

No. 66
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Tuesday, September 13, 2011.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Brian N. Calley.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Anderson—present
Bieda—present
Booher—present
Brandenburg—present
Casperson—present
Caswell—present
Colbeck—present
Emmons—present
Gleason—present
Green—present
Gregory—present
Hansen—present
Hildenbrand—present

Hood—present
Hopgood—present
Hune—present
Hunter—present
Jansen—present
Johnson—present
Jones—present
Kahn—present
Kowall—present
Marleau—present
Meekhof—present
Moolenaar—present
Nofs—present

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

Messages from the Governor

The following messages from the Governor were received and read:

September 1, 2011

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

Michigan Truck Safety Commission

Walter G. Heinritzi of 1520 Lotipac Place, Lansing, Michigan 48917, county of Eaton, representing the Michigan Trucking Association, succeeding himself, is reappointed for a term expiring August 4, 2013.

David S. Goller of 7301 Northland Drive, Rockford, Michigan 49341, county of Kent, representing organized labor, succeeding James C. Parrinello, is appointed for a term expiring August 4, 2013.

Kenneth W. Houck of 2692 Wareing Drive, Lake Orion, Michigan 48360, county of Oakland, representing private motor carriers, succeeding Paul J. Millenbach, is appointed for a term expiring August 4, 2013.

Daniel F. Blower of 1112 Grant Street, Ypsilanti, Michigan 48197, county of Washtenaw, representing Michigan's four-year colleges or universities, succeeding Jacqueline A. El-Sayed, is appointed for a term expiring August 4, 2013.

Charles F. Moser of 29929 Backamack Row, Drummond Island, Michigan 49726, county of Chippewa, representing the Michigan Transportation Commission, succeeding James Scalici, is appointed for a term expiring at the pleasure of the Governor.

September 9, 2011

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

Michigan Civil Service Commission

Edward James Barrett of 8601 Lakeshore Drive, Perry, Michigan 48872, county of Shiawassee, representing Republicans, succeeding Andrew Abood, is appointed for a term expiring December 31, 2012.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

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

The motion prevailed.

Senator Kahn's statement is as follows:

I rise today for a special tribute in recognition of the folks who are up in the Gallery, Rodney and Brian Wakeman. They have had in my community for over 100 years the Wakeman Funeral Home. They have serviced the people in Saginaw for that time. The Wakeman Funeral Home has shown unwavering commitment to our community while providing the highest dignity and respect in celebrating the lives and stories of loved ones.

Originally founded as Gugel Funeral Home in 1911, it has evolved over its 100 years of service to now become the Wakeman Funeral Home and serves the changing needs of our community. The business was first established at 620 Ames Street in Saginaw, and over the years, the business continued to grow and prosper, all the while retaining a familylike atmosphere. In 1965, Mr. Harold Wakeman purchased the fifty-four-year-old funeral home after working there for a number of years and subsequently renamed the business Gugel-Wakeman Funeral Home. Finally, in 1974, it was incorporated as Wakeman Funeral Home, Inc., and has been known as such ever since.

In 1985, the firm moved to its current location of 1218 North Michigan Avenue, which allowed for larger gatherings and included a better atmosphere for families. Harold's sons, Brian and Rodney, are the fourth generation to lead Wakeman Funeral Home and continue to provide a positive and kind place for those who have experienced personal loss. Wakeman Funeral Home has been a tremendous comfort to the families in the Saginaw area and, as such, deserves sincere congratulations for their remarkable accomplishment of 100 years in business.

In special tribute, we have a document signed and dedicated to honor Wakeman Funeral Home as they celebrate their centennial. We commend them for such an achievement and their loyal service to our community. Will you all join me in recognizing Rodney and Brian Wakeman up in the Gallery and congratulating them on their success.

Messages from the House

House Bill No. 4309, entitled

A bill to amend 1988 PA 57, entitled "An act to provide for the incorporation by 2 or more municipalities of certain authorities for the purpose of providing emergency services to municipalities; to provide for the powers and duties of

authorities and of certain state and local agencies and officers; to guarantee certain labor contracts and employment rights in regard to the formation and reorganization of authorities; to provide for certain condemnation proceedings; to provide for fees; to provide for the levy of property taxes for certain purposes; and to prescribe penalties and provide remedies," by amending the title and section 10 (MCL 124.610), the title as amended by 2006 PA 652.

The House of Representatives has substituted (H-2) the Senate substitute (S-2).

The House of Representatives has concurred in the Senate substitute (S-2) as substituted (H-2).

Pursuant to rule 3.202, the bill was laid over one day.

House Bill No. 4311, entitled

A bill to amend 1967 (Ex Sess) PA 8, entitled "An act to provide for intergovernmental transfers of functions and responsibilities," by amending section 4 (MCL 124.534).

The House of Representatives has substituted (H-5) the Senate substitute (S-2).

The House of Representatives has concurred in the Senate substitute (S-2) as substituted (H-5).

Pursuant to rule 3.202, the bill was laid over one day.

