

No. 19
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Wednesday, March 2, 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—excused
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 Dave Huizenga of Sunshine Community Church of Grand Rapids offered the following invocation:

Our Heavenly Father, we come and stand before You. We stand in Your presence yielding to You and trusting in You. We stand acknowledging, Lord, that You are over Heaven and Earth. We pray that Your will that is in Heaven may be accomplished here on Earth and in this place. We stand asking You to come with Your presence in a powerful way; that You will anoint each Senator here with Your glory and Your majesty and Your strength and Your wisdom; that all barriers to Your wisdom will be shattered by Your authority in this place.

We ask that You may by Your grace and Your presence wrap a cord of unity around these chambers today. I declare that Your legislation is their legislation; that Your plan is the plan of this Senate. We yield to You. We trust that You are in charge and that any work or plan of the evil one will be shattered by Your grace and Your mercy in Your authority.

We pray these things trusting in the name of Jesus Christ our Lord. Amen.

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

Motions and Communications

Senator Gregory entered the Senate Chamber.

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

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

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

Senator Richardville entered the Senate Chamber.

The Secretary announced that the following official bills and joint resolution were printed on Friday, February 25, and are available at the legislative website:

House Bill Nos.	4327	4328	4329	4330	4331	4332	4333	4334	4335	4336	4337	4338	4339	4340
	4341	4342	4343	4344	4345									
House Joint Resolution		L												

Messages from the Governor

The following messages from the Governor were received and read:

February 11, 2011

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

Michigan Domestic Violence Prevention and Treatment Board

James A. Fink of 206 S. Washington Street, Ypsilanti, Michigan 48197, county of Washtenaw, succeeding Kym L. Worthy, is appointed for a term expiring September 30, 2013.

Cris Mary Sullivan of 4876 Doane Highway, Potterville, Michigan 48876, county of Eaton, succeeding Shirley Mann Gray, is appointed for a term expiring September 30, 2013.

Jeffrie K. Cape of 5079 Langlewood Drive, West Bloomfield, Michigan 48322, county of Oakland, succeeding Nathaniel C. Perry, is appointed for a term expiring September 30, 2013.

February 11, 2011

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

Michigan Board of Social Work

Pamela Kay Manela of 40404 Village Wood Road, Novi, Michigan 48375, county of Oakland, is reappointed for a term expiring December 31, 2014.

Eleanor Goodfriend Blum of 31755 Ridgeside Drive, Apt. 21, Farmington Hills, Michigan 48334, county of Oakland, succeeding Dara Toyin Munson, for a term expiring December 31, 2014.

February 16, 2011

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

Michigan Board of Osteopathic Medicine and Surgery

William C. Cunningham of 1100 Cambridge Drive, S.E., Grand Rapids, Michigan 49506, county of Kent, is reappointed for a term expiring December 31, 2014.

Peter T. McAndrews, III, of 3872 Stone Ridge Drive, Traverse City, Michigan 49684, county of Grand Traverse, succeeding Vincent J. Granowicz, for a term expiring December 31, 2014.

Charles E. Kelly of 1315 Pine Drive, Ortonville, Michigan 48462, county of Oakland, is reappointed for a term expiring December 31, 2014.

Dennis W. Dobritt of 4572 Walden Drive, Bloomfield Hills, Michigan 48301, county of Oakland, is reappointed for a term expiring December 31, 2014.

Susan C. Sevensma of 2612 Hampshire Boulevard, S.E., Grand Rapids, Michigan 49506, county of Kent, succeeding Sylvia Georgia Mustonen, for a term expiring December 31, 2014.

February 23, 2011

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

Michigan Economic Growth Authority Board

Andy Dillon of 26284 Graham Road, Redford, Michigan 48239, county of Wayne, is appointed for a term expiring at the pleasure of the Governor.

John Nixon of 500 E. Michigan Avenue, Lansing, Michigan 48912, county of Ingham, is appointed for a term expiring at the pleasure of the Governor.

