

No. 16
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Wednesday, February 23, 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—excused
Jones—present
Kahn—present
Kowall—present
Marleau—present
Meekhof—present
Moolenaar—present
Nofs—present

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

Reverend Geoffrey Drutchas of St. Paul United Church of Christ of Taylor offered the following invocation:

O God, as another legislative day begins, we invoke Your guidance and help in the face of lingering economic distress and scarce resources for our state. Grant this Senate body the wisdom to make the prudent and pragmatic decisions necessary to build and sustain a better and more secure future. At the same time, O God, temper with compassion and abiding sense of equity all judgments exercised here so that every decision made and every law enacted not only honors Your spirit of justice, but also Your larger purposes for our lives. Amen.

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

Motions and Communications

Senator Nofs entered the Senate Chamber.

Senator Hunter moved that Senator Johnson be excused from today’s session. The motion prevailed.

Senator Meekhof moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 149

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, February 22: **House Bill Nos. 4212 4213**

The Secretary announced that the following official bills were printed on Tuesday, February 22, and are available at the legislative website:

Senate Bill Nos. 188 189

By unanimous consent the Senate proceeded to the order of **Third Reading of Bills**

The following bill was read a third time:

Senate Bill No. 140, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay projects for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; to prescribe certain conditions for the appropriations; and to repeal acts and parts of acts.

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. 21

Yeas—36

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

Nays—1

Hune

Excused—1

Johnson

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title 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 pro tempore, Senator Schuitmaker, designated Senator Gregory as Chairperson.

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

Senate Bill No. 149, entitled

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending sections 7a and 17 (MCL 252.307a and 252.317), section 7a as amended by 2010 PA 350 and section 17 as amended by 2009 PA 86.

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. 77, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5805 and 5839 (MCL 600.5805 and 600.5839), section 5805 as amended by 2002 PA 715 and section 5839 as amended by 1985 PA 188.

Substitute (S-2).

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

Messages from the Governor

The following messages from the Governor were received and read:

February 4, 2011

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

Michigan Women's Commission

Barbara B. Gattorn of 10743 Waterfall Court, South Lyon, Michigan 48178, county of Livingston, succeeding Emma Bell, for a term expiring July 15, 2014.

Chair, Michigan Women's Commission

Barbara B. Gattorn of 10743 Waterfall Court, South Lyon, Michigan 48178, county of Livingston, succeeding Emma Bell, for a term expiring at the pleasure of the Governor.

February 4, 2011

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

Executive Director, Michigan Women's Commission

Susan J. Avery of 5730 Whethersfield Lane #2E, Bloomfield Hills, Michigan 48301, county of Oakland, succeeding Judy Karandjeff, for a term expiring at the pleasure of the Governor.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 16

Senate Resolution No. 17

The resolution consent calendar was adopted.

Senator Hildenbrand offered the following resolution:

Senate Resolution No. 16.

A resolution to declare February 24, 2011, as Conductive Education Day in the state of Michigan.

Whereas, Conductive education (CE) was developed over sixty years ago in Hungary by Dr. András Pető; and

Whereas, CE is a unique teaching system that maximizes the independence and mobility of children and adults with neuromotor disabilities, such as stroke survivors and those with cerebral palsy, multiple sclerosis, acquired brain injuries, Parkinson's disease, and spina bifida; and

Whereas, CE operates from a core belief in neuroplasticity, the lifelong ability of the brain to reorganize neural pathways based on new experiences, and on the premise that no matter how severe the disability, people can learn and improve when they are motivated; and

Whereas, CE has the potential to make a significant, life-changing impact on the mobility and independence of close to 9 million people in the United States and Canada; and

Whereas, CE helps individuals learn their way to independence; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize February 24, 2011, as Conductive Education Day in the state of Michigan. We encourage support for this important program that increases the independence of people with disabilities in our community.

Senators Bieda, Booher, Brandenburg, Kowall, Marleau, Pappageorge, Proos and Schuitmaker were named co-sponsors of the resolution.

Senators Whitmer, Richardville, Emmons, Marleau, Hunter, Proos, Anderson, Warren and Brandenburg offered the following resolution:

Senate Resolution No. 17.

A resolution to proclaim March 7-13, 2011, as Sleep Awareness Week in the state of Michigan.

Whereas, Sleep disorders are on the rise with nearly 40 million Americans suffering from a sleep ailment. Obstructive sleep apnea (pauses in breathing while sleeping) is the most common of the sleep disorders which affects about 18 million Americans and possibly the most debilitating condition. Insomnia affects approximately 32 million; narcolepsy, 200,000 Americans, with 50,000 diagnosed; and chronic fatigue syndrome, 500,000 Americans; and

Whereas, With the increase in sleep disorders, there is an increased risk for health issues related to the disorders, some of which could be fatal. Obstructive sleep apnea can cause serious/fatal complications, including hypertension, cardiac problems, weight gain, ADHD in children, diabetes, and accidental death; and

Whereas, The National Traffic Safety Administration estimates 100,000 police reported crashes are the direct result of driver fatigue every year, causing 1,550 deaths, 71,000 injuries, and \$12.5 billion in monetary losses; and

Whereas, This week will be used to spread awareness about the disorders, the effect they have on American health, symptoms that can be associated with the various disorders, and the diagnoses process and treatment options available. By raising awareness of sleep disorders, proclaiming this week as Sleep Awareness Week also encourages Americans to seek treatment for sleep-related problems; now, therefore, be it

Resolved by the Senate, That we hereby proclaim March 7-13, 2011, as Sleep Awareness Week. We encourage all citizens to increase awareness, education, and treatment for sleep disorders which each year affect millions of citizens across our country; and be it further

Resolved, That copies of this resolution be transmitted to the Mid-West Center for Sleep Disorders with our highest esteem.

Senators Bieda, Booher, Kowall, Nofs, Pappageorge and Schuitmaker were named co-sponsors of the resolution.

Senate Concurrent Resolution No. 7.

A concurrent resolution to urge the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

The substitute was adopted.

The concurrent resolution, as substituted, was adopted.

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

The motion prevailed.

Senator Proos' statement is as follows:

Senate Concurrent Resolution No. 7 speaks about the United States Department of Energy and its 1982—catch that date, 1982—law that stated that all high-level nuclear waste at 103 nuclear facilities across the nation would be treated in a safe and responsible manner and placed in a high-level repository some place that would be safe for decades, centuries, and, in fact, thousands of years to come.

It turns out that the United States Department of Energy has not completed its responsibility. In 1998, we passed a law that said that we would begin to accept all of that particular high-level nuclear waste, so that it no longer sits on the shores of Lake Michigan and environmentally-sensitive areas all across the state. In southwest Michigan, very important taxpayers provide nuclear energy to the state of Michigan. Nuclear energy is clean, efficient, and safe. That nuclear energy, which we all benefit from, tallies approximately 21.5 percent of all the nuclear energy that we receive in the state of Michigan. Also 21.2 percent of all of the nation's baseload energy is derived from nuclear power.

It is important that the federal government live up to its responsibilities and that the federal government take control of that high-level nuclear waste, so that it does not sit on the shores of Lake Michigan at the Cook Nuclear Plant in Bridgman or the Palisades Nuclear Plant in Covert. We have to make sure that the federal government lives up to its responsibility.

There is a financial interest that the state of Michigan has incurred. Almost three-quarters of a billion dollars has been funding the development of a repository for high-level nuclear waste—\$763 million by each of us as taxpayers, as ratepayers who benefit from nuclear power. We have yet to see a return on investment commensurate with three-quarters of a billion dollars.

I would ask that you support this resolution, a resolution that asks the federal government to live up to its responsibility. Whether it is the Yucca Mountain facility or multiple facilities, let's make sure the federal government lives up to its responsibility of taking care of that high-level nuclear waste, and get it off the shores of Lake Michigan and other sensitive areas across the state and across the nation. I would ask for adoption of this resolution.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Young, Hunter and Johnson introduced

Senate Bill No. 195, entitled

A bill to allow inclusionary zoning; to prescribe the powers and duties of certain local agencies and officials; and to provide certain restrictions for dwelling units built within the inclusionary zone.

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

Senators Young and Johnson introduced

Senate Bill No. 196, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2112 (MCL 500.2112), as amended by 1980 PA 461, and by adding section 2107b.

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

House Bill No. 4212, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 8702, 8703, 8704, 8705, 8706, 8707, 8708, 8709, 8710, 8713, 8714, 8715, and 8716 (MCL 324.8702, 324.8703, 324.8704, 324.8705, 324.8706, 324.8707, 324.8708, 324.8709, 324.8710, 324.8713, 324.8714, 324.8715, and 324.8716), section 8703 as amended by 1995 PA 61, section 8707 as amended by 2000 PA 100, section 8715 as amended by 2008 PA 18, and section 8716 as amended by 2007 PA 174, and by adding section 8713a.

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 Agriculture.

House Bill No. 4213, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 8801, 8802, 8805, 8806, and 8807 (MCL 324.8801, 324.8802, 324.8805, 324.8806, and 324.8807), as added by 1998 PA 287, and by adding section 3109d.

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 Agriculture.

Statements

Senators Gleason and Hood asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Gleason’s statement is as follows:

I rise today and ask for your full consideration and gratitude. I have some guests, and I know most in this chamber do as well. I have some dear friends, the heroes of heroes and the bravest of the brave; those who put their lives secondary to my family and my personal belongings. My friends and yours have joined us in the chamber today to show their concern about Public Act No. 312. I would like to welcome my members of the local police and fire agencies from Genesee County. I not only want to welcome them here today, but thank them. Every time the bell rings, every time the phone is called to ask for their support, they put their health and personal concerns secondary to ours. These brave men and women have taken time from many distant locations across our state to join us here today.

I mentioned earlier that on September 11, 2001, we all rose up and hailed our police and fire personnel across the United States. Most importantly, we did so here in the many communities in our great state. Unfortunately, there was erosion and a lack of attention, and our desire to thank them was diminished over time. Now, ten years later, they have joined us in this chamber asking that we thank them again and that we offer them fairness through the discussion of their compensation.

None of us would besmirch or belittle them when they answered the call to our homes and our commercial and academic structures. I ask every Senator here today to stand, welcome, and thank with the utmost of gratitude the police and fire agencies that have joined us here this morning in these historic chambers.

Senator Hood’s statement is as follows:

As we all know, an unfortunate incident has happened to a colleague of ours, Senator Johnson. This incident could have gotten a lot worse than what it did. It should remind us of how precious life is. As we go about our duties here in Lansing and our duties at home, we must recognize this and realize what our real job is. Our jobs are to take care of our families, take care of our constituents, and take care of ourselves. Just remember that in a twinkling of an eye, your life can change. In one split second, your lives, your family members can change, and that could have happened to a colleague of ours just the other day.

I stand here before you today to say thank God that it wasn’t worse than what it was. We must realize what life is all about. It is all about our friends and being humane to one another. When it is all said and done and you go before the Maker, you are going to have to answer. I’m not talking about any specific event or any specific issues. I’m saying just remember that life is precious.

I have my niece Alexis here with me. When I go home, she is the one who brings me back home and makes me realize—her and her brother—remind me what life is really all about. It is all about the children. I’m going to say this one more time, life is precious. Life is precious—I know that is two times. Life is precious—that’s three. That is how important it is. Just be mindful of that as you go amongst your daily duties today, tomorrow, and forever. Life is precious.

Committee Reports

The Committee on Transportation reported

Senate Bill No. 149, entitled

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending sections 7a and 17 (MCL 252.307a and 252.317), section 7a as amended by 2010 PA 350 and section 17 as amended by 2009 PA 86.

With the recommendation that the bill pass.

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

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Kowall, Brandenburg, Pavlov, Gleason and Hood

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, February 22, 2011, at 3:15 p.m., Room 100, Farnum Building

Present: Senators Casperson (C), Kowall, Brandenburg, Pavlov, Gleason and Hood

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Community Health submitted the following:

Joint meeting held on Tuesday, February 22, 2011, at 3:30 p.m., House Appropriations Room, 3rd Floor, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Wednesday, February 23, 2011, at 8:30 a.m., Room 100, Farnum Building

Present: Senators Jones (C), Schuitmaker and Bieda

Excused: Senator Rocca

Scheduled Meetings

Agriculture - Thursday, February 24, 9:00 a.m., Room 110, Farnum Building (373-5312)

Appropriations -

Subcommittees -

Community Colleges and House Community Colleges Appropriations Subcommittee - Friday, February 25, 1:00 p.m., Room K-301, John Lewis Center, 14500 East 12 Mile Road, Warren (373-2768)

Corrections Department and House Corrections Appropriations Subcommittee - Thursday, February 24, 2:00 p.m., Room 100, Farnum Building (373-2768)

Energy, Labor, and Economic Growth Department and House Energy, Labor, and Economic Growth Appropriations Subcommittee - Thursday, February 24, 1:30 p.m., Room 405, Capitol Building (373-2768)

Energy, Labor, and Economic Growth Department and Reforms, Restructuring and Reinventing - Thursday, February 24, 1:30 p.m., Room 405, Capitol Building (373-5314)

K-12, School Aid, Education - Wednesday, March 2, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Natural Resources Department and House Natural Resources Appropriations Subcommittee - Thursday, February 24, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

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

Transportation - Wednesdays, March 2, March 9, March 16, 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)

Legislative Council - Thursday, February 24, 9:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Natural Resources, Environment and Great Lakes - Thursday, February 24, 8:30 a.m., Room 210, Farnum Building (373-5323)

Natural Resources, Environment and Great Lakes and Outdoor Recreation and Tourism - Thursday, March 3, 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5323)

Outdoor Recreation and Tourism and Natural Resources, Environment and Great Lakes - Thursday, March 3, 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5323)

Reforms, Restructuring and Reinventing and Energy, Labor, and Economic Growth Department Appropriations Subcommittee - Thursday, February 24, 1:30 p.m., Room 405, Capitol Building (373-5314)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 10:38 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, February 24, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate