

No. 49
STATE OF MICHIGAN
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REGULAR SESSION OF 2010

Senate Chamber, Lansing, Wednesday, May 26, 2010.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was 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—excused
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

Reverend Philip Olson of Rosedale Gardens Presbyterian Church of Livonia offered the following invocation:

God of all ages and places, of lakes and woods, hills, highways, and cities across this land and especially in this state, we've come to this place and this time for the sacred task of governing Your people. You have given us so many gifts in this great state—resources of people and land. You have given us the beauty of this state and the love in us for the land and for the water. You have helped and guided us as we have developed industries and an educational system—from nursery through graduate school—that have been envied across this country and beyond.

These recent years have challenged us, as industries have declined, families moved, economies struggled, and resources dwindled. Yet the needs which we are here to address are still acute. Give us wisdom and guidance, we pray, for the task that You put before us. We wish the decisions before this body were easy ones—black and white, cut and dried—but they're not. No matter the path chosen, some will be happy, some sad, some angry. There are countless appeals from voters, immense pressures from special groups, within this state and outside our borders internationally seeking to lead us to make decisions.

I pray for this body; for these servants of Yours. As they debate, as differences may arise, as tempers may even get short, help them to work faithfully and wisely. Every one of us here is committed to this great state and its people. Guide these Senators as they seek to find the compromises and the concessions that are necessary and wise.

In this week, as we prepare for the Memorial Day celebration, let us remember those who have given their lives and those who even now have placed themselves in harm's way that we might have the freedom to debate and disagree openly. They have opened the door and guarded us that we might be here today. Let this body symbolize in its work the essence of democracy that is the core of the greatness of this nation and its people.

Hear these prayers as we call on You, God of our ancestors and our descendants, and I ask in the name of my Lord Jesus Christ. Salaam. Shalom. Peace. Amen.

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

Motions and Communications

Senator Bishop entered the Senate Chamber.

The following communications were received and read:
Office of the Auditor General

May 21, 2010

Enclosed is a copy of the following reissued audit report:

Performance audit of the Bridge Inspection Program, Michigan Department of Transportation.

This report contains updated unaudited information on the overall condition ratings of bridges in Michigan (as of March 28, 2010) in Exhibits 2, 3, 4, and 5 but does not change any of the audit's objectives, conclusions, findings, or recommendations.

May 21, 2010

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Michigan Public Educational Facilities Authority, a discretely presented component unit of the State of Michigan, for the period October 1, 2007 through September 30, 2009.

Auditor General

The audit reports were referred to the Committee on Government Operations.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 25:

House Bill Nos. 4201 6135 6136 6137

Recess

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

The motion prevailed, the time being 10:07 a.m.

10:37 a.m.

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

During the recess, Senators Garcia, Hardiman, Stamas, Nofs, Kahn and Gilbert entered the Senate Chamber.

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 Sanborn as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4406, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 2835 (MCL 333.2835), as amended by 2002 PA 562.

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

Senator Thomas moved that Senator Clarke be temporarily excused from today’s session.
 The motion prevailed.

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

By unanimous consent the Senate returned 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:

House Bill No. 5313

The motion prevailed.

The following bill was read a third time:

House Bill No. 5313, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending section 2603 (MCL 339.2603), as amended by 1999 PA 170.

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. 273

Yeas—36

Allen	Cherry	Jacobs	Patterson
Anderson	Clark-Coleman	Jansen	Prusi
Barcia	Cropsey	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

Nays—0

Excused—2

Clarke

Scott

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

Senators Cropsey, Birkholz and Anderson asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cropsey’s first statement is as follows:

This morning, it is our pleasure to recognize three legislative interns who have earned a special honor. The Frank Fitzgerald Public Service Award recognizes talented young people who have shown extraordinary dedication and a willingness to help others. This award is named for the late Representative Frank Fitzgerald, who was a lawmaker in the 1980s and 1990s. Frank spent twelve years in the Michigan House and was twice elected Speaker pro tempore. I had the pleasure of serving with Frank for six of those twelve years. His father, John Fitzgerald, served here in the Michigan Senate, and his grandfather served as Michigan’s Governor.

In addition to their public service, recipients are honored for their excellence as scholars and volunteers. There are three of them here today. The first student is Dominique Kemp of Lansing, who graduates from high school this Saturday. Dominique interned with Representative Kevin Green. Last year, he was part of a remarkable program that took him to China. After being chosen for the Stanford Education Program for Gifted Youth, Dominique spent part of the summer in Beijing studying global economics.

He was a finalist in Michigan’s statewide Voice of Democracy contest sponsored by the VFW, and he recently received a Gates Millennium Scholarship. This fall, Dominique will move to California and begin college at Stanford University.

Senator Birkholz’s statement is as follows:

It gives me particular pleasure to introduce the second recipient. I, too, was privileged to serve with Representative Frank Fitzgerald. This is an honor close to me. Our second winner is Colleen Hoch of Lansing. She has been active in public policy matters at the state and local level, especially as a member of the Delta Township Government Youth Council. Several months ago, at age 17, Colleen began volunteering just a few blocks from here at Mother Teresa House, a hospice house in downtown Lansing that meets the needs of the terminally ill. She has a servant’s heart and is always finding a way to help those in need.

In 2008, Colleen received the John Quincy Adams Award, the highest honor given to members of the Student Statesmanship Institute. Colleen wants to be a nurse and is pursuing that career during her studies now at Lansing Community College.

Senator Cropsey’s second statement is as follows:

Last, but certainly not least, is Mr. Luke Wagner of Lansing. Luke has had the honor of interning in my office—the Senate Majority Floor Leader. I would like to say that it was a tremendous joy to have Luke serve in our office, especially since we can keep a close eye on him there.

Luke is a dedicated volunteer who is always there with a helping hand. He is deeply devoted to making life better for underprivileged children. In just a few days, Luke will leave to spend the summer at Youth Haven Ranch in Rives Junction, Michigan, which is an outreach to inner-city youth.

Last summer, Luke worked in England and helped draft legal materials that were considered by Parliament. Just a few weeks ago, Luke was honored in Philadelphia with a national award. He was chosen for the Washington Crossing Foundation Scholarship. Luke has been accepted to The Master’s College in southern California, where he will start this fall. Luke has done an enormous amount of research while serving in my office, especially on corrections issues. I would like to publicly thank him for a job well done.

On behalf of the Michigan Senate, we'd like to thank all three of these students for their hard work and congratulate them on winning the 2010 Fitzgerald Public Service Award. Members of the Senate, please join me in congratulating Dominique, Colleen, and Luke.

Senator Anderson's statement is as follows:

I have a special guest here today in the west Gallery. I just wanted to ask members to recognize him. Chris Pyrkosz is being inducted into the Athletes with Disabilities Hall of Fame for his outstanding performance in cycling. His hard work, determination, and ability to overcome his disability of cerebral palsy is nothing short of inspiring.

His accomplishments are something worthy of being recognized and commended. Chris' positive attitude has touched the lives of many, many others—both those with and without disabilities. For the past 25 years, Chris has competed in the Michigan Games for the Physically Disabled, now known as the Michigan Disabled Sports Alliance, and has been a member of its board of directors.

Chris still competes today in cycling, swimming, boating, and field events. He has competed internationally and has represented the United States in the Paralympics. Chris has proved his athletic abilities by placing within the top 10 in 1992 and 1996 and winning a bronze medal in 1994 as the 5,000-meter cycling event for tricycle. Chris is still one of the top tricycle racers in the United States.

He is an accomplished athlete, but he is also a huge volunteer. He is an active volunteer with Peak, a cycling group for individuals with disabilities. He has been a volunteer with Peak since it began in 2004. I would like to ask members to join me in welcoming Chris and thanking him for his involvement and his accomplishments.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 41

Senate Resolution No. 75

Senate Resolution No. 88

The motion prevailed.

House Concurrent Resolution No. 57.

A concurrent resolution to memorialize the President, the Congress, and the Federal Communications Commission of the United States to refrain from regulating Internet broadband services as common carrier services under Title II of the Communications Act of 1934.

(This concurrent resolution was received from the House on May 18 and the motion to suspend the rule for immediate consideration postponed. See Senate Journal No. 45, p. 821.)

The question being on the motion to suspend rule 3.204,

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

The concurrent resolution was adopted.

Senators Anderson, Barcia, Cherry, Jacobs, Nofs, Pappageorge, Prusi and Richardville were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senators McManus and Cropsey introduced

Senate Joint Resolution Y, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 15a to article IV, to create a joint federalism commission to examine the constitutionality of certain actions by the federal government.

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

Senator Switalski introduced

Senate Bill No. 1350, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 559, 561, 562, 568, 570, 572, 575, 576, 582, and 795 (MCL 168.559, 168.561, 168.562, 168.568, 168.570, 168.572, 168.575, 168.576, 168.582, and

168.795), section 561 as amended by 2002 PA 163, sections 568 and 570 as amended by 1985 PA 160, section 576 as amended by 1996 PA 213, section 582 as amended by 1980 PA 160, and section 795 as amended by 2004 PA 92; 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 Campaign and Election Oversight.

Senators Jacobs, Brater, Whitmer, Clark-Coleman, Basham, Scott, Hunter, Anderson, Olshove, Thomas, Switalski, Cherry, Barcia, Gleason, Prusi and Cassis introduced

Senate Bill No. 1351, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 140 to article 12.

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

Senators Brater, Prusi, Jacobs, Scott, Whitmer, Clark-Coleman, Basham, Hunter, Anderson, Olshove, Thomas, Switalski, Cherry, Barcia and Gleason introduced

Senate Bill No. 1352, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 14721 (MCL 324.14721), as added by 2004 PA 526, and by adding section 14723a; 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 Government Operations.

House Bill No. 4201, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2123 and 2124 (MCL 324.2123 and 324.2124), as added by 1995 PA 60, and by adding section 2123a.

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 Natural Resources and Environmental Affairs.

House Bill No. 6135, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 33b (MCL 791.233b), as amended by 1994 PA 217.

The House of Representatives has passed the bill by a 3/4 vote and ordered that it be given immediate effect.

The bill was read a first and second time by title.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 6136, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2006 PA 574.

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 6137, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 171 (MCL 750.171).

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

Senator Clarke entered the Senate Chamber.

Statements

Senators Brater, Basham, Jacobs and Bishop asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Brater's statement is as follows:

We just heard the Secretary announce that the bills Senator Jacobs and I just introduced, Senate Bill Nos. 1351 and 1352, were referred to the Government Operations Committee, which is sometimes colloquially known as the committee where bills go to die. I want to tell you a little bit about the bills we introduced to protect the health and safety of the children of the state of Michigan.

Recently, the Ecology Center of Ann Arbor came into two lawmaker offices, mine and Representative Kennedy, and also into the Capitol and did testing for the presence of toxic chemicals in our office buildings. They found very high levels of the toxic chemical deca-BDE, lead, and other materials in the curtains of the Capitol, computer screens, and upholstery in our chairs. These are materials that are found in flame retardants that are being phased out in some cases because they are so dangerous.

Senator Jacobs' bill has to do with the banning of lindane, which is a chemical known to be a very harmful chemical used in medication to free children of lice contamination. It is also known to be a very dangerous chemical children should not be exposed to.

I am very, very shocked because I know that people on both sides of the aisle have children and grandchildren, and we care about their health and our own health. I am very, very shocked that these bills have not been sent where they belong, either the Health Policy Committee or the Natural Resources and Environmental Affairs Committee, to get a hearing so that we can hear more about the toxic effects. I am not going to have time today to go into all of that, so I am going to use as much of my time as I can to tell you about it. This is complex material, and that is why it should be given a hearing in the appropriate committees.

Just to tell you a little bit more about the results of the testing in the Capitol, two-thirds of the office furnishings tested, including computers, office chairs, and cubicle walls, were found to contain hazardous flame retardants. Concentrations of deca-BDE in dust ranged from 2.8-5.8 parts per million. The now-banned penta-BDE was also found in the dust of each testing site. Lead, chromium, and antimony were also found in testing sites. Most notably, shades in the State Capitol contained over 4,500 parts per million lead, 15 times higher than the CPSC limit of 300 parts per million in children's products.

The point is not that we are being exposed personally because I am certainly concerned about that. I don't want my staff or your staff or the citizens coming through this Capitol to be exposed to these toxic chemicals. The point is the fact that they were found in our offices and in this Capitol Building is indicative of their pervasiveness throughout offices and homes in the state of Michigan.

This is an urgent matter. It is not a matter to be deferred to a committee where it is not going to be given a hearing. I am really disturbed by this action taken today. I respectfully request that the Majority Leader reconsider the destination of these bills and re-refer them to more appropriate committees.

Senator Basham's statement is as follows:

There is a lot of misinformation about the Ambassador Bridge, the DRIC bridge, and the DRIC study, and I am making an attempt to clear up some of this misinformation. For example, in *MIRS* on April 30, the DIBC said that the Ambassador Bridge is nowhere near capacity. Then when you talk to the *Windsor Star*, on May 22, they claim that there is plenty of traffic in the Fort Erie, Ontario, and Buffalo areas to support an additional bridge. I have distributed this information, and I hope that members would not take my word for it, but take a look at the quotes and make up your own minds.

Again, there is a lot of misinformation being spread throughout the Capitol during the past several weeks, and I just want members to be informed. This is probably the most critical issue that we will ever vote on in our legislative careers.

Senator Jacobs' statement is as follows:

First of all, I want to echo the comments of my colleague from Ann Arbor, and I sincerely hope and plead with the Senate Majority Leader to please re-refer the deca and lindane bills to the appropriate committees where they can be dealt with. This is really good public policy.

But what I'm here to do is to give my good-news statement. You may have noticed that I'm creating a pattern. I think it's very important for us to be our own best friends as we move to make Michigan the best state that it can be with the few months that many of us have left.

One of the messages out of last Friday's Revenue Estimating Conference is that Michigan is finally fully participating in the economic recovery. Our own Treasury Department economists said that job growth over the past several months has been dramatic. Since July, our job growth has stayed nearly even with job losses. Now that may not sound particularly good, but when you think that this comes after 12 straight months of job losses, the news that we are staying even is very positive.

This means that we may lose fewer of our talented college graduates to other states. This means that fewer families may have to pack up and move west, and we've all seen the ads that Wyoming is running in our Sunday papers to find a good job. This means that new businesses and industries will continue to consider Michigan and locate their companies here instead of other states.

While we are on the road to recovery, we do still have many problems to tackle. Now we're all here on the job until December 31, and a few of us are going to be back after that. So there are issues that cannot wait for the next Legislature; issues that we should solve and can solve because it's our job. Let's not just try to manage our decline, but rather to figure out how we can invest in our future and leave Michigan in a better place than it is now.

Now if we want the good news to continue, then we need to do our jobs. The structural problems that are still with us—our revenue and our spending—all need attention now. We can keep the good news coming if we seriously sit down and work together on real problems.

Senator Bishop's statement is as follows:

I appreciated the previous comments with regard to the future of our state and the need to ensure that we are doing everything that we possibly can to continue the turnaround of this state's economy. On that note, I am just shocked and amazed at what's gone on with regard to the power plant in Rogers City and the recent decision last week to deny an air permit for the proposed 600-megawatt Wolverine Power Plant in a small town in northern Michigan—roughly 3,300 people. This is a place that could really use jobs in a state that could really use affordable, clean energy and sound science.

What really irritates me about this is the fact that this Legislature had a very strong, bipartisan bill that was passed to address the future of this state and the future of affordable, sustainable clean energy in our state. This is exactly the kind of power plant that this legislation anticipated and contemplated. Today, we see the denial of an air permit, which is absolutely a breach of the agreement that we had with this administration. That power plant would have provided thousands of construction jobs over the next four to five years. We are not talking about clean energy in the future, but we are talking about the future of our state and jobs to the state and turning our economy around. It would have provided hundreds of long-term jobs for an area that has been decimated by the current economy and double-digit unemployment for the last several years.

The Governor suggested the reason they were denied this permit was because of the whopping increase in electric bills, which is a bogus claim not based on any clear science or real information. We stand and wonder why exactly did this permit fail. It is not because of any real scientific reason or based on any scientific fact. It is a bit ironic because the Governor's plan on renewable energy will be about three or four times the cost of the Wolverine Power Plant energy. If cost is an issue, you would think that it, too, would be halted in our state, but the reality is that it is creating great frustration.

The moment the Legislature comes together and works together to get something done for the good of this state, to clear a path for business in this state, to create jobs, the administration pops up and blocks it. Bureaucracy, once again in this state, continues to block good economic growth in our state. Everything we do gets stopped. It is insanity, unless, of course, we are willing to stand by and watch the state spiral downwards. The real tragedy in this state is not that we have this looming economic disaster. The real tragedy in this state is that this disaster is preventable. Yet we stand by, watch, laugh, and sit on our hands at the future of this state, and ignore the real looming signs of things to come.

If you want to just sit by and wait and if you want to watch this wash over our state and completely turn your back on the responsibility of this state, go ahead. If you have any interest in turning this state around, now more than ever we all have got to get together and get government out of the way so that businesses can grow and prosper.

The Wolverine Power Plant clean-energy venture is good for the state of Michigan. It is good for the citizens of the state of Michigan. It is based on good science. It is everything we had talked about when we came together as a Legislature on our energy bill that we passed last year.

Let's not let politics get in the way here because it clearly is. I say to the Governor of the state of Michigan, instead of standing in the way of this power plant, instead of standing in the way of future job growth in this state and 2,500 jobs, do whatever you can to turn this policy around and clear a path for the future of Michigan.

Committee Reports

The Committee on Education reported

Senate Bill No. 1014, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1531f. With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom, Whitmer and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

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.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom, Whitmer and Gleason

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 Education submitted the following:

Meeting held on Thursday, May 20, 2010, at 2:30 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Van Woerkom, Whitmer and Gleason

Excused: Senator Cassis

The Committee on Judiciary reported

Senate Bill No. 1310, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 9d.

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.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsy, Sanborn, Patterson, Stamas and Whitmer

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 1311, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 282a.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Sanborn, Patterson, Stamas and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 1312, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16o of chapter XVII (MCL 777.16o), as amended by 2004 PA 457.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Sanborn, Patterson, Stamas, Whitmer and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 1313, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 81e.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Sanborn, Patterson, Stamas, Whitmer and Basham

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 1314, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2005 PA 336.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Sanborn, Patterson, Stamas, Whitmer and Basham

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, May 25, 2010, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cropsey, Sanborn, Patterson, Stamas, Whitmer, Clarke and Basham

The Committee on Transportation reported

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.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kahn, Van Woerkom and Gleason

Nays: Senator Basham

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:
Meeting held on Tuesday, May 25, 2010, at 1:02 p.m., Room 110, Farnum Building
Present: Senators Gilbert (C), Kahn, Van Woerkom, Basham and Gleason

Scheduled Meetings

Appropriations -

Subcommittees -

Community Health Department - Thursday, May 27, 1:00 p.m., Room 110, Capitol Building (373-2768)

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)

Energy Policy and Public Utilities - Thursday, May 27, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7350)

Senior Citizens and Veterans Affairs - Thursday, May 27, 8:00 a.m., Room 100, Farnum Building (373-2413)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:20 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, May 27, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

