

No. 35
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Tuesday, April 27, 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—present

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—present
Stamas—present
Switalski—present
Thomas—excused
Van Woerkom—present
Whitmer—present

Senator Gilda Z. Jacobs of the 14th District offered the following invocation:

May we become at all times, both now and forever,

A protector for those without protection;

A guide for those who have lost their way;

A ship for those with oceans to cross;

A bridge for those with rivers to cross;

A sanctuary for those in danger;

A lamp for those without light;

A place of refuge for those who lack shelter;

And a servant to all in need.

Amen.

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:03 a.m.

10:11 a.m.

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

During the recess, Senators Kuipers, Bishop, Richardville, McManus, Pappageorge, Jelinek, Van Woerkom, Gilbert, Cassis, Sanborn, Nofs, Jansen, Birkholz, Hardiman, Hunter, Stamas, Kahn, Allen and George entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

Senator Cropsey moved that the Committee on Government Operations be discharged from further consideration of the following appointments:

Certificate of Need Commission

Ms. Gay L. Landstrom, a Democrat, of 1705 Ruddiman Drive, North Muskegon, Michigan 49445, county of Muskegon, succeeding Dorothy Deremo, whose term has expired, is appointed to represent nurses, for a term commencing March 5, 2010 and expiring January 1, 2013.

Mr. Brian A. Klott, a Republican, of 44001 Basswood Drive, Sterling Heights, Michigan 48314, county of Macomb, succeeding Thomas M. Smith, whose term will expire, is appointed to represent a company that is self-insured for health coverage, for a term commencing April 10, 2010 and expiring April 9, 2013.

The motion prevailed, a majority of the members serving voting therefor, and the appointments were placed on the order of Messages from the Governor.

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

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

Senator Cropsey moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor.

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:12 a.m.

10:24 a.m.

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

During the recess, Senator Whitmer introduced East Lansing High School Girls Basketball Team, 2010 Class A State Champions, and Head Coach Rob Smith; and presented them with a Special Tribute.

Coach Smith responded briefly.

Senator Anderson moved that Senator Thomas be excused from today's session.

The motion prevailed.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:25 a.m.

11:52 a.m.

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

During the recess, Senator Garcia entered the Senate Chamber.

The following communication was received:

Department of State Police

April 13, 2010

Enclosed is the FY09 Annual Report and Evaluation for the Secondary Road Patrol and Traffic Accident Prevention Program.

This report satisfies the reporting requirements contained in Public ACT 416 of 1978, as amended. Copies of this report are transmitted to the Governor's Office, Clerk of the House, Secretary of the Senate, Chair of the House Appropriations Committee, Chair of the Senate Appropriations Committee, each county sheriff, the Michigan Sheriffs' Association, and the Deputy Sheriff's Association of Michigan.

Should you have any questions about this report, please contact Ms. Kim Kelly at (517) 241-2556.

Sincerely,
Michael L. Prince, Director
Office of Highway Safety Planning

The communication was referred to the Secretary for record.

The following communication was received:

Department of Treasury

April 22, 2010

Public Act 128 of 2009, the General Government Appropriations Act, Section 947 requires a quarterly progress report of personal property tax audits and provides, in part, as follows:

Sec. 947. (1) The department of treasury shall submit quarterly progress reports to the senate and house of representatives standing committees on appropriations subcommittees on general government and the senate and house fiscal agencies, regarding personal property tax audits funded under subsection (1). The report shall include the number of audits, revenue generated, and number of complaints received by the department related to the audits.

There is at this time no new information to report which was not provided in the last quarterly report submitted on January 20, 2010.

Frederick Headen, Director
Bureau of Local Government Services

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, April 22:
House Bill Nos. 5640 5663 5921

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, April 22, for her approval the following bills:

Enrolled Senate Bill No. 719 at 2:29 p.m.

Enrolled Senate Bill No. 720 at 2:31 p.m.

The Secretary announced that the following official bills and joint resolution were printed on Thursday, April 22, and are available at the legislative website:

**Senate Bill Nos. 1268 1269 1270 1271 1272 1273 1274 1275 1276 1277 1278 1279 1280 1281
1282 1283 1284 1285**

Senate Joint Resolution W

House Bill Nos. 6056 6057

The Secretary announced that the following official bills were printed on Friday, April 23, and are available at the legislative website:

House Bill Nos. 6058 6059 6060 6061 6062 6063 6064 6065 6066 6067 6068 6069 6070

Messages from the Governor

Senator Cropsey moved that consideration of the disapproval of gubernatorial appointments to the following boards be postponed for today:

Western Michigan University Board of Control

Michigan Technological University Board of Control

Grand Valley State University Board of Control

Eastern Michigan University Board of Control

Northern Michigan University Board of Control

Ferris State University Board of Control

Central Michigan University Board of Control

Board of Mechanical Rules

The motion prevailed.

The following messages from the Governor were received:

Date: April 22, 2010

Time: 10:50 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 129 (Public Act No. 52), being

An act to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending section 24a (MCL 168.24a), as amended by 1982 PA 154.

(Filed with the Secretary of State on April 22, 2010, at 1:57 p.m.)

Date: April 22, 2010

Time: 10:52 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 130 (Public Act No. 55), being

An act to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to

guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending section 307 (MCL 168.307), as added by 2003 PA 302.

(Filed with the Secretary of State on April 22, 2010, at 2:03 p.m.)

Date: April 22, 2010

Time: 10:54 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 455 (Public Act No. 53), being

An act to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending section 866 (MCL 168.866).

(Filed with the Secretary of State on April 22, 2010, at 1:59 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following messages from the Governor were received and read:

April 22, 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 3 of the Older Michiganians Act, 1981 PA 180, MCL 400.583:

Commission on Services to the Aging

Mr. Owen F. Bieber, a Democrat, of 901 Amber Ridge, S.W., Byron Center, Michigan 49315, county of Kent, is reappointed for a term commencing July 29, 2010 and expiring July 28, 2013.

Ms. Kathleen L. Johnston-Calati, a Democrat, of 313 Seymour Avenue, Lansing, Michigan 48933, county of Ingham, is reappointed for a term commencing July 29, 2010 and expiring July 28, 2013.