Steven Hilfinger of 20051 Wellesley Road, Beverly Hills, Michigan 48025, county of Oakland, is appointed for a term expiring at the pleasure of the Governor.

Michael Finney of 8805 Old Oak Drive, Plymouth, Michigan 48170, county of Wayne, is appointed for a term expiring at the pleasure of the Governor.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

Senate Bill No. 122, 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, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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. 144, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 88a (MCL 125.2088a), as amended by 2006 PA 639.

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. 26

Yeas—36

Anderson
Bieda

Gregory
Hansen

Kahn
Kowall

Richardville
Robertson

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

Nays—0

Excused—2

Casperson 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 Warren 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. 141, entitled

A bill to authorize the department of natural resources to accept and convey certain real property in Gladwin county; to prescribe certain conditions for the acceptance and conveyance; to provide for disposition of the revenue derived from the conveyance; and to repeal acts and parts of acts.

The bill was placed on the order of Third Reading of Bills.

Resolutions

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

Senate Resolution No. 7

The motion prevailed.

Senators Hansen, Walker, Casperson, Proos, Booher, Hildenbrand, Meekhof and Jones offered the following resolution:
Senate Resolution No. 19.

A resolution to express opposition to the President's proposal to make major cuts to funding for the Great Lakes Restoration Initiative and to memorialize the U.S. Congress to reject the reductions.

Whereas, The Great Lakes are our most valuable natural resource and the centerpiece of our communities. We must ensure that we preserve and strengthen the lakes not only for our quality of life, but also as a tremendous economic asset to our state and the seven other Great Lakes states. A recent study of Michigan charter fishing demonstrates the economic importance of the lakes. The charter fishing industry has contributed nearly \$400 million to coastal communities along the state's four Great Lakes over the past 20 years; and

Whereas, The Great Lakes Restoration Initiative is a critical program investing in the future of the Great Lakes and our state. This five-year, \$2.2 billion program is a significant first step in implementing the restoration strategy developed under the Great Lakes Regional Collaboration. The collaboration was an unprecedented effort by regional leaders, stakeholders, and citizens to develop a unified strategy to protect and restore the majesty of these national treasures; and

Whereas, The first year of federal funding for the Great Lakes Restoration Initiative has helped support nearly 300 projects that will protect the environment and remove impediments to economic growth. These projects will help clean up toxic hot spots along the Great Lakes shoreline that contribute to high contaminant levels in fish, prevent sewer discharges that foul beaches and threaten drinking water supplies, and keep Asian carp out of the Great Lakes. However, this initial investment only represents 2 percent of the funding needed to restore the Great Lakes; and

Whereas, After only its first year, the President has proposed more than a 25 percent cut in funding for the Great Lakes Restoration Initiative in both FY 2011 and FY 2012. While understanding the need to rein in the federal budget, budget cuts of this magnitude could stall current restoration efforts. The initiative must remain a priority for future funding; and

Whereas, Every dollar invested in the Great Lakes creates new jobs and enhances economic development opportunities. In 2007, the Brookings Institution estimated that fully implementing the Great Lakes Regional Collaboration strategy would produce a return of two to four times on the investment from increased short-term and long-term economic activity, including \$7 billion to \$13 billion of short-term economic gains for Michigan; now, therefore, be it

Resolved by the Senate, That we express opposition to the President's proposal to make major cuts to funding for the Great Lakes Restoration Initiative and memorialize the U.S. Congress to reject the reductions; 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 Natural Resources, Environment and Great Lakes.

The motion prevailed.

Senators Green, Kowall, Marleau, Pavlov and Rocca were named co-sponsors of the resolution.

Senators Hansen, Walker, Caspersen, Proos, Booher, Hildenbrand, Meekhof and Jones offered the following concurrent resolution:

Senate Concurrent Resolution No. 11.

A concurrent resolution to express opposition to the President's proposal to make major cuts to funding for the Great Lakes Restoration Initiative and to memorialize the U.S. Congress to reject the reductions.

