

No. 51
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Tuesday, June 1, 2010.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor John D. Cherry, Jr.

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

Allen—present
Anderson—present
Barcia—present
Basham—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—excused

Garcia—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present
Nofs—present

Olshove—present
Pappageorge—present
Patterson—present
Prusi—present
Richardville—present
Sanborn—present
Scott—excused
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

Senator James A. Barcia of the 31st District offered the following invocation:

Dear God, please look down upon us with grace, and grant us the wisdom and compassion to do what is right and just for the people of Michigan. We have been entrusted with the responsibility to lead, and we ask that You guide us in all of our actions.

The challenges we face are daunting, and we must make difficult decisions as legislators. Please give us the strength to fulfill our duties honestly and fairly. And let us always remember that we are here to serve Your will and the public good. Amen.

The President, Lieutenant Governor Cherry, led the members of the Senate in recital of the *Pledge of Allegiance*.

Recess

Senator Brown moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:03 a.m.

10:43 a.m.

The Senate was called to order by the President, Lieutenant Governor Cherry.

During the recess, Senators Clark-Coleman, Kuipers, Sanborn, Gilbert, Stamas, Van Woerkom, Garcia, Pappageorge, George, Nofs, Jansen, Cassis, Birkholz, Hardiman, Kahn, Jelinek, Bishop and Allen entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

Senator Brown 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. 1315

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

Senator Brown moved that Senator Cropsy be excused from today's session.
The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, May 27:
House Bill Nos. 4961 5850 6030 6128

The Secretary announced that the following official bills and joint resolution were printed on Thursday, May 27, and are available at the legislative website:

Senate Bill Nos. 1350 1351 1352

Senate Joint Resolution Y

House Bill Nos. 6209 6210 6211 6212 6213

The Secretary announced that the following official bills were printed on Friday, May 28, and are available at the legislative website:

House Bill Nos. 6214 6215 6216 6217 6218 6219 6220 6221 6222 6223 6224 6225

Messages from the Governor

Senator Thomas moved that Senator Scott be excused from today's session.
The motion prevailed.

The following messages from the Governor were received:

Date: May 27, 2010

Time: 10:04 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 723 (Public Act No. 85), being

An act to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending section 11 (MCL 722.121), as amended by 1980 PA 232, and by adding section 3g.

(Filed with the Secretary of State on May 27, 2010, at 10:57 a.m.)

Date: May 27, 2010

Time: 10:06 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 724 (Public Act No. 86), being

An act to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending section 11b (MCL 722.121b), as amended by 2007 PA 217.

(Filed with the Secretary of State on May 27, 2010, at 10:59 a.m.)

Date: May 27, 2010

Time: 10:20 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1228 (Public Act No. 87), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 40114 (MCL 324.40114), as amended by 2009 PA 109.

(Filed with the Secretary of State on May 27, 2010, at 11:01 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following messages from the Governor were received and read:

May 27, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 29 of Article 5 of the Michigan Constitution of 1963:

Civil Rights Commission

Mr. Mark J. Bernstein, a Democrat, of 2002 Scottwood Avenue, Ann Arbor, Michigan 48104, county of Washtenaw, succeeding Karen Henry Stokes, who has resigned, is appointed for a term commencing July 28, 2010 and expiring December 31, 2012.

May 27, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to office under Executive Order 2009-40:

Disability Concerns Commission

Mr. John M. Causley, Jr., of 3883 Cedar Street, Hessel, Michigan 49745, county of Mackinac, succeeding Jeffery Lang, who has resigned, is appointed for a term commencing May 27, 2010 and expiring November 30, 2011.

Mr. Lennard A. Johnson of 110 West Golf, Jackson, Michigan 48203, county of Jackson, succeeding Mary Kelley, who has resigned, is appointed for a term commencing May 27, 2010 and expiring November 30, 2012.

Mr. Gerald R. Mutty of 4880 Westgate Circle, Holt, Michigan 48842, county of Ingham, succeeding Steffanie Webster, who has resigned, is appointed for a term commencing May 27, 2010 and expiring November 30, 2013.

May 27, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office under Section 2 of 1978 PA 389, MCL 400.1502:

Domestic Violence Prevention and Treatment Board

Ms. Shirley Mann Gray of 5399 West Bloomfield Lake Road, West Bloomfield, Michigan 48323, county of Oakland, is reappointed to represent persons with experience in an area related to the problems of domestic violence, for a term commencing October 1, 2010 and expiring September 30, 2013.

The Honorable Nathaniel C. Perry, III, of 3102 Circle Drive, Flint, Michigan 48507, county of Genesee, is reappointed to represent persons with experience in an area related to the problems of domestic violence, for a term commencing October 1, 2010 and expiring September 30, 2013.

Ms. Kym L. Worthy of 1441 St. Antoine Street, Detroit, Michigan 48226, county of Wayne, is reappointed to represent persons with experience in an area related to the problems of domestic violence, for a term commencing October 1, 2010 and expiring September 30, 2013.

May 27, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to office under Executive Order 2010-2, MCL 12.194:

Michigan Finance Authority

Mr. Stephen N. Cassin, an Independent, of 43952 Rivergate Drive, Clinton Township, Michigan 48038, county of Macomb, is appointed to represent individuals with experience in economic development issues or relating to public finance, for a term commencing May 30, 2010 and expiring September 30, 2013.

Ms. Marylee Davis, Ph.D., an Independent, of 6371 Island Lake Drive, East Lansing, Michigan 48823, county of Ingham, is appointed to represent individuals with experience in issues relating to hospitals or other health facilities or relating to public finance, for a term commencing May 30, 2010 and expiring September 30, 2013.

Ms. Charlotte P. Edwards, a Democrat, of 1624 Broad Court, Flint, Michigan 48503, county of Genesee, is appointed to represent individuals with experience in housing and community development issues or relating to public finance, for a term commencing May 30, 2010 and expiring September 30, 2014.

Mr. Donald H. Gilmer, a Republican, of 7021 North 46th Street, Augusta, Michigan 49012, county of Kalamazoo, is appointed to represent individuals with experience in natural resources and environmental issues or relating to public finance, for a term commencing May 30, 2010 and expiring September 30, 2012.

Mr. David S. Mittleman, a Democrat, of 1700 Old Mill Road, East Lansing, Michigan 48823, county of Ingham, is appointed to represent individuals with experience in education issues, including but not limited to, issues related to public school districts, public community colleges, or public universities, or relating to public finance, for a term commencing May 30, 2010 and expiring September 30, 2014.

May 27, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 4 of the Michigan Gaming Control and Revenue Act, Initiated Law of 1996, MCL 432.204:

Michigan Gaming Control Board

Mr. Michael J. Watzka, a Republican, of 21916 Bedford Drive, Northville, Michigan 48167, county of Oakland, succeeding Damian Kassab, who has resigned, is appointed for a term commencing July 28, 2010 and expiring December 31, 2012.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

Senator Brown moved that consideration of the following bill be postponed for today:

House Bill No. 4514

The motion prevailed.

Senate Bill No. 1151, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2011; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Brown moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 274

Yeas—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Nays—21

Allen	George	Kahn	Patterson
Birkholz	Gilbert	Kuipers	Richardville
Bishop	Hardiman	McManus	Sanborn
Brown	Jansen	Nofs	Stamas
Cassis	Jelinek	Pappageorge	Van Woerkom
Garcia			

Excused—2

Cropsey	Scott
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Not Voting—0

In The Chair: President

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

The motion prevailed.

Senator Clark-Coleman’s statement is as follows:

Although I certainly applaud the hard work of the chair of the committee, that he did all that he could, I feel that at this time, when we rely on community colleges so much to do job re-training, we should make every effort to make sure they have the resources they need to continue training. I think we need to support both the effort and the Governor’s recommendation, as well as the House recommendation, that the community colleges should not have any cuts but remain flat.

Senate Bill No. 1152, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2011; to provide for the expenditure

of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Brown moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 275

Yeas—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Nays—21

Allen	George	Kahn	Patterson
Birkholz	Gilbert	Kuipers	Richardville
Bishop	Hardiman	McManus	Sanborn
Brown	Jansen	Nofs	Stamas
Cassis	Jelinek	Pappageorge	Van Woerkom
Garcia			

Excused—2

Cropsey	Scott
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Not Voting—0

In The Chair: President

Senate Bill No. 1161, entitled

A bill to make appropriations for the department of natural resources and environment for the fiscal year ending September 30, 2011; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Brown moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 276**Yeas—0****Nays—36**

Allen	Cherry	Jacobs	Patterson
Anderson	Clark-Coleman	Jansen	Prusi
Barcia	Clarke	Jelinek	Richardville
Basham	Garcia	Kahn	Sanborn
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Nofs	Thomas
Brown	Hardiman	Olshove	Van Woerkom
Cassis	Hunter	Pappageorge	Whitmer