Ms. Janice A.B. Wilson, a Democrat, of 18607 Bittersweet, Fraser, Michigan 48026, county of Macomb, is reappointed for a term commencing July 29, 2010 and expiring July 28, 2013.

Mr. James C. Wright, a Democrat, of 62 Hickory Nut Lane, Springfield, Michigan 49015, county of Calhoun, is reappointed for a term commencing July 29, 2010 and expiring July 28, 2013.

April 22, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to office under Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

Michigan Apple Marketing Program Committee

Mr. Tony R. Blattner of 4450 Byrne Avenue, Lowell, Michigan 49331, county of Kent, succeeding Julia Hersey, whose term has expired, is appointed to represent District 4 growers, for a term commencing April 22, 2010 and expiring April 1, 2013.

Mr. Scott W. Lewis of 4138 West M-20, New Era, Michigan 49446, county of Oceana, is reappointed to represent District 5 growers, for a term expiring April 1, 2013.

April 22, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to state office under Section 3 of the Boiler Act of 1965, 1965 PA 290, MCL 408.753:

Board of Boiler Rules

Mr. Amante Lanzon of 37741 Huron Point Drive, Harrison Township, Michigan 48045, county of Macomb, succeeding Jason Jackard, whose term will expire, is appointed to represent boiler repair contractors, for a term commencing July 1, 2010 and expiring June 30, 2014.

Mr. Robert K. Black of 11353 Oak Grove Road, Grand Haven, Michigan 49417, county of Ottawa, is reappointed to represent fire tube boiler manufacturers, for a term commencing July 1, 2010 and expiring June 30, 2014.

Mr. Michael K. Muterspaugh of 6627 East Berrien Street, Eau Claire, Michigan 49111, county of Berrien, is reappointed to represent boiler insurance companies, for a term commencing July 1, 2010 and expiring June 30, 2014.

April 22, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to office under Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

Michigan Cherry Marketing Program Committee

Mr. Michael A. DeRuiter of 3884 West Taylor Road, Hart, Michigan 49420, county of Oceana, succeeding Todd Fox, whose term has expired, is appointed to represent District 2 tart cherry growers, for a term commencing April 22, 2010 and expiring February 1, 2013.

Mr. Daryl K. Peterson of 6115 West Olmstead Road, Ludington, Michigan 49431, county of Mason, is reappointed to represent District 2 sweet cherry growers, for a term expiring February 1, 2013.

Mr. Marc C. Willmeng of 7680 Hill Road, Watervliet, Michigan 49098, county of Berrien, is reappointed to represent District 3 tart cherry growers, for a term expiring February 1, 2013.

April 22, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 6 of the Michigan Economic and Social Opportunity Act of 1981, 1981 PA 230, MCL 400.1106:

Commission on Community Action and Economic Opportunity

Mr. William A. Reder of 231 West Midland Road, Auburn, Michigan 48611, county of Bay, succeeding Karol J. Bolton, who has resigned, is appointed to represent elected public officials, for a term commencing April 22, 2010 and expiring June 21, 2011.

Ms. Trina R. Shanks of 15328 Artesian Street, Detroit, Michigan 48223, county of Wayne, succeeding Sheilah P. Clay, who has resigned, is appointed to represent the private sector, for a term commencing April 22, 2010 and expiring June 21, 2011.

April 22, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to office under Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

Michigan Dairy Marketing Program Committee

Mr. Daniel Van Dyke of 15420 16th Avenue, Marne, Michigan 49435, county of Ottawa, succeeding John Pell, whose term has expired, is appointed to represent Independent Milk Cooperatives, for a term commencing April 22, 2010 and expiring December 31, 2012.

Mr. Timothy C. Hood of 41488 CR 358, Paw Paw, Michigan 49079, county of Van Buren, is reappointed to represent the Michigan Milk Producers Association, for a term expiring December 31, 2012.

Mr. Daniel M. Javor of 4351 Messer Road, Hastings, Michigan 49058, county of Barry, is reappointed to represent the Michigan Milk Producers Association, for a term expiring December 31, 2012.

Mr. Gerald A. Neyer of 1455 East Walton Road, Shepherd, Michigan 48883, county of Isabella, is reappointed to represent the Michigan Farm Bureau, for a term expiring December 31, 2012.

Mr. Kenneth P. Nobis of 1513 North Lowell Road, St. Johns, Michigan 48879, county of Clinton, is reappointed to represent the Michigan Milk Producers Association, for a term expiring December 31, 2012.

April 22, 2010

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following reappointments to office under Section 7 of the Elevator Safety Board Act, 1967 PA 227, MCL 408.807:

Elevator Safety Board

Mr. Richard A. Egerer of 30060 Five Mile Road, Livonia, Michigan 48154, county of Wayne, is reappointed to represent elevator contractor unions, for a term commencing July 23, 2010 and expiring July 22, 2014.

Mr. David L. Flint of 653 Shoreline Drive, Fenton, Michigan 48430, county of Genesee, is reappointed to represent elevator owners and lessees, for a term commencing July 23, 2010 and expiring July 22, 2014.

Mr. Eric P. Thomas of 5101 Shore Lane, Flint, Michigan 48504, county of Genesee, is reappointed to represent the general public, for a term commencing July 23, 2010 and expiring July 22, 2014.

April 22, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Section 13 of the State Plumbing Act, 2002 PA 733, MCL 338.3523:

State Plumbing Board

Mr. Duane E. Branch of 11263 Huckleberry, Grass Lake, Michigan 49420, county of Jackson, is reappointed to represent licensed master plumbers securing permits, for a term commencing July 1, 2010 and expiring June 30, 2013.

April 22, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to state office under Section 22 of The Public School Employees Retirement Act of 1979, 1980 PA 300, MCL 38.1322:

Public School Employees' Retirement Board

Mr. Jonathon R. Fielbrandt of 5929 Misty Hill Court, Clarkston, Michigan 48346, county of Oakland, succeeding Martha Pichla, whose term has expired, is appointed to represent classroom teachers or other certified school personnel, for a term commencing April 22, 2010 and expiring March 30, 2013.

Mr. Timothy A. Raymer of 4144 Bulrush Drive, N.W., Grand Rapids, Michigan 49534, county of Kent, succeeding Richard Montcalm, who has resigned, is appointed to represent a school finance or operations manager who is not a superintendent, for a term commencing April 22, 2010 and expiring March 30, 2012.

Ms. Susan W. Meston, Ph.D., of 18076 Hickory Street, Spring Lake, Michigan 49456, county of Ottawa, is reappointed to represent school superintendents, for a term expiring March 30, 2013.

Ms. Diana R. Osborn of 134 Starling Drive, Muskegon, Michigan 49442, county of Muskegon, is reappointed to represent active or retired noncertified educational support positions, for a term expiring March 30, 2013.

April 23, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to office under Section 26 of 1945 PA 327, MCL 259.26:

Michigan Aeronautics Commission

Mr. Russell A. Kavalhuna of 330 Ionia Avenue, N.W., Grand Rapids, Michigan 49501, county of Kent, is reappointed to represent the general public, for a term expiring May 27, 2013.

April 23, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to office under Sections 303 and 2903 of the Occupational Code, 1980 PA 299, MCL 339.303 and 339.2903:

Michigan Board of Auctioneers

Ms. Marian L. Novak of 19238 Northridge Drive, Northville, Michigan 48167, county of Wayne, succeeding Don Hiltunen, whose term has expired, is appointed to represent the general public, for a term commencing April 23, 2010 and expiring October 1, 2013.

Ms. Gwyneth E. Besner of 3651 Bunker Hill Road, #328, Acme, Michigan 49610, county of Grand Traverse, is reappointed to represent registered auctioneers, for a term commencing October 2, 2010 and expiring October 1, 2014.

Mr. Michael J. Ferency of 1515 East Maple Rapids Road, St. Johns, Michigan 48879, county of Clinton, is reappointed to represent the general public, for a term commencing October 2, 2010 and expiring October 1, 2014.

Mr. Bradley A. Stoecker of 872 Walker Road, Dansville, Michigan 48819, county of Ingham, is reappointed to represent registered auctioneers, for a term expiring October 1, 2013.

April 23, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to office under Section 2 of 1978 PA 260, MCL 393.352:

Commission for the Blind

Mr. John C. Scott of 1354 Joliet Place, Detroit, Michigan 48207, county of Wayne, succeeding Velma Allen, who has resigned, is appointed to represent blind persons, for a term commencing April 23, 2010 and expiring September 30, 2011.

Mr. Michael S. Geno of 2028 St. Clair Street, Port Huron, Michigan 48060, county of St. Clair, is reappointed to represent blind persons, for a term commencing October 1, 2010 and expiring September 30, 2013.

Ms. Margaret Wolfe of 1866 Joseph Street, Ann Arbor, Michigan 48104, county of Washtenaw, is reappointed to represent the general public, for a term commencing October 1, 2010 and expiring September 30, 2013.

April 23, 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 Section 4 of the Child Abuse and Neglect Prevention Act, 1982 PA 250, MCL 722.604:

State Child Abuse and Neglect Prevention Board

Mr. Ronnie J. Boji of 5334 Trillium Court, Orchard Lake, Michigan 48323, county of Oakland, succeeding Rebecca Bahar-Cook, whose term has expired, is appointed to represent the business community, for a term commencing April 23, 2010 and expiring December 19, 2012.

Ms. Lisa R. Canada of 466 West Woodland, Ferndale, Michigan 48220, county of Oakland, succeeding Anita Fox, whose term has expired, is appointed to represent organized labor, for a term commencing April 23, 2010 and expiring December 19, 2012.

Mr. Mark A. Davidoff of 2447 Keylon Drive, West Bloomfield, Michigan 48324, county of Oakland, succeeding Nancy Moody, whose term has expired, is appointed to represent the business community, for a term commencing April 23, 2010 and expiring December 19, 2012.

April 23, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to office under Sections 16121 and 17025 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17025:

Joint Task Force for Health Professions in Medicine and Osteopathic Medicine and Surgery

Mr. Louis J. Geller, D.P.M., of 26016 Allor Avenue, Huntington Woods, Michigan 48070, county of Oakland, is appointed to represent the Michigan Board of Podiatric Medicine and Surgery, for a term commencing April 23, 2010 and expiring December 31, 2013.

Ms. Pamela L. Gnodtke of 856 First Street, Charlevoix, Michigan 49720, county of Charlevoix, is appointed to represent the general public, for a term commencing April 23, 2010 and expiring December 31, 2013.

Mr. Christopher J. Noth of 5289 Genesee Oaks Court, Grand Blanc, Michigan 48439, county of Genesee, succeeding William Fenn, whose term has expired, is appointed to represent physician's assistants, for a term commencing April 23, 2010 and expiring December 31, 2013.

Mr. Steven A. Acker, D.O., of 505 Highland Road, Ann Arbor, Michigan 48104, county of Washtenaw, is reappointed to represent the Michigan Board of Osteopathic Medicine and Surgery, for a term expiring December 31, 2013.

April 23, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to office under Section 3 of The Mobile Home Commission Act, 1987 PA 96, MCL 125.2303 and Executive Order 1997-13, MCL 445.2002:

Manufactured Housing Commission

Ms. Betty M. Blackburne of 9052 Water Ridge Drive, Newport, Michigan 48116, county of Monroe, is reappointed to represent residents of a licensed mobile home park having 100 or more sites, for a term commencing May 10, 2010 and expiring May 9, 2013.

Mr. David P. Hagey of 109 North Detroit Street, Buchanan, Michigan 49107, county of Berrien, is reappointed to represent manufacturers of mobile homes, for a term commencing May 10, 2010 and expiring May 9, 2013.

Mr. Pete L. Hennard of 5848 River Valley Drive, Prescott, Michigan 48756, county of Ogemaw, is reappointed to represent elected officials of a local government, for a term commencing May 10, 2010 and expiring May 9, 2013.

Ms. Kathy M. Edwards-Johnson of 13116 7 Mile Road, Belding, Michigan 48809, county of Kent, is reappointed to represent operators of a licensed mobile home park having 100 or more sites, for a term commencing May 10, 2010 and expiring May 9, 2013.

Mr. Mark M. Raukar of 2506 Garland, Sylvan Lake, Michigan 48320, county of Oakland, is reappointed to represent operators of a licensed mobile home park having less than 100 sites, for a term commencing May 10, 2010 and expiring May 9, 2013.

Mr. Jerome A. Ruggirello of 47800 Bellagio Drive, Northville, Michigan 48167, county of Oakland, is reappointed to represent operators of a licensed mobile home park having 100 or more sites, for a term commencing May 10, 2010 and expiring May 9, 2013.

April 23, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to office pursuant to Executive Order 2001-5, MCL 28.621 and Executive Order 2008-19:

Michigan Commission on Law Enforcement Standards

Mr. Christopher M. Luty of 1176 West Shearer, Sanford, Michigan 48657, county of Midland, succeeding Michael Moorman, whose term has expired, is appointed to represent individuals submitted by the Michigan State Police Troopers Association, for a term commencing April 23, 2010 and expiring November 1, 2012.

Mr. John P. Buczek III, of 4770 Perwood Drive, Saginaw, Michigan 48638, county of Saginaw, is reappointed to represent individuals submitted by the Michigan Chapter of the Fraternal Order of Police, for a term expiring November 1, 2012.

Mr. Richard A. Mattice of 7237 22nd Avenue, Jenison, Michigan 49428, county of Ottawa, is reappointed to represent individuals submitted by the Michigan Association of Chiefs of Police, for a term expiring November 1, 2012.

Mr. Frederick F. Timpner of 28811 Glenbrook Drive, Farmington Hills, Michigan 48331, county of Oakland, is reappointed to represent individuals nominated by the Michigan Association of Police, for a term expiring November 1, 2012.

Mr. Gene L. Wriggelsworth of 2655 Maritime Drive, Lansing, Michigan 48911, county of Ingham, is reappointed to represent individuals submitted by the Michigan Sheriffs' Association, for a term expiring November 1, 2012.

April 23, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to office under Sections 16121 and 18021 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.18021:

Michigan Board of Podiatric Medicine and Surgery

Mr. Robert S. Sher of 3208 Bloomfield Shore Drive, West Bloomfield, Michigan 48323, county of Oakland, succeeding Raymond Mills, whose term will expire, is appointed to represent the general public, for a term commencing July 1, 2010 and expiring June 30, 2014.

Mr. Louis J. Geller of 26016 Allor Avenue, Huntington Woods, Michigan 48070, county of Oakland, is reappointed to represent podiatrists, for a term commencing July 1, 2010 and expiring June 30, 2014.

Mr. Scott E. Hughes, D.P.M., of 510 Avenue De LaFayette, Monroe, Michigan 48162, county of Monroe, is reappointed to represent podiatrists, for a term commencing July 1, 2010 and expiring June 30, 2014.

Mr. Charles M. Morris of 138 Goodell Street, Wyandotte, Michigan 48192, county of Wayne, is reappointed to represent the general public, for a term commencing July 1, 2010 and expiring June 30, 2014.

April 23, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to office under Sections 323 and 324 of the Ski Area Safety Act of 1962, 1962 PA 199, MCL 408.323 and 408.324:

Ski Area Safety Board

Mr. Richard D. Starkey of 5860 North Lake Drive, Sanford, Michigan 48657, county of Midland, is reappointed to represent the Lower Peninsula general public with ski experience, for a term commencing June 9, 2010 and expiring June 8, 2014.

Mr. Arnold "Jim" Vander Spoel of 315 East Margaret, Ironwood, Michigan 49938, county of Gogebic, is reappointed to represent the Upper Peninsula general public with ski experience, for a term commencing June 9, 2010 and expiring June 8, 2014.

April 23, 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 the Michigan Tourism Policy Act, 1945 PA 106, MCL 2.102:

Michigan Travel Commission

Mr. Frank D. Ettawageshik of 5453 Hughston Road, Harbor Springs, Michigan 49740, county of Emmett, is reappointed to represent the private sector of the travel, tourism, and recreation industry, for a term expiring August 20, 2013.

Ms. Judy Z. Keller of 454 Craemer Drive, Frankenmuth, Michigan 48734, county of Saginaw, is reappointed to represent the private sector of the travel, tourism, and recreation industry, for a term expiring August 20, 2013.

Ms. Patricia E. Mooradian of 950 Satterlee Road, Bloomfield Hills, Michigan 48304, county of Oakland, is reappointed to represent persons experienced in the travel, tourism, and recreation industry or a related field, for a term expiring August 20, 2013.

Mr. Jerry L. Preston of 613 Pierson Street, Flint, Michigan 48503, county of Genesee, is reappointed to represent the travel industry, for a term expiring August 20, 2013.

April 23, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to office under Section 25 of 1951 PA 51, MCL 247.675:

Michigan Truck Safety Commission

Ms. Jacqueline A. El-Sayed, Ph.D., of 1730 Golf Ridge Drive South, Bloomfield Hills, Michigan 48302, county of Oakland, is reappointed to represent 4-year colleges or universities, for a term expiring August 4, 2011.

Mr. Walter G. Heinritzi of 1520 Lotipac Place, Lansing, Michigan 48917, county of Eaton, is reappointed to represent the Michigan Trucking Association, for a term expiring August 4, 2011.

Mr. Thomas W. O'Brien of 6748 Lake Drive, Fremont, Michigan 49412, county of Newaygo, is reappointed to represent Michigan Community Colleges, for a term expiring August 4, 2011.

Mr. James C. Parrinello of 20702 Paige Boulevard, Macomb Township, Michigan 48044, county of Macomb, is reappointed to represent organized labor, for a term expiring August 4, 2011.

Mr. David G. Zick of 851 Adams Court, Bloomfield Hills, Michigan 48304, county of Oakland, is reappointed to represent the general public, for a term expiring August 4, 2011.

April 26, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to state office under Section 301 of The Nonprofit Health Care Corporation Reform Act, 1980 PA 350, MCL 550.1301:

Blue Cross Blue Shield of Michigan Board of Directors

Mr. Gerald H. Acker of 8621 Hendrie Boulevard, Huntington Woods, Michigan 48070, county of Oakland, succeeding Teola P. Hunter, whose term has expired, is appointed to represent the general public, for a term commencing April 26, 2010 and expiring February 18, 2012.

Mr. James G. Agee of 9416 Lookout Pointe, Laingsburg, Michigan 48848, county of Shiawassee, is reappointed to represent the general public and retired individuals 62 years of age or older, for a term expiring February 18, 2012.

Mr. John M. Hamilton of 45 Scenic Oaks Drive, Bloomfield Hills, Michigan 48304, county of Oakland, is reappointed to represent the general public, for a term expiring February 18, 2012.

Mr. Emery I. Klein of 29260 Franklin Road, Apt. 618, Southfield, Michigan 48034, county of Oakland, is reappointed to represent the general public and retired individuals 62 years of age or older, for a term expiring February 18, 2012.

April 26, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment under Sections 21 and 22 of the Tax Tribunal Act, 1973 PA 186, MCL 205.721 and 205.722:

Michigan Tax Tribunal

Mr. Marcus L. Abood of 209 Harpers Way, Lansing, Michigan 48917, county of Eaton, succeeding Richard Southern, who has resigned, is appointed to represent real estate appraisers, for a term commencing April 26, 2010 and expiring June 30, 2010, and is reappointed for a term commencing July 1, 2010 and expiring June 30, 2014.

Mr. Steven H. Lasher of 9030 Stevenson Lake Court, Lake, Michigan 48632, county of Isabella, succeeding Rachel Ashbury, whose term will expire, is appointed to represent members at-large, for a term commencing September 1, 2010 and expiring June 30, 2014.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Cropsey 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 Richardville, designated Senator Anderson as Chairperson.

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Sanborn, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 5495, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 12 (MCL 207.782), as amended by 2006 PA 661.

House Bill No. 5698, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending sections 102, 151, 172, 173, 198, 210, 224a, 229, 242, 244, 255b, 256, 257, and 290 (MCL 560.102, 560.151, 560.172, 560.173, 560.198, 560.210, 560.224a, 560.229, 560.242, 560.244, 560.255b, 560.256, 560.257, and 560.290), section 102 as amended by 1996 PA 591 and section 224a as amended by 1996 PA 219.

House Bill No. 5094, entitled

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending section 10 (MCL 28.610), as amended by 1998 PA 237.

House Bill No. 5095, entitled

A bill to amend 1968 PA 330, entitled "Private security business and security alarm act," by amending the title and sections 2, 3, 4, 7, 8, 9, 14, 17, 19, 25, and 29 (MCL 338.1052, 338.1053, 338.1054, 338.1057, 338.1058, 338.1059, 338.1064, 338.1067, 338.1069, 338.1075, and 338.1079), the title and sections 2, 3, 7, 14, 17, 19, and 29 as amended by 2002 PA 473, sections 4 and 8 as amended by 2000 PA 411, and sections 9 and 25 as amended by 2004 PA 270, and by adding sections 6a, 37, 38, 39, 40, 41, and 42.

The bills were placed on the order of Third Reading of Bills.

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

House Bill No. 5555, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 3 (MCL 125.2683), as amended by 2008 PA 217.

Substitute (S-3).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 12:04 p.m.

12:17 p.m.

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

By unanimous consent the Senate returned to the order of

Messages from the Governor**Certificate of Need Commission**

Ms. Gay L. Landstrom, a Democrat, of 1705 Ruddiman Drive, North Muskegon, Michigan 49445, county of Muskegon, succeeding Dorothy Deremo, whose term has expired, is appointed to represent nurses, for a term commencing March 5, 2010 and expiring January 1, 2013.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 205**Yeas—36**

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

Nays—0

Excused—1

Thomas

Not Voting—1

Birkholz

In The Chair: Richardville

Senator Cropsey moved that Senator Birkholz be temporarily excused from the balance of today's session. The motion prevailed.

Senator Birkholz entered the Senate Chamber.

Certificate of Need Commission

Mr. Brian A. Klott, a Republican, of 44001 Basswood Drive, Sterling Heights, Michigan 48314, county of Macomb, succeeding Thomas M. Smith, whose term will expire, is appointed to represent a company that is self-insured for health coverage, for a term commencing April 10, 2010 and expiring April 9, 2013.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 206

Yeas—37

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

Nays—0

Excused—1

Thomas

Not Voting—0

In The Chair: Richardville

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

The motion prevailed.

Senator Switalski’s statement is as follows:

I have with me my intern Robert Vulaj, who is working his last day in my office. He has done a fantastic job. He is a junior at Michigan State University and majoring in international relations at James Madison College. He plans to go to law school.

He has done a lot of great research for me on drug laws and film credits. I want to alert Senator Cassis that he has learned a lot about the film credits, and I see that she is fascinated by this opportunity. I will send him over to talk to her. He has unearthed some very interesting things about it. In fact, she is already organizing a conference call to bring the experts together on it.

Robert has done a great job, and I am going to miss him. I hope the Senate will recognize him.

Messages from the House

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

House Bill No. 4514

The motion prevailed.

Senate Bill No. 1174, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 1311 (MCL 500.1311), as amended by 1994 PA 227.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator Cropsey 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 concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 207

Yeas—28

Allen	Cherry	Gleason	Olshove
Anderson	Clark-Coleman	Hunter	Patterson
Barcia	Clarke	Jacobs	Prusi
Birkholz	Cropsey	Jelinek	Richardville
Bishop	Garcia	Kahn	Scott
Brown	George	Kuipers	Van Woerkom
Cassis	Gilbert	McManus	Whitmer

Nays—8

Brater	Jansen	Pappageorge	Stamas
Hardiman	Nofs	Sanborn	Switalski

Excused—1

Thomas

Not Voting—1

Basham

In The Chair: Richardville

Senator Anderson moved that Senator Basham be excused from the balance of today's session.
The motion prevailed.

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.

Senate Bill No. 468, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320a (MCL 257.320a), as amended by 2008 PA 463, and by adding section 602b.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 732, 907, and 909 (MCL 257.732, 257.907, and 257.909), section 732 as amended by 2006 PA 298, section 907 as amended by 2008 PA 463, and section 909 as amended by 2000 PA 94.

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

Senator Cropsey 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,

Senator Kahn offered the following amendment to the substitute:

1. Amend page 18, following line 10, by striking out all of section 909.

The amendment to the substitute was adopted.

The question being on concurring in the House substitute, as amended,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 208**Yeas—26**

Anderson	Clarke	Jacobs	Patterson
Barcia	Cropsey	Jelinek	Prusi
Birkholz	George	Kahn	Scott
Brater	Gilbert	Nofs	Switalski
Cassis	Gleason	Olshove	Van Woerkom
Cherry	Hardiman	Pappageorge	Whitmer
Clark-Coleman	Hunter		

Nays—10

Allen	Garcia	McManus	Sanborn
Bishop	Jansen	Richardville	Stamas
Brown	Kuipers		

Excused—2

Basham	Thomas
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Not Voting—0

In The Chair: Richardville

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 title as amended.

Senator Kahn offered to amend the title to read as follows:

A bill to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending sections 732 and 907 (MCL 257.732 and 257.907), section 732 as amended by 2006 PA 298 and section 907 as amended by 2008 PA 463.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

Senator Cropsey moved that the following bill be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 1228

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1228, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 40114 (MCL 324.40114), as amended by 2009 PA 109.

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. 209**Yeas—36**

Allen	Clark-Coleman	Jacobs	Patterson
Anderson	Clarke	Jansen	Prusi
Barcia	Cropsey	Jelinek	Richardville
Birkholz	Garcia	Kahn	Sanborn
Bishop	George	Kuipers	Scott
Brater	Gilbert	McManus	Stamas

Brown
Cassis
Cherry

Gleason
Hardiman
Hunter

Nofs
Olshove
Pappageorge

Switalski
Van Woerkom
Whitmer

Nays—0

Excused—2

Basham

Thomas

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Olshove introduced

Senate Bill No. 1286, entitled

A bill to amend 2006 PA 110, entitled “Michigan zoning enabling act,” by amending sections 103 and 502 (MCL 125.3103 and 125.3502), section 103 as amended by 2008 PA 12.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Olshove introduced

Senate Bill No. 1287, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 78m (MCL 211.78m), as amended by 2006 PA 498.

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

Senators Richardville, Nofs, Thomas, Sanborn and Whitmer introduced

Senate Bill No. 1288, entitled

A bill to enact the uniform debt-management services act; to regulate the business of debt management; to require registration and establish fees; to provide for the powers and duties of certain state officers and entities; to provide remedies; 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 Banking and Financial Institutions.

Senators Thomas, Richardville, Nofs, Sanborn and Whitmer introduced

Senate Bill No. 1289, entitled

A bill to amend 1994 PA 160, entitled “Credit services protection act,” by amending section 2 (MCL 445.1822), as amended by 2009 PA 97.

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

Senators Whitmer, Richardville, Nofs, Thomas and Sanborn introduced

Senate Bill No. 1290, entitled

A bill to amend 1988 PA 161, entitled “Consumer financial services act,” by amending section 17 (MCL 487.2067), as amended by 2002 PA 390.

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

Senators Nofs, Richardville, Thomas, Sanborn and Whitmer introduced

Senate Bill No. 1291, entitled

A bill to amend 2003 PA 215, entitled “Credit union act,” by amending section 102 (MCL 490.102), as amended by 2004 PA 471.

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

Senators Sanborn, Richardville, Nofs, Thomas and Whitmer introduced

Senate Bill No. 1292, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14j of chapter XVII (MCL 777.14j), as amended by 2008 PA 552.

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

Senators Gilbert, Jansen, Birkholz, Hardiman, McManus, Patterson, Nofs, Sanborn, Allen, Stamas, Van Woerkom, Brown, Kuipers, Kahn, George, Garcia, Jelinek, Barcia, Gleason, Cropsey, Pappageorge, Olshove, Cassis, Bishop and Richardville introduced

Senate Bill No. 1293, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3407c.

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

Senators Jansen, Gilbert, Birkholz, Hardiman, McManus, Patterson, Nofs, Sanborn, Stamas, Allen, Van Woerkom, Brown, Kuipers, Kahn, George, Garcia, Jelinek, Barcia, Gleason, Cropsey, Pappageorge, Olshove, Cassis, Bishop and Richardville introduced

Senate Bill No. 1294, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 402d.

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

House Bill No. 5640, entitled

A bill to authorize local units of government to adopt property assessed clean energy programs and to create districts to promote the use of renewable energy systems and energy efficiency improvements by owners of real property; to provide for the financing of such programs through voluntary property assessments and other means; to authorize a local unit of government to issue bonds, notes, and other evidences of indebtedness and to pay the cost of renewable energy systems and energy efficiency improvements from the proceeds thereof; to provide for the repayment of bonds, notes, and other evidences of indebtedness; to authorize certain fees; to prescribe the powers and duties of certain governmental officers and entities; and to provide for remedies.

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 Local, Urban and State Affairs.

House Bill No. 5663, entitled

A bill to authorize local units of government to adopt property assessed clean energy programs and to create districts to promote the use of renewable energy systems and energy efficiency improvements by owners of real property; to provide for the financing of such programs through voluntary property assessments and other means; to authorize a local unit of government to issue bonds, notes, and other evidences of indebtedness and to pay the cost of renewable energy systems and energy efficiency improvements from the proceeds thereof; to provide for the repayment of bonds, notes, and other evidences of indebtedness; to authorize certain fees; to prescribe the powers and duties of certain governmental officers and entities; and to provide for remedies.

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 Local, Urban and State Affairs.

House Bill No. 5921, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 278.

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 Economic Development and Regulatory Reform.

Statements

Senators Scott, Patterson, Switalski, Clarke, Kahn and Cherry asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

Here we are in another week, and the auto reform insurance bills still remain in committee. But I am not discouraged, and I will not give up. The American philosopher Elbert Hubbard once said, "There is no failure except in no longer trying." My constituents are too important to me to give up my fight for auto insurance reform.

As I have said many times before, no one is saying that they don't want to buy auto insurance. People are just saying that they want to pay a fair price for the auto insurance policies they must buy. It is up to us to see that insurance companies charge a fair price for these policies. Auto insurance reform is just as important as any other reform we would consider this year. I hope that you will come back to session next week ready to join me in a serious effort to bring reform and fairness to auto insurance here in Michigan.

Senator Patterson's statement is as follows:

Last week was an interesting week. In certain context, it was offensive. However, I do want to thank those colleagues who were willing to vote to allow me to express my opinion. They were tolerant even in my legal opinion. In protecting my opportunity to speak without closing off debate, they also protected some 300,000 people I represent directly.

We take up some very important issues in this chamber by design. Since last Thursday, I have spent a lot of time researching the law on advice and consent, reflecting on cases, considering and reconsidering Attorney General opinions, and examining *Mason's* and *Robert's Rules*. I have contemplated as a lawyer and as a sworn officer of the State Legislature—something that I take very seriously.

My contemplation has been in the context of nearly 40 years as a member of the State Bar and as my status as a fellow of the State Bar Foundation. It's a status reserved unto no more than 5 percent of the entire State Bar membership—5 percent. Only 5 percent of all those admitted to the State Bar are ever admitted to the position of fellow. You have to be nominated, elected, and accepted. The credentials require that you have recognized accomplishments and scholarship. I know that this is boastful, and perhaps, many of you don't even believe it.

Incidentally, I am the only attorney in this body who has been so recognized; elevated by his peers and his colleagues at the Bar. With that said, I admit that my beliefs are not often shared. My legal analysis is not really sought by the majority; rather, it is brushed aside. I am, after all, not in leadership. I am just one of the 38 members of the State Senate. I'm really not all that important—poof—his legal analysis doesn't mean anything.

Therefore, I won't take up your time with an impassioned or even intellectual speech. Rather, I will observe a period of silence in order to show my respect for the predetermined outcomes and the death of civility and due process that I am witnessing.

I will conclude by recognizing that I have been thought of as family by some. Thank goodness that I never accepted the proposition. Finally, I am reminded of a cute little story: The telephone operator who received an inquiry from a caller. The caller asked for a knitwear company in woven.

Senator Switalski's statement is as follows:

I am unprepared, but I thought I wanted to bring this up for the good of the body and for the good of the state. I have recently become aware of issues in transportation regarding blinking yellow lights. I have been at blinking yellow lights, and I am not sure that there is a consistency in this state as to what blinking yellow goes to. Does it go to red? Does it go to green? Are there variations? I'm about to walk over to my colleague on transportation to discuss this. If anyone is hearing such problems or stories from their districts, I am interested in that. I am going to see if we have some legislation that we need to go forward with in this state for some consistency in this area.

Senator Clarke's statement is as follows:

To my good friend and fellow lawyer, our colleague from Wayne County, his use of silence is analogous to the great John Cage's composition *4'33"* or the renowned visual artist Robert Rauschenberg's *White Paintings*. His use of silence has raised legislative speech to a high level.

Senator Kahn's statement is as follows:

Yesterday, I met with the corrections union folks up my way—to a man and woman. They are concerned about who is being paroled, the safety of our people, and their safety within the prison system with the downgrading of the estimate of risk of inmates.

I received this just a bit ago, and I would like to share it with the Senate:

Bobby Walter Muniz, paroled. He wasn't even out a year and was arrested for molesting two children under the age of 12. He had priors for molestation going all the way back to 1983.

Jason Daniel Goodson, released from prison for a prior forgery conviction date in 2006 and now arrested for criminal sexual conduct, one for a child under the age of 13. The victim suffered injuries that required 100 stitches to repair. What about the injuries that can't be repaired?

Rey Charo, priors from the 1970s and 1980s for police officer assault, domestic violence-third offense, possession of forgery, weapons felony, receiving stolen property-two counts, breaking and entering, assaults with dangerous weapons, felonious assault, and he currently has three counts of assault with intent to commit great bodily harm pending.

These are just a few examples that show the current practice of pushing inmates down into lower security levels is not working. In closing, prison after prison is not working. Tying the hands of the parole and probation officers and telling

them unless a convicted felon commits another felony, never mind that he violates the conditions of his parole or probation. Never mind that he does drugs, gets high, fails to check in when he is supposed to, or lives where he is not supposed to. Those policies are not working.

The practice of prisons around the state of whatever we do, let's not upset the inmate population appears to be a legitimate concern. Are the inmates running the prison? Let's not make prison too hard; let's not hold them accountable for their actions. Looking at prisoner misconduct tickets and reducing them from major misconducts to minors so that they can stay at lower levels. I was told yesterday a prisoner beat in the head of one of the corrections officers while he was out on a work detail. That corrections officer only survived because they made a mistake and didn't kill him. He crawled, after being abandoned, to a home where 9-1-1 was called.

These sorts of documents, which I imagine most folks here in this body receive on a regular basis, are worth repeating and worth emphasizing. At the end of the day, we are about our people and about providing for their safety.

Senator Cherry's statement is as follows:

You know, I don't often get up to compliment one of my colleagues, but I am going to do that today because I was very glad that the Senator from the 22nd District held a town hall meeting last night with the Department of Human Services' director, Ismael Ahmed, and many of his staff. I went in not sure what to expect and came out feeling very good about the commitment.

First of all, the work of our director. He is so dedicated to the work that he is doing and was so responsive to the citizens at that meeting. I would like to thank him for his work and his dedication.

Second, for the dedication for the Department of Human Services' employees from Genesee County who were there to help people with issues and problems they have. They deserve a thank you as well. And to the many people who were at the town hall meeting, many of them are childcare workers with problems of their own but who are committed to serving people in this state and take care of their children in a committed and caring way. They are committed also to work with the department to solve any problems that are occurring within the program. They are making sure they are getting what they need to survive and providing the help they need for their clients—with people who just have issues who are working to change their lives.

It was a very productive meeting and a meeting that made me feel recommitted to the work that we do here in the State Legislature and to the work that the state employees do—not just the Department of Human Services, but all across the board. State employees are committed to the work that they are doing, and it is obvious every single day. We should be thanking them, and I thank those who were at that meeting yesterday. I thank Senator Gleason for sponsoring it.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 1227, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 4, 6, 7, 8, 25, 26, 41, 42, 43a, 43b, 43c, 61, 81, 86, and 87 (MCL 38.1304, 38.1306, 38.1307, 38.1308, 38.1325, 38.1326, 38.1341, 38.1342, 38.1343a, 38.1343b, 38.1343c, 38.1361, 38.1381, 38.1386, and 38.1387), section 4 as amended by 2008 PA 354, sections 6 and 7 as amended by 1995 PA 272, sections 8, 25, and 26 as amended by 1997 PA 143, section 41 as amended by 2007 PA 15, section 42 as amended by 1996 PA 268, section 43a as amended by 2007 PA 111, sections 43b and 81 as amended by 1989 PA 194, section 43c as amended by 1998 PA 213, and section 61 as amended by 2006 PA 158, and by adding sections 41b, 43e, 43f, and 81c and article 7.

The House of Representatives has substituted (H-9) the bill.

The House of Representatives has passed the bill as substituted (H-9) and amended the title to read as follows:

A bill to amend 1980 PA 300, entitled "An act to provide a retirement system for the public school employees of this state; to create certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 4, 6, 7, 8, 41, 42, 61, and 91 (MCL 38.1304, 38.1306, 38.1307, 38.1308, 38.1341, 38.1342, 38.1361, and 38.1391), section 4 as amended by 2008 PA 354, sections 6 and 7 as amended by 1995 PA 272, section 8 as amended by 1997 PA 143, section 41 as amended by 2007 PA 15, section 42 as amended by 1996 PA 268, section 61 as amended by 2006 PA 158, and section 91 as amended by 2007 PA 110, and by adding sections 43e, 81b, and 92a.

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

Senator Cropsy 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. 210**Yeas—12**

Anderson	Cherry	Gleason	Prusi
Barcia	Clark-Coleman	Hunter	Scott
Brater	Clarke	Jacobs	Whitmer

Nays—24

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

Excused—2

Basham	Thomas
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Not Voting—0

In The Chair: Richardville

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

House Concurrent Resolution No. 49.

A concurrent resolution to urge the Great Lakes-St. Lawrence River Basin Water Resources Council to scrutinize carefully the proposed diversion at Waukesha, Wisconsin.

(For text of resolution, see Senate Journal No. 30, p. 563.)

With the recommendation that the following substitute (S-1) be adopted and that the concurrent resolution then be adopted:

A concurrent resolution to urge the Great Lakes-St. Lawrence River Basin Water Resources Council to scrutinize carefully the proposed diversion at Waukesha, Wisconsin.

Whereas, The Great Lakes states ratified the Great Lakes-St. Lawrence River Basin Water Resources Compact to prevent harmful and unnecessary water diversions from the Great Lakes. The compact establishes strict standards and a regional approval process that must be met prior to new diversions from the lakes to communities outside the basin; and

Whereas, The first request to divert water to a community outside the Great Lakes Basin is imminent. The city of Waukesha, Wisconsin, has stated its intention to apply for an 18.5-million-gallon per-day diversion of water from Lake Michigan to meet its current drinking water needs and future economic growth; and

Whereas, There are concerns that the Waukesha proposal may not go far enough to meet the standards required by the compact for approving a diversion. The compact envisions a limited exception for diversions when the public need is great in communities bordering the Great Lakes Basin, and every effort has been made to minimize the need for Great Lakes water, including the implementation of significant water conservation measures. It is not clear if the city of Waukesha proposal truly represents the minimum diversion necessary to meet the city's needs; and

Whereas, The review of the proposed Waukesha diversion will provide precedent for future water diversion proposals and approvals. The Great Lakes governors represented on the Great Lakes-St. Lawrence River Basin Water Resources Council's interpretation of the compact will set the standard for future diversion proposals and approvals. The council must carefully consider how it will apply the compact standards, particularly what constitutes sufficient water conservation measures and how communities outside the basin account for these water conservation measures and future growth in determining how much water needs to be diverted; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Great Lakes-St. Lawrence River Basin Water Resources Council to scrutinize carefully the proposed diversion at Waukesha, Wisconsin; and be it further

Resolved, That we urge the other Great Lakes states to adopt management measures for new or increased withdrawals that, consistent with Michigan's water withdrawal process, ensure the proposed withdrawals are reviewed based upon sound science; and be it further

Resolved, That copies of this resolution be transmitted to the Great Lakes-St. Lawrence River Basin Water Resources Council, the Governor's Office, and the Office of the Great Lakes.

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom and Basham

Nays: None

The concurrent resolution and the substitute recommended by the committee were placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, April 21, 2010, at 1:00 p.m., Room 110, Farnum Building

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

Excused: Senator Gleason

The Committee on Finance reported

Senate Bill No. 198, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4o (MCL 205.94o), as amended by 2004 PA 172.

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.

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, Pappageorge and Jansen

Nays: Senators Jacobs, Cherry and Whitmer

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

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Thursday, April 22, 2010, at 11:32 a.m., Room 110, Farnum Building

Present: Senators Cassis (C), Gilbert, Pappageorge, Jansen, Jacobs, Cherry and Whitmer

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:

Meeting held on Thursday, April 22, 2010, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Garcia (C), Cropsey and Barcia

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Thursday, April 22, 2010, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Pappageorge (C), Jansen, Anderson and Cherry

Excused: Senator McManus

Scheduled Meetings

Administrative Rules - Tuesday, May 4, 12:30 p.m., Rooms 402 and 403, Capitol Building (373-6476)

Appropriations -**Subcommittees -**

Agriculture - Tuesday, May 4, 2:00 p.m., Room 405, Capitol Building (373-2768)

Capital Outlay - Thursday, May 6, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Economic Development - Wednesday, April 28, 8:30 a.m., Room 110, Farnum Building (373-2768)

Federal Stimulus Oversight - Wednesday, April 28, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

General Government - Thursdays, April 29, May 6 and May 13, 2:00 p.m., Room 110, Farnum Building (373-2768)

Judiciary and Corrections - Tuesdays, May 4 and May 11 (CANCELED), 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Natural Resources Department - Thursday, April 29, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police and Military Affairs - Wednesday, April 28, 2:00 p.m., Room 100, Farnum Building; Thursdays, May 6 and May 13, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Transportation Department - Wednesday, April 28, 8:30 a.m., Room 405, Capitol Building (373-2768)

Conference Committee -

Public School Employees Retirement (SB 1227) - Wednesday, April 28, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Health Policy - Wednesday, April 28, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

Natural Resources and Environmental Affairs - Wednesday, April 28, 1:00 p.m., Room 110, Farnum Building (373-3447)

Senate Fiscal Agency Board of Governors - Wednesday, May 5, 9:15 a.m., Room S-101, Capitol Building (373-5300)

Transportation - Tuesday, May 4, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 1:05 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, April 28, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate