

No. 38
STATE OF MICHIGAN
Journal of the Senate
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REGULAR SESSION OF 2011

Senate Chamber, Lansing, Thursday, May 5, 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 Frank Julian of Faith Christian Church of Melvindale offered the following invocation:

Heavenly Father, we come in the name of Jesus. I pray for those gathered here, Father, for divine wisdom, that it would be imparted to them during these perplexing times. Lord, we know that there are economic issues, and there are other issues related to the budget and just the running of the state.

Dear Heavenly Father, we love our state. We love the state of Michigan and the people of Michigan. We have a passion for the people. I pray that this passion would be so imparted to these men and women by Your Spirit, Lord. It's a divine passion that would enable them to make wise decisions that would benefit this state and that we would go forward into a bright future.

We know that nothing is impossible with You, and that is why we pray. We call on You this day, as we even pray for the United States of America. Father, help her as she goes forth into the future.

In Jesus' name, we pray. Amen.

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

Motions and Communications

Senator Richardville entered the Senate Chamber.

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

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

Senator Meekhof moved that the following bills, now on the order of the order of General Orders, be referred to the Committee on Education:

Senate Bill No. 153, entitled

A bill to safeguard the continued financial viability of units of local government, including school districts; to preserve the capacity of units of local government to provide necessary services essential to the public health, safety, and welfare; to provide for review, management, planning, and control of the financial operation of units of local government, including school districts; to provide criteria to be used in determining the financial condition of units of local government, including school districts; to permit a declaration of the existence of a local government financial emergency and to prescribe the powers and duties of the governor, other state departments, boards, agencies, officials, and employees, and officials and employees of units of local government, including school districts; to provide for placing units of local government, including school districts, into state receivership; to provide for a review and appeal process; to provide for the appointment and to prescribe the powers and duties of an emergency manager; to require the development of financial plans to regulate expenditures and investments by units of local government, including school districts, in a state of financial stress or financial emergency; to provide for the modification or termination of contracts under certain circumstances; to set forth the conditions for termination of a local government financial emergency; and to repeal acts and parts of acts.

Senate Bill No. 154, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 36a (MCL 117.36a), as added by 2003 PA 210.

Senate Bill No. 155, entitled

A bill to amend 2001 PA 34, entitled "Revised municipal finance act," by amending section 303 (MCL 141.2303), as amended by 2002 PA 541.

Senate Bill No. 156, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 071 (MCL 168.971), as amended by 2003 PA 302.

The motion prevailed.

Senators Kahn and Hansen entered the Senate Chamber.

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, May 5:
House Bill No. 4526

The Secretary announced that the following official bills and joint resolutions were printed on Wednesday, May 4, and are available at the legislative website:

House Bill Nos. 4597 4598 4599 4600 4601 4602 4603 4604 4605 4606 4607
House Joint Resolutions W X Y

Messages from the Governor

The following message from the Governor was received and read:

May 4, 2011

I respectfully submit to the Senate the following appointment to office:
State Employees' Retirement Board

Matthew W. Fedorchuk of 4401 Oakwood Drive, Okemos, Michigan 48864, county of Ingham, representing employee members of the retirement system, succeeding Edward Novak, is appointed for a term expiring July 31, 2012.

Sincerely,
 Rick Snyder
 Governor

The appointment was referred to the Committee on Government Operations.

Third Reading of Bills

The following bill was read a third time:

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 question being on the passage of the bill,

Senator Warren offered the following amendment:

1. Amend page 2, line 26, after "STATUTE." by inserting "**THIS SUBSECTION DOES NOT APPLY TO ANY RULE DESIGNED TO PROTECT THE QUALITY OF THE GREAT LAKES OR WATER RESOURCES OF THIS STATE.**".