House Bill No. 4312, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "An act to provide for interlocal public agency agreements; to provide standards for those agreements and for the filing and status of those agreements; to permit the allocation of certain taxes or money received from tax increment financing plans as revenues; to permit tax sharing; to provide for the imposition of certain surcharges; to provide for additional approval for those agreements; and to prescribe penalties and provide remedies," by amending section 5 (MCL 124.505), as amended by 1985 PA 10.

The House of Representatives has substituted (H-3) the Senate substitute (S-3).

The House of Representatives has concurred in the Senate substitute (S-3) as substituted (H-3) and ordered that the bill be given immediate effect.

Pursuant to rule 3.202, the bill was laid over one day.

House Bill No. 4748, entitled

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds," by amending section 11 (MCL 247.911), as amended by 2009 PA 136.

The House of Representatives has substituted (H-1) the Senate substitute (S-2).

The House of Representatives has concurred in the Senate substitute (S-2) as substituted (H-1).

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

Senator Meekhof moved that the rule be suspended.

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

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

Senator Meekhof moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Jansen entered the Senate Chamber.

Senators Kahn, Jones, Colbeck, Green, Schuitmaker, Walker, Hansen, Brandenburg and Pappageorge introduced **Senate Bill No. 637, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1347 (MCL 380.1347).

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

Senators Kahn, Green, Colbeck, Walker, Brandenburg, Hansen and Pappageorge introduced

Senate Bill No. 638, entitled

A bill to designate English as the official state language; to provide certain rights; and to provide the powers and duties of certain state and local agencies and officials.

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

Senators Kahn, Green, Colbeck, Schuitmaker, Walker, Brandenburg and Pappageorge introduced

Senate Bill No. 639, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 59, 75, and 169 (MCL 168.59, 168.75, and 168.169), section 169 as amended by 1990 PA 7, and by adding sections 696a, 696b, and 696c.

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

Senators Kahn, Rocca, Jones, Colbeck, Green, Schuitmaker, Walker, Brandenburg and Hansen introduced

Senate Bill No. 640, entitled

A bill to amend 1911 PA 209, entitled "An act to adopt and prescribe the design of a state coat-of-arms and state flag, and their use, and to prohibit the use of the same for advertising purposes, and to provide a punishment for such forbidden use," (MCL 2.21 to 2.27) by amending the title and by adding section 2a.

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

Senators Kahn, Green, Schuitmaker, Brandenburg and Pappageorge introduced

Senate Bill No. 641, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 224 (MCL 257.224), as amended by 2006 PA 177.

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

Senators Jones, Kahn, Bieda and Marleau introduced

Senate Bill No. 642, entitled

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

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

Senators Kahn, Jones, Bieda and Marleau introduced

Senate Bill No. 643, 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 2010 PA 132.

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

Senator Schuitmaker introduced

Senate Bill No. 644, entitled

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending section 8 (MCL 12.258), as amended by 2009 PA 183.

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

By unanimous consent the Senate returned to the order of

Resolutions

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

Senate Resolution No. 34

Senate Resolution No. 67

The motion prevailed.

Senators Walker, Moolenaar, Booher, Casperson, Hansen, Pavlov, Bieda, Gleason, Hildenbrand, Emmons, Nofs, Schuitmaker, Jansen, Meekhof, Green, Brandenburg and Kahn offered the following concurrent resolution:

Senate Concurrent Resolution No. 18.

A concurrent resolution to memorialize Congress to take immediate action to close the O'Brien Lock and Dam in the Chicago Waterway System to prevent Asian carp from entering Lake Michigan and the Great Lakes watershed.

Whereas, The health and vitality of the waters, fisheries, and habitat of the Great Lakes are inextricably connected to a successful and prosperous Michigan tourism industry and healthy state economy. The Great Lakes' waters, as well as Michigan tourism and outdoor recreation, are threatened by uncontrolled migration of invasive species in the form of Asian carp moving closer daily to entering Lake Michigan and spreading throughout all of our state's waterways; and

Whereas, Asian carp could become a dominant species in the Great Lakes, threatening the \$4.5 billion Great Lakes commercial and recreational fishery and recreational boaters. Asian carp are voracious feeders that compete with native fish and wildlife for food. In addition, silver carp can weigh up to 70 pounds and jump up to 10 feet out of the water when disturbed by boats. Boaters have suffered cuts, blackened eyes, broken bones, back injuries, and concussions from leaping silver carp; and

Whereas, Immediate and decisive action is required to protect the \$7 billion Great Lakes commercial and recreational fishery and the \$9 billion Great Lakes recreational boating industry. The collapse of the sports and commercial fishing industries and damage done to the recreational boating industry would translate into billions of dollars in lost revenues and thousands more workers joining the ranks of the unemployed. In addition, damage done to the Great Lakes, rivers, and inland lakes by Asian carp would greatly harm our state's viability as an attractive vacation destination, thereby weakening the effectiveness of the Pure Michigan brand and leading to decreased tourism outcomes, revenues, and jobs; and

Whereas, H.R. 892 and S. 471 are currently pending before the U.S. House of Representatives and Senate to require the completion of feasibility studies as to how best to provide hydrological separation or other certain means of preventing the migration of Asian carp and other invasive species into Lake Michigan; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize Congress to take immediate action to close the O'Brien Lock and Dam in the Chicago Waterway System to prevent Asian carp from entering Lake Michigan and the Great Lakes watershed and that the locks remain closed until H.R. 892 and S. 471 are enacted into law; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Meekhof moved that the rule be suspended.