Excused—2

Cropsey Scott

Not Voting—0

In The Chair: President

Senate Bill No. 1163, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 3, 6, 11, 11a, 11d, 11g, 11j, 11k, 11m, 15, 18, 19, 20, 20d, 20j, 22a, 22b, 22d, 22e, 24, 24a, 24c, 26a, 26b, 31a, 31d, 31f, 32b, 32d, 32j, 32l, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 64, 65, 74, 81, 94a, 98, 99, 99i, 101, 104, 107, 147, 166b, and 166c (MCL 388.1603, 388.1606, 388.1611, 388.1611a, 388.1611d, 388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1615, 388.1618, 388.1619, 388.1620, 388.1620d, 388.1620j, 388.1622a, 388.1622b, 388.1622d, 388.1622e, 388.1624, 388.1624a, 388.1624c, 388.1626a, 388.1626b, 388.1631a, 388.1631d, 388.1631f, 388.1632b, 388.1632d, 388.1632j, 388.1632l, 388.1639a, 388.1641, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1661a, 388.1662, 388.1664, 388.1665, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1699, 388.1699i, 388.1701, 388.1704, 388.1707, 388.1747, 388.1766b, and 388.1766c), sections 3, 11a, 11g, 11j, 11k, 11m, 15, 18, 19, 20, 20d, 22a, 22b, 22d, 22e, 24, 24a, 24c, 26a, 26b, 31a, 31d, 31f, 32b, 32d, 32j, 32l, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 64, 65, 74, 81, 98, 99, 99i, 104, 107, and 147 as amended and section 11d as added by 2009 PA 121, sections 6, 11, 94a, and 101 as amended and section 166c as added by 2009 PA 203, section 20j as amended by 2008 PA 561, and section 166b as amended by 2008 PA 219, and by adding section 92; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 6, 11, 11a, 11d, 11g, 11j, 11k, 11m, 15, 18, 19, 20, 20d, 22a, 22b, 22d, 22e, 24, 24a, 24c, 26a, 26b, 29, 31a, 31d, 31f, 32b, 32c, 32d, 32j, 32l, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 64, 65, 74, 81, 94a, 98, 99, 99i, 99p, 101, 104, 107, and 147 (MCL 388.1606, 388.1611, 388.1611a, 388.1611d, 388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1615, 388.1618, 388.1619, 388.1620, 388.1620d, 388.1622a, 388.1622b, 388.1622d, 388.1622e, 388.1624, 388.1624a, 388.1624c, 388.1626a, 388.1626b, 388.1629, 388.1631a, 388.1631d, 388.1631f, 388.1632b, 388.1632c, 388.1632d, 388.1632j, 388.1632l, 388.1639a, 388.1641, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1661a, 388.1662, 388.1664, 388.1665, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1699, 388.1699i,

388.1699p, 388.1701, 388.1704, 388.1707, and 388.1747), sections 6, 11, 94a, and 101 as amended by 2009 PA 203, sections 11a, 11g, 11j, 11k, 11m, 15, 18, 19, 20, 20d, 22a, 22b, 22d, 22e, 24, 24a, 24c, 26a, 26b, 29, 31a, 31d, 31f, 32b, 32d, 32j, 32l, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 64, 65, 74, 81, 98, 99, 99i, 104, 107, and 147 as amended and section 11d as added by 2009 PA 121, and sections 32c and 99p as amended by 2008 PA 268, and by adding sections 92, 93, 98d, and 166d; and to repeal acts and parts of acts.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Brown moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 277

Yeas—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Nays—21

Allen	George	Kahn	Patterson
Birkholz	Gilbert	Kuipers	Richardville
Bishop	Hardiman	McManus	Sanborn
Brown	Jansen	Nofs	Stamas
Cassis	Jelinek	Pappageorge	Van Woerkom
Garcia			

Excused—2

Cropsey	Scott
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Not Voting—0

In The Chair: President

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Brown 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 Cherry, designated Senator Sanborn as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having assumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 5363, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending sections 51 and 53 (MCL 257.1851 and 257.1853), as amended by 2006 PA 108.

Substitute (S-4).

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 a substitute therefor, the following bill:
Senate Bill No. 682, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2006 PA 562, and by adding section 811r.

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 a substitute therefor, the following bill:
Senate Bill No. 1315, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 18223 (MCL 333.18223), as amended by 1986 PA 174.

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 proceeded to the order of

Introduction and Referral of Bills

Senators Scott, Brater, Gleason, Hunter and Clarke introduced

Senate Bill No. 1353, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2111 (MCL 500.2111), as amended by 2002 PA 492; and to repeal acts and parts of acts.

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

Senators Switalski, Cherry and Bishop introduced

Senate Bill No. 1354, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1062 and 1068 (MCL 600.1062 and 600.1068), section 1062 as amended by 2006 PA 620 and section 1068 as added by 2004 PA 224.

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

Senators George, Birkholz and Van Woerkom introduced

Senate Bill No. 1355, entitled

A bill to create a constitutional convention preparatory commission; and to prescribe its powers and duties.

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

Senators Van Woerkom, George and Birkholz introduced

Senate Bill No. 1356, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding sections 181, 182, 183, 184, 185, 186, 187, 187a, 187b, 188, 189, 189a, and 189b.

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

Senator George introduced

Senate Bill No. 1357, entitled

A bill to regulate political activity; to regulate certain candidates for elective office; to require financial statements and reports; to prescribe the powers and duties of certain state and local governmental officers and agencies; to impose fees; and to prescribe penalties and civil sanctions.

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

Senators Birkholz and George introduced

Senate Bill No. 1358, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 33 (MCL 169.233), as amended by 1999 PA 238.

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

Senators George and Birkholz introduced

Senate Bill No. 1359, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 12 and 52 (MCL 169.212 and 169.252), as amended by 2001 PA 250.

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

Senators Stamas and George introduced

Senate Bill No. 1360, entitled

A bill to amend 1958 PA 204, entitled "An act to fix the compensation and mileage of constitutional convention delegates," by amending sections 1, 2, and 3 (MCL 2.51, 2.52, and 2.53), section 3 as amended by 2002 PA 363.

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

House Bill No. 4961, entitled

A bill to amend 1964 PA 286, entitled "An act to provide for the organization, powers, and duties of the state transportation commission and the state transportation department; to provide for the appointment, powers, and duties of the state transportation director; to abolish the office of state highway commissioner and the commissioner's advisory board and to transfer their powers and duties; to provide for penalties and remedies; and to repeal certain acts and parts of acts," by amending the title and sections 1, 6a, 7, 7a, and 10 (MCL 247.801, 247.806a, 247.807, 247.807a, and 247.810), the title as amended by 1984 PA 398 and section 7a as amended by 1981 PA 122, and by adding sections 7b, 7c, 7d, 7e, 7f, 7g, 7h, and 7i.

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 Transportation.

House Bill No. 5850, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 3206 and 3209 (MCL 700.3206 and 700.3209), section 3206 as amended by 2008 PA 41 and section 3209 as added by 2006 PA 299.

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 Senior Citizens and Veterans Affairs.

House Bill No. 6030, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 569a, 671, and 792a (MCL 168.569a, 168.671, and 168.792a), section 569a as added by 1985 PA 24, section 671 as amended by 1995 PA 261, and section 792a as amended by 2005 PA 71.

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 Campaign and Election Oversight.

House Bill No. 6128, entitled

A bill to amend 1964 PA 286, entitled "An act to provide for the organization, powers, and duties of the state transportation commission and the state transportation department; to provide for the appointment, powers, and duties of the state transportation director; to abolish the office of state highway commissioner and the commissioner's advisory board and to transfer their powers and duties; to provide for penalties and remedies; and to repeal certain acts and parts of acts," (MCL 247.801 to 247.816) by adding section 6c.

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 Government Operations.

Statements

Senators George, Cherry, Patterson and Basham asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator George's statement is as follows:

I rise to announce the introduction of a package of bills designed to prepare Michigan for the possibility of its seventh constitutional convention. Whether we agree or not with the proposition of holding a constitutional convention, it is our duty to prepare the state for that possibility.

Our current Constitution, the Constitution of 1963, Michigan's fourth, contains provisions for the operation of the next constitutional convention, but it allows the Legislature to set eligibility requirements for delegate candidates, limitations on campaign contributions, and financial disclosure and reporting requirements.

Some have argued that a constitutional convention would not be affordable and dominated by special interests. This legislative package ensures that would not be so. It addresses both of those concerns by setting delegates pay at \$1 per month. It prohibits PAC donations to delegates' campaign committees, and it establishes a financial disclosure requirement.

These measures would ensure that the constitutional convention would be comprised of citizen delegates. Delegate candidates would be motivated not by pay nor influenced by lobbyists, but instead, by their interest in creating a better Michigan. Additionally, these bills would create a Constitutional Convention Preparatory Commission. The commission would serve without compensation and would make recommendations on facilities and staff and explore the possibility of conducting the convention, at least in part, in a virtual or web-based format.

Having lost nearly 1 million jobs, Michigan is embroiled in the worst economic slump in its history. As we struggle to balance our budget in the face of continued revenue declines, the public is right to ask whether we can still afford a government that was created in the 1960s when we were a wealthy state.

There are many, including me, who see a constitution convention as a means to achieve the structural reforms necessary to make our state competitive once again, as a way to reopen Michigan for business. But whether or not we agree on the benefits of such a process, we should all agree that if it is done, it should be done in a manner that is affordable and free from special interests. These bills will help make it affordable and keep it within the hands of the citizens of Michigan.

Senator Cherry's statement is as follows:

Michigan's unemployment numbers for April were recently released, and the rate continued to decline, dropping one-tenth of a percentage point to 14 percent. While this downward trend is good news, it is just an incremental decline, and it still barely scratches the surface of the relief our unemployed workers so desperately need.

From April 2009 to April 2010, unemployment in Michigan had increased by 33,000, and my Senate Republican colleagues have still done nothing to address the state's economic struggles. In fact, they are doing more to hurt job creation in this state than they are doing to help it. Senate Republicans have failed to move existing legislation to help Michigan workers, like Hire Michigan First, which would get state workers back on the job by hiring them on state projects. Senate Republicans continue to cut existing programs to help Michigan's displaced workers and grow businesses like No Worker Left Behind and the 21st Century Jobs Fund.

Just a couple of weeks ago, they again took their budget knife to these important programs, continuing to hack away at the state's economic support system that helps Michigan's middle class. And worst of all, Senate Republicans have failed to offer any ideas or solution of their own to help Michigan's economy. If they have economic proposals, let's hear them.

Michigan workers and their families deserve more than the Senate Republicans' continued failure to improve Michigan's economy in the State Senate. I hope my colleagues across the aisle will see the need for actions and start tackling legislation to help turn our economy around and get our people back to work.

Senator Patterson's statement is as follows:

May 11, 2010, is a day that shall live in infamy. I introduced Senate Bill No. 1323. I knew it would be somewhat controversial, so I did not seek nor allow any co-sponsors. After all, the bill proposes the establishment of a central repository for information voluntarily submitted by reporters and would allow those meeting the criteria in the bill to be recognized as registered reporters. Nowhere does the bill speak to licensure or accreditation of reporters. Yet, even though the bill is on the Internet, in countless interviews with people alleging to be reporters and journalists, none of them—except those sitting at the front—have gotten it right.

All the stories, all the bloggers, all the journalists claim the bill as introduced proposes to license reporters and journalists, even though there seems to be no universal definition of either "reporter" or "journalist." They're certainly not synonymous. Obviously, none of these professionals read the bill; none listened while we had our interview; but rather they relied on what was reported erroneously over and over and over again. Amazing. Astonishing. But then we will all remember the old adage of never let the facts get in the way of a good story.

These "professionals" have chosen to not get it right, so how can we the people trust them to provide us with accurate information? How are the people to get meaningful, trustworthy information to elect its leaders on into the future? This has been quite a disturbing experience. I thought that there would be some effort to actually read and get informed. Is there any wonder that our constitutional republic is in such trouble?

The First Amendment spells out rights, but with rights come correlative and corresponding duties. Here the duties begin with those who comment on a bill actually reading the bill. After all, their stock and trade is in words. Then comprehending the truth by going out and talking with others who have read the bill or perhaps even those who sponsored or co-sponsored the bill. Finally, to factually and accurately comment on what is being debated. Boo. Hiss.

This "legitimate" media prefers to lurk in the shadows. I would single out Ms. Jana Winter from Fox News, of all places, as being the worst perpetrator who has spread this false information across the entire landscape and refuses now to correct her error. I ask that my remarks be printed so that I can make sure she gets a copy.

Senator Basham's statement is as follows:

I would just like to share with the body and the news if they care. I have a letter here that I just received from the Detroit Windsor Truck Ferry, Incorporated. It says: "On behalf of the Detroit Windsor Truck Ferry, and in my function as company vice president, I endorse the Detroit River International Crossing, referred to as DRIC. The DRIC project will ensure that modern border infrastructure is built, publicly-controlled and operated within safety and security parameters that protect the public interest.

DRIC is a project vital to the short- and long-term economic well-being to the state of Michigan. The truck ferry is a privately-owned and operated border crossing that has plied the Detroit River for over 20 years, transporting trucks prohibited or restricted from the Ambassador Bridge in the Detroit-Canada tunnel. We fully comprehend that the DRIC bridge will provide competition to our business. More importantly, we understand that this nationally-critical infrastructure project will expand economic opportunities for the state of Michigan and all of its citizens. The role of border crossings, public and private, is to serve the travel and trade communities. Incumbent private border operators should not act as roadblocks to the natural evolution of publicly-used border infrastructure.

We look forward to the construction of the DRIC project which will proudly serve this region for the next 200 years." It is signed "Sincerely, Greg M. Ward, Vice President, Detroit Windsor Truck Ferry, Incorporated."

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 437, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 20101 and 20120a (MCL 324.20101 and 324.20120a), section 20101 as amended by 1996 PA 383 and section 20120a as added by 1995 PA 71.

With the recommendation that the substitute (S-6) be adopted and that the bill then pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Basham and Gleason

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 1345, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 20114a, 20120a, 20120b, 20120c, and 20120d (MCL 324.20114a, 324.20120a, 324.20120b, 324.20120c, and 324.20120d), section 20114a as amended by 1996 PA 115, sections 20120a, 20120b, and 20120c as added by 1995 PA 71, and section 20120d as amended by 1996 PA 383, and by adding sections 20114b, 20114c, 20114d, 20120, and 20120e; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Basham and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 1346, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 20101, 20104, and 20104a (MCL 324.20101, 324.20104, and 324.20104a), section 20101 as amended and section 20104a as added by 1996 PA 383 and section 20104 as amended by 1995 PA 71.

With the recommendation that the bill pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Basham and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 1347, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 20112a, 20113, and 20114 (MCL 324.20112a, 324.20113, and 324.20114), section 20112a as added and section 20114 as amended by 1995 PA 71 and section 20113 as amended by 1996 PA 383.

With the recommendation that the bill pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Basham and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 1348, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 20129, 20137, and 20139 (MCL 324.20129, 324.20137, and 324.20139), as amended by 1995 PA 71.

With the recommendation that the bill pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Basham and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 1349, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 20107a and 20108b (MCL 324.20107a and 324.20108b), section 20107a as amended and section 20108b as added by 1996 PA 383.

With the recommendation that the bill pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Basham and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Wednesday, May 26, 2010, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Birkholz (C), Van Woerkom, Basham and Gleason

Excused: Senator Patterson

The Committee on Senior Citizens and Veterans Affairs reported

Senate Bill No. 731, entitled

A bill to create the Michigan quality community care council; to prescribe the powers and duties of the council; to prescribe the powers and duties of certain state departments; and to provide for the transfer of programs, employees, and funds.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Pappageorge and Garcia

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 Senior Citizens and Veterans Affairs submitted the following:

Meeting held on Thursday, May 27, 2010, at 8:00 a.m., Room 100, Farnum Building

Present: Senators Allen (C), Pappageorge and Garcia

Excused: Senators Olshove and Basham

The Committee on Appropriations reported

House Bill No. 5241, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending section 3 (MCL 38.1603), as amended by 2008 PA 366.

With the recommendation that the bill pass.

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

Ron Jelinek
Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, Garcia, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, May 26, 2010, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Pappageorge, Hardiman, Kahn, Cropsey, Garcia, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Excused: Senator George

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 1251, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 2 (MCL 207.552), as amended by 2009 PA 209.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Hunter and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 1315, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 18223 (MCL 333.18223), as amended by 1986 PA 174.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Alan Sanborn

Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Hunter and Jacobs

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development and Regulatory Reform submitted the following:

Meeting held on Wednesday, May 26, 2010, at 2:00 p.m., Room 405, Capitol Building

Present: Senators Sanborn (C), Richardville, Hunter and Jacobs

Excused: Senators Allen, Gilbert and Thomas

Scheduled Meetings

Appropriations - Wednesday, June 2, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittee -

State Police and Military Affairs - Tuesday, June 22, 1:00 p.m., Wednesday, June 23, 3:00 p.m. and Thursday, June 24, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Transportation - Wednesday, June 2, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7708)
(CANCELED)

Senator Brown moved that the Senate adjourn.

The motion prevailed, the time being 11:26 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, June 2, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