The amendment was not adopted, a majority 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 amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 126

Yeas—15

Anderson	Gregory	Hopgood	Smith
Bieda	Hansen	Hunter	Warren
Gleason	Hildenbrand	Johnson	Whitmer
Green	Hood	Schuitmaker	

Nays—21

Booher	Hune	Meekhof	Proos
Brandenburg	Jones	Moolenaar	Richardville
Casperson	Kahn	Nofs	Robertson

Caswell
Colbeck
Emmons

Kowall
Marleau

Pappageorge
Pavlov

Rocca
Walker

Excused—1

Young

Not Voting—1

Jansen

In The Chair: Schuitmaker

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:12 a.m.

10:19 a.m.

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

During the recess, Senator Young entered the Senate Chamber.

Senator Warren offered the following amendments:

1. Amend page 6, line 10, after "Sec. 64." by striking out "(1)".
2. Amend page 6, line 12, after "rule" by striking out the balance of the line through "STATEMENT," on line 14.
3. Amend page 7, line 2, by striking out all of subsection (2).

The amendments were not adopted, a majority of the members serving not 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. 127

Yeas—27

Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
Gleason

Green
Hansen
Hildenbrand
Hune
Jansen
Jones
Kahn

Kowall
Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov

Proos
Richardville
Robertson
Rocca
Schuitmaker
Walker

Nays—11

Anderson
Bieda
Gregory

Hood
Hopgood
Hunter

Johnson
Smith
Warren

Whitmer
Young

Excused—0

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

Protest

Senator Warren, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 272 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Warren’s statement is as follows

We hear this phrase a lot, and it is an important cornerstone of this package before us: “no more stringent than requirements.” Federal standards to protect water quality, in particular, are designed to be the floor below which states are not allowed to drop. They are not written by people who feel a special stewardship like we do here in Michigan over one of the world’s most important fresh water resources. That stewardship is a joint responsibility of whoever occupies the office of the Governor of the state of Michigan and whoever has been elected to serve in the Legislature here and the people we all represent.

One of the most important things we can do is protect the Great Lakes not only for ourselves, but for future generations. The rulemaking authority of the department allows for us to move quickly to make sure we do whatever is necessary to protect this important resource. I will give you just one example from history. I am sure there are many others that we can come up with. In the 1970s, Lake Erie was dying in large part due to phosphorous that was in laundry detergents. The Legislature refused to act when cities tried to act independently. The Legislature preempted their authority to restrict phosphorous. So in 1976, Governor Milliken acted independently and promulgated a rule restricting phosphorous in detergents. As a result of that rule, the lake rebounded and the algae bed subsided. The Legislature adopted that same regulation in detergents in 2008, 32 years later.

I, for my part, do not plan to take any step that diminishes the ability of anyone here in our state to protect the Great Lakes for future generations. I encourage my colleagues to support me in voting “no” for this legislation.

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

The motion prevailed.

Senator Gleason’s statement is as follows:

We had an awful lot of I-told-you-so moments over the last several years that we have done something and wish that we didn’t do it. When we look at what is about to happen in about one year from now, you are going to see Michigan lose influence in Washington, D.C., and a great deal of influx of influence going to the Southern states.

Now because of the level of influence, those who will be setting the national standard for environmental standards more than likely will be coming from Southern states. We know that we are going to lose at least one federal seat because of the census very shortly, and other Midwestern states are going to do likewise. The action that we are undertaking today is saying, well, that is okay. We will let those Southern voices, with a preponderance of influence, determine what our level of protection for our environment will be.

I think we are rushing this by passing this out today. I bet you nobody considered the federal influence on national policy after the census diverts many of these Northern and Midwestern states to the South. Who would take this vote today knowing that this may be the first step but not the last step in Great Lake water diversion because we can set our standards now? We have another level of protection, but if we say, oh, no, no, no, we are going to abdicate that responsibility to the federal voices, knowing full well we are going to lose some substantial voices in the process of the policy that is going to be established at the national level.

So you should take this vote seriously. I have heard many, many Senators say that the Great Lakes are our greatest treasure. It is one-twentieth of the world’s fresh water. Yet our seat, our congressional seat from Michigan will soon be seated in Arizona or will soon be seated in New Mexico, and we know how those states thirst for our water. So I would be very cautious about casting this vote at this particular time. If you think it is worthwhile rushing this vote, compromising the integrity of our water to a Senator or to a Congressman who will soon be sitting in the Southern states, then you think we should move forward. I think we are too hasty. I think we are too hasty at this particular time moving this legislation.

The President, Lieutenant Governor Calley, assumed the Chair.

The following bill was read a third time:

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 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. 128

Yeas—33

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

Nays—5

Hood	Smith	Warren	Young
Johnson			

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Casperson, Caswell, Colbeck, Hansen, Hildenbrand, Hune, Jansen, Jones, Kowall, Meekhof, Pappageorge, Pavlov, Proos and Richardville were named co-sponsors of the bill.

The following bill was read a third time:

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 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. 129

Yeas—27

Booher	Green	Kowall	Proos
Brandenburg	Hansen	Marleau	Richardville

Casperson	Hildenbrand	Meekhof	Robertson
Caswell	Hune	Moolenaar	Rocca
Colbeck	Jansen	Nofs	Schuitmaker
Emmons	Jones	Pappageorge	Walker
Gleason	Kahn	Pavlov	

Nays—11

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young
Gregory	Hunter	Warren	

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senators Brandenburg, Emmons, Hansen, Hildenbrand, Hune, Jansen, Jones, Meekhof, Moolenaar, Pavlov and Richardville were named co-sponsors of the bill.

The following bill was read a third time:

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 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. 130**Yeas—37**

Anderson	Gregory	Jones	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	Pros	Young
Green			

Nays—0**Excused—0**

Not Voting—1

Kahn

In The Chair: President

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,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 131**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.

Senators Casperson, Caswell, Colbeck, Hansen, Hildenbrand, Hune, Jansen, Johnson, Jones, Meekhof, Nofs, Pappageorge, Pavlov, Proos and Richardville were named co-sponsors of the bill.

The following bill was read a third time:

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 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. 132**Yeas—28**

Booher	Green	Kahn	Pavlov
Brandenburg	Hansen	Kowall	Proos

Casperson	Hildenbrand	Marleau	Richardville
Caswell	Hune	Meekhof	Robertson
Colbeck	Hunter	Moolenaar	Rocca
Emmons	Jansen	Nofs	Schuitmaker
Gleason	Jones	Pappageorge	Walker

Nays—10

Anderson	Hood	Smith	Whitmer
Bieda	Hopgood	Warren	Young
Gregory	Johnson		

Excused—0**Not Voting—0**

In The Chair: President

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,
 The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 133**Yeas—28**

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

Nays—10

Anderson	Hopgood	Smith	Whitmer
Gregory	Hunter	Warren	Young
Hood	Johnson		

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senators Brandenburg, Casperson, Caswell, Hansen, Hildenbrand, Hune, Jones, Kowall, Meekhof, Moolenaar, Pappageorge, Pavlov and Richardville were named co-sponsors of the bill.

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

The motion prevailed.

Senator Robertson's statement is as follows:

Senate Bill No. 276 increases transparency by requiring agencies to include the decision record from an advisory group in their submission to the Office of Administrative Hearings and Rules for permission to proceed with rulemaking. This will ensure full disclosure in situations like the ergonomics rules that were considered by MIOSHA during the last administration.

The bill also requires the agency to put the advisory committee decision record on the Internet 60 days prior to their request for rulemaking. This ensures stakeholders are aware of what the agencies are doing. The bill also clarifies that the State Office of Administrative Hearings and Rules can only approve or request for rulemaking after it determines that it is an appropriate and necessary policy and legal basis for approval. The determination must be in writing.

The bill requires SOAHR to post information on a rule on its website within two business days after transmittal. The information that must be posted includes the regulatory impact statement, instructions on existing remedies or appeals available to the public, instructions regarding the method of complying with the rules, and any rules filed with the Secretary of State and the effective date of those rules.

I encourage my colleagues to support this reform bill.

Senator Meekhof moved that rule 3.901 be suspended to allow Channel 3 to film from the Gallery.

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

The following bill was read a third time:

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 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. 134

Yeas—28

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

Nays—10

Anderson	Hopgood	Smith	Whitmer
Gregory	Hunter	Warren	Young
Hood	Johnson		

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Bieda, Brandenburg, Casperson, Caswell, Colbeck, Emmons, Hune, Jones, Marleau, Meekhof, Moolenaar, Nofs, Pappageorge, Pavlov, Proos and Richardville were named co-sponsors of the bill.

The following bill was read a third time:

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 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. 135**Yeas—29**

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

Nays—9

Gregory	Hunter	Smith	Whitmer
Hood	Johnson	Warren	Young
Hopgood			

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senators Caswell, Hune, Jones, Nofs and Richardville were named co-sponsors of the bill.

The following bill was read a third time:

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 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. 136**Yeas—28**

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

Nays—10

Anderson	Hopgood	Smith	Whitmer
Gregory	Hunter	Warren	Young
Hood	Johnson		

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senators Emmons, Hildenbrand, Hune and Meekhof were named co-sponsors of the bill.

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 Nofs 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:

Senate Bill No. 104, 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.

House Bill No. 4129, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1078.

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. 28, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties

of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 19 (MCL 205.19), as amended by 2002 PA 657.

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.

The Committee of the Whole reported back to the Senate, favorably and with amendments, the following bill:

House Bill No. 4113, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2506 (MCL 339.2506), as amended by 1988 PA 463.

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 1, line 5, after "broker" by striking out "THAT LICENSE" and inserting "THE SALESPERSON'S CERTIFICATE OF LICENSE AND DELIVER THE POCKET CARD FOR THAT LICENSE TO THE SALESPERSON".

2. Amend page 2, following line 13, by inserting:

"(3) AS USED IN THIS SUBSECTION, "POCKET CARD" MEANS THE POCKET CARD THAT CONTAINS INFORMATION ABOUT THE LICENSE THAT THE DEPARTMENT PROVIDES WHEN IT ISSUES A LICENSE UNDER THIS ARTICLE."

The Senate agreed to the amendments recommended by the Committee of the Whole, and the bill as amended 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. 102, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803e (MCL 257.803e), as amended by 2003 PA 30.

Substitute (S-3).

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

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

Senate Bill No. 102

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

The following bill was read a third time:

Senate Bill No. 102, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803e (MCL 257.803e), as amended by 2003 PA 30.

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. 137

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.

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

The motion prevailed.

Senator Hood's statement is as follows:

As I indicated on General Orders my concerns about the legislation, I will repeat it so I can have it printed in the Journal, the concern being as we look at our law enforcement agencies. As we begin to do special license plates and others, the identification of these plates being in emergency situations and not only with law enforcement agencies having difficulty identifying what the license plate is or where the license plate is from. There are also citizens in emergency situations trying to identify license plates and being able to give a good description of situations to law enforcement agencies.

I do support this legislation and support our veterans and prisoners of war and, as such, those who have given the ultimate sacrifice in protecting us and our citizens. I do support that. I did support this legislation in committee. I just wanted to rise and give my assessment of what we should be looking out for when we begin this. The State Police had concerns prior. They have stood down on their opposing this legislation. I still think it could be an issue that could also impact the lives by identifying these license plates.

Resolutions

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

Senate Resolution No. 51

The resolution consent calendar was adopted.

Senator Emmons offered the following resolution:

Senate Resolution No. 51.

A resolution observing the National Day of Prayer on May 5, 2011.

Whereas, A National Day of Prayer has been part of America's heritage since it was declared by the First Continental Congress in 1775; and

Whereas, The 60th observance of the National Day of Prayer will be held Thursday, May 5, 2011; and

Whereas, President Abraham Lincoln proclaimed that our nation should set apart a day for national prayer to confess our sins and transgressions in sorrow, "yet with assured hope that genuine repentance will lead to mercy and pardon... announced in the Holy Scriptures 'The LORD is good, a refuge in times of trouble. He cares for those who trust in Him. Nahum 1:7'"; and

Whereas, We are thankful for the abundant blessings that have been bestowed on America. Our forefathers looked to God as protector, provider, and the promise of hope. We have wandered far from that firm foundation. May we repent for turning our backs on God's faithfulness. We ask that this great state and nation be restored by God's forgiveness and mercy; and

Whereas, We, as a state, give thanks for the freedoms we enjoy, that the state of Michigan and its people will be blessed and protected from those who threaten our republic and the foundations of our heritage; and

Whereas, Leaders of our nation have relied upon prayer throughout American history. We give thanks for life, liberty, and the pursuit of happiness, including the freedom to gather and pray; now, therefore, be it

Resolved by the Senate, That we proclaim and honor this long tradition and observe, May 5, 2011, as the National Day of Prayer; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Governmental Prayer Alliance with our highest esteem.

Senator Meekhof moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Bieda, Schuitmaker, Anderson, Kowall and Jones introduced

Senate Bill No. 361, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16 of chapter X (MCL 770.16), as amended by 2008 PA 410.

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

Senators Bieda and Jones introduced

Senate Bill No. 362, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 14m.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors and Human Services.

Senator Bieda introduced

Senate Bill No. 363, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding sections 14k and 14l.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors and Human Services.

Senator Kahn introduced

Senate Bill No. 364, entitled

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal years ending September 30, 2012 and September 30, 2013; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

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

Senator Kahn introduced

Senate Bill No. 365, entitled

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal years ending September 30, 2012 and September 30, 2013; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

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

Senator Kahn introduced

Senate Bill No. 366, entitled

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal years ending September 30, 2012 and September 30, 2013; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

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

Senator Kahn introduced

Senate Bill No. 367, entitled

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal years ending September 30, 2012 and September 30, 2013; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

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

House Bill No. 4526, entitled

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal year ending September 30, 2012; to provide for certain conditions on appropriations; to provide for the expenditure of the appropriations; and to provide anticipated appropriations for the fiscal year ending September 30, 2013.

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 Appropriations.

Statements

Senators Schuitmaker, Bieda, Meekhof and Emmons 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:

Today is the last day for Lauren Bridenbaugh in my office. Lauren has been with me for a year now. Her service is a testament to Michigan State University's internship program and their talented young men and women who come through their program. On a regular basis, Lauren was called upon to manage various levels of communication and research for me. No matter how difficult the situation, she exhibited a professional demeanor and went above and beyond the call of duty to ensure that each staffer, constituent, or legislator knew where the Legislature stood on an issue. Beyond her general competence in an office setting, Lauren possesses an amazing commitment to the quality of work product and obligation to being professional and timely.

Lauren is graduating tomorrow and will be looking for full-time employment, and I can personally attest to her great work ethic and commitment to excellence.

Therefore, we join with her parents, Rick and Theresa Bridenbaugh, her brother Sean, and the citizens of Michigan in saluting Lauren Bridenbaugh in acknowledgment of her outstanding public service to my office and the citizens of the state of Michigan.

Senator Bieda's statement is as follows:

I rise today to speak in recognition of Teacher Appreciation Week. I ask that we take the time to reflect on the important role teachers play in educating the next generation and what that contribution means to our society.

As we think about teachers, we must also think about the students they teach and the schools that they teach in. Yesterday was also the birthday of Horace Mann, who was born in 1796, and is considered to be the father of American public education. Mann once said, "Education is our only political safety. Outside of this ark, all is deluge." His statement could not be more accurate. Without education, without knowledge, our society would drown in ignorance. Education is also at the heart of many Michigan communities. Schools serve as a gathering place and a source of pride. Teachers bring these schools to life and often serve as the guiding force of the events that communities gather around.

Considering how important schools and teachers are to our communities, it is amazing to look back on the actions of this chamber eight days ago when we voted to cut more than \$350 million out of the School Aid Fund. Going after schools and the teachers is really an attack on the core of our communities. We should be doing more as a society and culture to show our appreciation for our schools and our teachers, and show that education truly is valued.

Horace Mann also said, "Education, beyond all other devices of human origin, is a great equalizer of conditions of men—the balance wheel of the social machinery." For education to succeed, our teachers must succeed. We can show our appreciation for teachers by making sure they have the resources they need to prepare our students and serve our communities.

Senator Meekhof's statement is as follows:

I rise to recognize this week as Michigan Charter Schools Week. Charter schools play an important role in public education. They provide an option for parents to choose the type of school that best fits the needs of their children. Currently, there are 110,000 students enrolled in charter schools and many additional students on waiting lists ready to attend.

Charter schools have been an effective tool in closing the achievement gap for urban, minority, and at-risk students across the state. They have done this by demanding high performance of both their students and teachers.

The state should encourage more innovation and choice in education to meet the demand for high-quality schools. This is why I support the Governor's recent proposal to expand the number of charter schools in communities where traditional public schools are not meeting the needs of families and students. I look forward to working with him on this issue and many other reforms to our public education system.

Senator Emmons' statement is as follows:

Today, May 5, 2011, is the 60th official observation of the National Day of Prayer. Senate Resolution No. 51 states that a National Day of Prayer has been part of America's heritage since it was declared by the First Continental Congress in 1775. President Abraham Lincoln proclaimed that our nation should set apart a day for national prayer to confess our sins and transgressions in sorrow.

The annual observation became official in 1952 when President Truman signed a law calling on the President to issue each year a proclamation designating a National Day of Prayer. This was later amended to be the first Thursday in May. This year's theme, "A Mighty Fortress Is Our God," is based on a verse from Psalm 91:2, which states: "I will say of the Lord, He is my refuge and my fortress, my God, in whom I trust."

Americans and our leaders have relied on prayer for guidance and reflection throughout history. We honor today the inspirational role prayer has played in making our country and our state great. We give thanks for life, liberty, and the pursuit of happiness, including the freedom to gather and pray. These core beliefs are the foundation of America and continue to give us strength in difficult times.

We give thanks for the freedoms we enjoy, that the state of Michigan and its people will be blessed and protected from those who threaten our republic and the foundation of our heritage. Most importantly, we pray for the men and women of our armed forces for their sacrifice and for our first responders for their dedication. May God watch over them and protect them.

Committee Reports

The Committee on Judiciary reported

Senate Resolution No. 34.

A resolution to memorialize the United States Congress to take immediate steps to provide funding to the Drug Enforcement Agency for the cleanup of clandestine methamphetamine laboratories seized by state and local law enforcement.

(For text of resolution, see Senate Journal No. 30, p. 446.)

With the recommendation that the resolution be adopted.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Judiciary 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 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. 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.

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 and Rocca
Nays: Senator Bieda
The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4167, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12e of chapter XVII (MCL 777.12e), as amended by 2008 PA 297.

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

House Bill No. 4168, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 601b (MCL 257.601b), as amended by 2008 PA 296.

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

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.

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 3, 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. 4258, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2882a. 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 and Nofs

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 4, 2011, at 3:18 p.m., Room 210, Farnum Building

Present: Senators Emmons (C), Rocca and Nofs

Excused: Senator Gregory

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, May 4, 2011, at 8:34 a.m., Rooms 402 and 403, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

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

Present: Senators Pavlov (C), Emmons, Colbeck, Hopgood and Young

COMMITTEE ATTENDANCE REPORT

The Committee on Redistricting submitted the following:

Meeting held on Wednesday, May 4, 2011, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Hune (C), Jones, Hildenbrand, Marleau, Bieda, Johnson and Smith

Excused: Senators Moolenaar and Proos

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, May 5, 2011, at 8:30 a.m., Room 210, Farnum Building

Present: Senators Casperson (C), Pavlov, Green, Kowall, Meekhof, Warren and Hood

Scheduled Meetings

Appropriations -

Subcommittee -

Capital Outlay - Thursday, May 12, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-8080)

Reforms, Restructuring and Reinventing - Tuesday, May 10, and Wednesday, May 11, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5324)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 11:31 a.m.

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

CAROL MOREY VIVENTI
Secretary of the Senate