Whereas, The Great Lakes are our most valuable natural resource and the centerpiece of our communities. We must ensure that we preserve and strengthen the lakes not only for our quality of life, but also as a tremendous economic asset to our state and the seven other Great Lakes states. A recent study of Michigan charter fishing demonstrates the economic importance of the lakes. The charter fishing industry has contributed nearly \$400 million to coastal communities along the state's four Great Lakes over the past 20 years; and

Whereas, The Great Lakes Restoration Initiative is a critical program investing in the future of the Great Lakes and our state. This five-year, \$2.2 billion program is a significant first step in implementing the restoration strategy developed under the Great Lakes Regional Collaboration. The collaboration was an unprecedented effort by regional leaders, stakeholders, and citizens to develop a unified strategy to protect and restore the majesty of these national treasures; and

Whereas, The first year of federal funding for the Great Lakes Restoration Initiative has helped support nearly 300 projects that will protect the environment and remove impediments to economic growth. These projects will help clean up toxic hot spots along the Great Lakes shoreline that contribute to high contaminant levels in fish, prevent sewer discharges that foul beaches and threaten drinking water supplies, and keep Asian carp out of the Great Lakes. However, this initial investment only represents 2 percent of the funding needed to restore the Great Lakes; and

Whereas, After only its first year, the President has proposed more than a 25 percent cut in funding for the Great Lakes Restoration Initiative in both FY 2011 and FY 2012. While understanding the need to rein in the federal budget, budget cuts of this magnitude could stall current restoration efforts. The initiative must remain a priority for future funding; and

Whereas, Every dollar invested in the Great Lakes creates new jobs and enhances economic development opportunities. In 2007, the Brookings Institution estimated that fully implementing the Great Lakes Regional Collaboration strategy would produce a return of two to four times on the investment from increased short-term and long-term economic activity, including \$7 billion to \$13 billion of short-term economic gains for Michigan; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we express opposition to the President's proposal to make major cuts to funding for the Great Lakes Restoration Initiative and memorialize the U.S. Congress to reject the reductions; 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 concurrent 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 concurrent resolution,

Senator Meekhof moved that the concurrent resolution be referred to the Committee on Natural Resources, Environment and Great Lakes.

The motion prevailed.

Senators Green, Kowall, Marleau, Pavlov and Rocca were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senator Hune introduced

Senate Bill No. 208, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act," by amending section 14 (MCL 287.714), as amended by 2002 PA 458.

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

Senator Hune introduced

Senate Bill No. 209, entitled

A bill to amend 2000 PA 246, entitled "Wolf-dog cross act," (MCL 287.1001 to 287.1023) by adding section 22a.

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

Senator Hune introduced

Senate Bill No. 210, entitled

A bill to amend 2000 PA 274, entitled "Large carnivore act," by amending section 22 (MCL 287.1122).

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

Senator Young introduced

Senate Bill No. 211, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 4510.

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

Senators Kahn, Schuitmaker, Marleau, Pappageorge, Pavlov, Proos, Hansen, Green and Booher introduced

Senate Bill No. 212, entitled

A bill to provide firefighter training programs to certain individuals; and to provide for certain firefighter examinations.

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

Senators Casperson, Caswell, Jansen and Nofs introduced

Senate Bill No. 213, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7405, 17708, 17751, and 17763 (MCL 333.7405, 333.17708, 333.17751, and 333.17763), sections 7405, 17708, and 17763 as amended by 2009 PA 150 and section 17751 as amended by 2006 PA 672.

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

Senators Emmons, Bieda, Hunter, Schuitmaker, Meekhof, Jansen, Hildenbrand, Hansen, Marleau, Pavlov, Caswell, Hopgood, Nofs, Kowall, Booher, Pappageorge, Young, Colbeck, Proos and Green introduced

Senate Bill No. 214, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803i (MCL 257.803i), as amended by 1998 PA 68.

The bill was read a first and second time by title and referred to the Committee on Veterans, Military Affairs and Homeland Security.

Senator Walker introduced

Senate Bill No. 215, entitled

A bill to amend 1957 PA 185, entitled "An act to authorize the establishing of a department and board of public works in counties; to prescribe the powers and duties of any municipality subject to the provisions of this act; to authorize the incurring of contract obligations and the issuance and payment of bonds or notes; to provide for a pledge by a municipality of its full faith and credit and the levy of taxes without limitation as to rate or amount to the extent necessary; to validate obligations issued; and to prescribe a procedure for special assessments and condemnation," by amending section 2 (MCL 123.732), as amended by 1987 PA 214.

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

Senator Walker introduced

Senate Bill No. 216, entitled

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 2009 PA 210.

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

Senator Jones introduced

Senate Bill No. 217, entitled

A bill to amend 1901 PA 6, entitled "An act to provide for the employment of clerks or assistants in the executive office of this state," by amending section 1 (MCL 10.11), as amended by 2002 PA 379.

The bill was read a first and second time by title and referred to the Committee on Reforms, Restructuring and Reinventing.

Senators Emmons and Jansen introduced

Senate Bill No. 218, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 43 of chapter X (MCL 710.43), as amended by 1996 PA 409.

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

Senators Jansen, Emmons, Bieda, Pappageorge, Hansen and Proos introduced

Senate Bill No. 219, entitled

A bill to amend 1935 PA 220, entitled "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act," by amending section 9 (MCL 400.209), as amended by 2004 PA 470.

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

Senators Emmons and Jansen introduced

Senate Bill No. 220, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19c (MCL 712A.19c), as amended by 2008 PA 203.

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

Senators Jansen, Schuitmaker, Proos, Pappageorge, Bieda, Gleason, Emmons and Marleau introduced

Senate Bill No. 221, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20106, 20108, 20115, and 20142 (MCL 333.20106, 333.20108, 333.20115, and 333.20142), section 20106 as amended by 2000 PA 253, section 20108 as amended by 1990 PA 179, and section 20115 as amended by 1999 PA 206, and by adding part 218.

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

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary submitted the following:
 Meeting held on Tuesday, March 1, 2011, at 8:00 a.m., Room 110, Farnum Building
 Present: Senators Proos (C) and Schuitmaker
 Excused: Senator Johnson

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:
 Meeting held on Tuesday, March 1, 2011, at 12:30 p.m., Room 100, Farnum Building
 Present: Senators Kowall, Pavlov, Gleason and Hood
 Excused: Senators Casperson (C) and Brandenburg

COMMITTEE ATTENDANCE REPORT

The Committee on Veterans, Military Affairs and Homeland Security submitted the following:
 Meeting held on Tuesday, March 1, 2011, at 12:35 p.m., Room 210, Farnum Building
 Present: Senators Moolenaar (C), Pappageorge, Emmons, Gregory and Smith

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:
 Meeting held on Tuesday, March 1, 2011, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower
 Present: Senators Nofs (C), Proos, Jones, Marleau, Schuitmaker, Walker, Hopgood, Bieda and Young

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:
 Meeting held on Tuesday, March 1, 2011, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
 Present: Senators Pappageorge (C), Jansen and Colbeck
 Excused: Senator Johnson

Scheduled Meetings

Appropriations -

Subcommittees -

Agriculture and Rural Development - Tuesdays, March 8 and March 15, 3:00 p.m., Room 210, Farnum Building (373-2768)

Community Health Department - Wednesdays, March 9, 3:00 p.m., March 16 and March 23, 1:00 p.m., Rooms 402 and 403, Capitol Building; 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 3, 1:30 p.m., Room 405, Capitol Building (373-2768)

General Government - Tuesdays, March 8, March 15, March 22 and April 12, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Higher Education - Wednesdays, March 9, 3:30 p.m., Room 100, Farnum Building; March 16, March 23 and March 30, 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Human Services Department - Thursday, March 3, 2:30 p.m., Room 210, Farnum Building (373-2768)

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

Transportation - Wednesdays, 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)

Health Policy - Thursday, March 3, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5312)

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)

Senator Meekhof moved that the Senate adjourn.

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

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, March 3, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