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

The concurrent resolution was adopted.

Senators Caswell, Colbeck, Hopgood, Jones, Kowall, Marleau, Pappageorge, Proos, Richardville, Rocca and Warren were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate returned to the order of

Messages from the House

By unanimous consent the Senate returned to consideration of the following bill:

House Bill No. 4748, entitled

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds," by amending section 11 (MCL 247.911), as amended by 2009 PA 136.

(This bill was returned from the House with a substitute earlier today, rules suspended and consideration postponed. See p. 2090.)

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

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

Roll Call No. 476

Yeas—35

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

Nays—3

Caswell

Rocca

Young

Excused—0**Not Voting—0**

In The Chair: President

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

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

House Bill No. 4316

The motion prevailed.

The following bill was read a third time:

House Bill No. 4316, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 705 (MCL 257.705), as amended by 2000 PA 214.

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. 477**Yeas—38**

Anderson

Gregory

Kahn

Richardville

Bieda

Hansen

Kowall

Robertson

Booher

Hildenbrand

Marleau

Rocca

Brandenburg

Hood

Meekhof

Schuitmaker

Casperson

Hopgood

Moolenaar

Smith

Caswell

Hune

Nofs

Walker

Colbeck

Hunter

Pappageorge

Warren

Emmons

Jansen

Pavlov

Whitmer

Gleason

Johnson

Proos

Young

Green

Jones

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

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 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.”

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Meekhof moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Calley, designated Senator Caswell as Chairperson.

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

House Bill No. 4360, entitled

A bill to amend 1963 PA 181, entitled “Motor carrier safety act of 1963,” by amending section 5 (MCL 480.15), as amended by 2006 PA 595.

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

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

Senate Bill No. 210, entitled

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

Substitute (S-1).

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

Committee Reports

The Committee on Natural Resources, Environment and Great Lakes reported

Senate Bill No. 473, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 11511 and 11511b (MCL 324.11511 and 324.11511b), section 11511 as amended by 2004 PA 325 and section 11511b as added by 2005 PA 236.

With the recommendation that the bill pass.

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

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Pavlov, Green and Meekhof

Nays: Senator Warren

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources, Environment and Great Lakes submitted the following:

Meeting held on Thursday, September 8, 2011, at 8:30 a.m., Room 210, Farnum Building

Present: Senators Casperson (C), Pavlov, Green, Meekhof and Warren

Excused: Senators Kowall and Hood

COMMITTEE ATTENDANCE REPORT

The Senate Fiscal Agency Board of Governors submitted the following:

Meeting held on Thursday, September 8, 2011, at 9:00 a.m., Senate Majority Leader's Conference Room, Room S-101, Capitol Building

Present: Senators Kahn (C), Richardville, Whitmer and Anderson

Excused: Senator Caswell

COMMITTEE ATTENDANCE REPORT

The Committee on Outdoor Recreation and Tourism submitted the following:

Meeting held on Thursday, September 8, 2011, at 12:30 p.m., Room 110, Farnum Building

Present: Senators Hansen (C), Hildenbrand, Brandenburg, Casperson, Moolenaar, Gleason and Young

Scheduled Meetings

Administrative Rules - Thursday, September 15, 9:00 a.m., Room 426, Capitol Building (373-5773)

Appropriations -**Subcommittees -**

Human Services Department - Thursday, September 29, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Human Services Department; Families, Seniors and Human Services; House Human Services Appropriations Subcommittee; and House Families, Children, and Seniors - Thursdays, September 22 and October 6, 8:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

K-12, School Aid, Education and House School Aid Appropriations Subcommittee - Thursday, September 15, 8:00 a.m., Room 519, South Tower, House Office Building; and Tuesday, September 20, 8:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Economic Development - Wednesday, September 14, 1:30 p.m., Room 110, Farnum Building (373-5312)

Education - Wednesday, September 14, 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

Families, Seniors and Human Services - Wednesday, September 14, 3:00 p.m., Room 210, Farnum Building (373-5312)

Families, Seniors and Human Services; Human Services Department Appropriations Subcommittee; House Families, Children, and Seniors; and House Human Services Appropriations Subcommittee - Thursdays, September 22 and October 6, 8:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-5312)

Finance - Wednesday, September 14, 12:30 p.m., Room 210, Farnum Building (373-5307)

Local Government and Elections - Wednesday, September 14, 3:00 p.m., Room 100, Farnum Building (373-5323)

Natural Resources, Environment and Great Lakes - Thursday, September 15, 8:30 a.m., Room 210, Farnum Building (373-5323)

Senate Fiscal Agency Board of Governors - Thursday, September 22, 9:00 a.m., Room S-324, Capitol Building (373-2768)

State Drug Treatment Court Advisory Committee - Tuesday, September 27, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 12:15 p.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, September 14, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate