Jansen, Nofs, Pappageorge, Proos, Schuitmaker, Moolenaar, Caswell, Hansen, Colbeck, Richardville and Kahn introduced

Senate Bill No. 272, entitled

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

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

Senators Robertson, Kowall, Marleau, Emmons, Booher, Kahn and Schuitmaker introduced

Senate Bill No. 273, entitled

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

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

Senators Pappageorge, Kowall, Nofs, Marleau, Caswell, Colbeck, Booher, Proos, Kahn and Schuitmaker introduced

Senate Bill No. 274, entitled

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

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

Senators Casperson, Green, Colbeck, Marleau, Emmons, Booher, Kahn and Schuitmaker introduced

Senate Bill No. 275, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1305, 1307, and 1311 (MCL 324.1305, 324.1307, and 324.1311), as added by 2004 PA 325.

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

Senators Robertson, Nofs, Colbeck, Marleau, Emmons, Booher, Proos, Kahn and Schuitmaker introduced

Senate Bill No. 276, entitled

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

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

Senators Hildenbrand, Pavlov, Booher, Kowall, Jansen, Hansen, Green, Marleau, Brandenburg, Rocca, Casperson, Schuitmaker, Moolenaar, Pappageorge, Proos, Emmons, Colbeck and Kahn introduced

Senate Bill No. 277, entitled

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

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

Senators Hansen, Kowall, Kahn and Schuitmaker introduced

Senate Bill No. 278, entitled

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

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

Senators Pavlov, Kowall, Brandenburg, Green, Rocca, Casperson, Booher, Jones, Jansen, Pappageorge, Proos, Marleau, Schuitmaker, Hansen, Moolenaar, Caswell, Nofs, Colbeck, Richardville and Kahn introduced

Senate Bill No. 279, entitled

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

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

Senators Caswell, Brandenburg, Colbeck, Casperson, Emmons, Meekhof, Proos, Green, Booher and Kahn introduced

Senate Bill No. 280, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 56a (MCL 211.56a), as amended by 1998 PA 435.

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

Senator Hune introduced

Senate Bill No. 281, entitled

A bill to require the operators of bowling centers to give certain notices to bowlers; and to grant immunity from civil liability to operators of bowling centers.

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

House Bill No. 4231, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," (MCL 700.1101 to 700.8206) by adding section 5109.

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 Judiciary.

Statements

Senators Johnson, Pavlov, Kowall and Kahn asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Johnson's statement is as follows:

I rise today to ask my colleagues in this chamber to reflect on what they saw, and more importantly, what they heard from thousands of Michiganders who joined us here at our state's Capitol yesterday. What I heard was frustration and anger that, while their voices may have been echoing through the streets of Lansing, they weren't being listened to inside these chambers.

These working men and women from throughout Michigan who came to Lansing tell us that enough is enough. They are tired of hearing politicians tell them one thing while doing another. They will not stand idly by while actions taken by our Governor and this Legislature strip away their long-held rights as workers.

Governor Snyder continues to say that he supports the rights of our workers to collectively bargain for their wages and for their benefits. Just yesterday, his spokesperson said the Governor has been extremely clear that he has absolutely no intention to get rid of collective bargaining. While I am pleased to hear those words, Madam President, I have a hard time reconciling them with his actions. After all, Governor Snyder has pushed legislation through this very chamber that would allow fairly negotiated contracts to be broken, wages cut, and jobs eliminated. And so I ask the Governor to make his position clear once and for all so that every Michigan worker knows exactly where he stands.

I and my Democratic colleagues in both chambers have called for an amendment to the state's Constitution that would guarantee every worker's right to organize and collectively bargain for their wages, benefits, and conditions of their employment. This amendment isn't a complex policy requiring weeks of review. It is one sentence that guarantees a fundamental right to our workers.

To Governor Snyder, I say it's time. It's time to move past the carefully-crafted talking points and tell us, and more importantly, tell Michigan's working families whether or not you will support this amendment and truly respect the collective bargaining rights our workers have relied upon for generations. Governor Snyder ran as a businessman and not as a politician. A simple yes or a simple no isn't too much to ask.

Senator Pavlov's statement is as follows:

Through you to the previous speaker and my colleague, perhaps some of that frustration and anger may be a little bit based on some misunderstanding. So let me take a minute and clarify what the emergency manager bill does.

I would like to speak for a few minutes about some very important legislation on its way to the Governor for his signature: the bills known as the Local Government and School District Fiscal Accountability Act. Some may refer to these measures as the emergency manager legislation, but that is a bit of a misnomer. The bills do include provisions for the appointment of emergency managers when necessary, but emergency managers are not the focus. The focus is identifying fiscal problems early, before emergency managers are required, so that finances can be strengthened, services can be provided, and taxpayers can be protected.

These bills will promote such early intervention. There are more than a dozen triggers in place to notify the state of entities needing assistance. These, along with the safeguards of review, appeals, and oversight, mean the appointment of emergency managers should be a rare occurrence.

Communities and school districts sometimes struggle. Under the Local Government and School District Fiscal Accountability Act, we can help those in economic distress resolve their financial troubles before an absolute crisis. When problems are identified and a community refuses to take the steps necessary to avoid a potential financial catastrophe, that is when the state must intervene and appoint an emergency manager. In those cases, to help guarantee success, emergency managers must be given the power to make the tough, but necessary, decisions to restore financial integrity.

Let's be clear about what is and is not in these bills. The bills specify that an emergency manager must be an individual, not a firm. They do not allow local officials to be removed from office, nor do they contain a prohibition on local officials running for future office. They do contain a number of provisions to protect healthy, well-managed pensions. They safeguard death benefits for first responders, and they recognize vested pension benefits. They allow for renegotiation with bargaining units. If renegotiation fails, then they allow for dissolution of contracts and the negotiation of replacement contracts. They do not eliminate collective bargaining. And, finally, they provide legislative oversight of emergency managers with the ability to remove them.

It is important to remember that the act this legislation replaces was originally enacted in 1990 and signed into law by Governor James Blanchard, a Democrat. In the twenty years since, only a handful of emergency managers have been appointed and those by both Republican and Democrat Governors. Ensuring fiscal accountability in our local governments and school districts is not a partisan issue. It's just plain good policy for the state of Michigan.

Helping local communities thrive is the goal of everyone in this room, I have no doubt of that, and these bills will help us achieve that goal.

Senator Kowall's statement is as follows:

Yesterday, several Senators and I offered a package of bills that have been introduced, and this is the first step in job creation in this state. If we want to get Michigan's economy back on track, we have to help get our people back to work. The best way to do that is to cut the red tape and roll out the red carpet for job providers. In the past decade, Michigan has lost nearly a million jobs. We must remove the obstacles facing job providers so we can turn the state's economy around.

According to *Site Selection* magazine, business executives look at the ease of permitting and regulatory procedures, second only to the availability of a desired workforce and an educated workforce, when choosing a place to locate and expand their businesses.

The measures that we are sponsoring will prohibit state agencies from adopting rules and regulations that are more stringent than the federal standards, unless specifically authorized by state law. The bills also codify the Attorney General's opinion regarding operational memos, clarifying that they do not have the force and effect of law.

As President Ronald Reagan said, "Government can and must provide the opportunity for businesses and not smother it." This eight-bill package will reduce burdensome regulations on individuals and businesses to help create jobs and boost our economy.

Senator Kahn's statement is as follows:

In Michigan, as we have been debating for the past few weeks, we have the responsibility to come up with a budget in difficult times. Budgets are combinations of revenues and expenditures, of course. We noticed over the past year that cigarette tax revenues have been down somewhere around \$30 million. That is money that is unavailable for things that we need in this state like State Police, Department of Community Health, welfare, and foundational allowances.

I've noted that, in particular, over the past two or three weeks, my friends on the other side of the aisle have been quick to point out deficiencies in the proposals that we have made and, unfortunately, are slow to come up with solutions. It's not that solutions aren't available. They need to be announced by us on both sides of the aisle.

For example, on this issue of cigarette taxation, in Michigan, we have one of the highest cigarette taxes, and we have since 1994. The tax is over \$2 per pack and \$20 per carton in our state taxes. We have found that the disparity in tax rates between states creates opportunities and incentives for illicit trade. We also found that another incentive for illicit trade is penalties that are relatively less severe than other forms of trade. The Mackinac Center, for example, has noted that Michigan's smuggling rate is one of the highest in the country. This information has been available to us for quite some time. I would invite, for example, our colleagues on the other side, when they are railing about where Michigan is going budgetwise, to offer solutions such as, for example, this.

Michigan's tobacco enforcement has dwindled, and it needs to be re-enhanced. Enforcement teams were talking about enhancing them. This could give us as much as \$50 million to \$100 million of appropriate revenue for this state. It's appropriate revenue that could be used for foundation allowances; for the EITC which my friends on the other side would like us to continue but have been slow to help us find a way to do so.

These sorts of common sense—look at what we can do in Michigan, how we can husband our resources—these sort of solutions as compared to demographic comments, I think, are important. At the end of the day, looking at this week as a whole, I am left with the feeling that we have left-wing greed instead of care for kids in need.

Committee Reports

The Committee on Education reported

Senate Bill No. 137, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310b. With the recommendation that the bill be referred to the Committee on Judiciary.

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons and Colbeck

Nays: Senator Hopgood

The bill was referred to the Committee on Judiciary.

The Committee on Education reported

House Bill No. 4152, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," (MCL 423.201 to 423.217) by adding section 15b.

With the recommendation that the bill pass.

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

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons and Colbeck

Nays: Senators Hopgood and Young

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Wednesday, March 16, 2011, at 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower
Present: Senators Pavlov (C), Emmons, Colbeck, Hopgood and Young

The Committee on Economic Development reported

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).

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Michael W. Kowall
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Wednesday, March 16, 2011, at 1:35 p.m., Room 110, Farnum Building
Present: Senators Kowall (C), Hildenbrand, Nofs, Emmons, Hansen, Hunter and Smith

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, March 16, 2011, at 8:40 a.m., Rooms 402 and 403, Capitol Building
Present: Senators Jansen (C), Colbeck, Casperson, Kowall, Robertson, Young and Warren

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Wednesday, March 16, 2011, at 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Schuitmaker (C) and Walker

Excused: Senator Hood

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Community Health submitted the following:

Meeting held on Wednesday, March 16, 2011, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Moolenaar (C), Caswell, Booher and Gregory

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, March 16, 2011, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Kahn (C), Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submitted the following:

Meeting held on Wednesday, March 16, 2011, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Pappageorge (C), Colbeck and Anderson

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources, Environment and Great Lakes submitted the following:

Joint meeting held on Thursday, March 17, 2011, at 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Caspersen (C), Pavlov, Green, Kowall and Warren

Excused: Senators Meekhof and Hood

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:

Meeting held on Thursday, March 17, 2011, at 9:00 a.m., Room 405, Capitol Building

Present: Senators Walker (C), Caswell and Hopgood

Excused: Senator Pappageorge

Scheduled Meetings**Appropriations -****Subcommittees -**

Community Health Department - Wednesdays, March 23, 1:00 p.m., Rooms 402 and 403, Capitol Building (CANCELED); and April 13, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Energy, Labor, and Economic Growth Department and House Energy, Labor, and Economic Growth Appropriations Subcommittee - Thursday, March 24, 1:30 p.m., Room 426, Capitol Building (373-2768)

Environmental Quality Department - Wednesday, April 6, 1:30 p.m., Rooms 402 and 403, Capitol Building (373-2768)

General Government - Tuesdays, March 22 and April 12, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Higher Education - Wednesdays, March 23 and March 30, 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Human Services Department - Thursdays, March 24 and April 14, 2:30 p.m., Room 210, Farnum Building; Tuesday, March 29, and Thursday, March 31, 10:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

K-12, School Aid, Education - Wednesday, March 23, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Natural Resources Department - Tuesday, March 22, 2:00 p.m., Room 405, Capitol Building (CANCELED) and Wednesday, April 6, 10:30 a.m., Room 100, Farnum Building (373-2768)

Transportation - Wednesdays, March 23 and April 13, 3:00 p.m. or later immediately following the Appropriations Committee meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Reforms, Restructuring and Reinventing - Wednesday, March 23, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-5324)

Senate Fiscal Agency Board of Governors - Thursday, March 24, 9:00 a.m., Room S-324, Capitol Building (373-2768)

State Drug Treatment Court Advisory Committee - Tuesday, March 22, 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 11:08 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Tuesday, March 22, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

