

No. 30
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Tuesday, April 12, 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

The Most Reverend Paul J. Bradley, Bishop of the Catholic Diocese of Kalamazoo, offered the following invocation:

Loving and gracious God, Creator of all that is good and source of all life, we ask Your blessing upon these sons and daughters of Yours gathered here, ready to undertake anew their responsibilities to lead and govern the people of the state of Michigan.

These are difficult times in so many ways, dear God, and these Senators are fully aware of the challenges that lay before them. However, we realize that all of our burdens are made lighter to bear, all our challenges are made easier to meet, and all of our difficulties can be more equitably resolved when we are guided and inspired by Your divine wisdom.

Therefore, we pray today that Your Holy Spirit will fill the hearts and minds of these generous women and men who have devoted their talents and are giving their energy as they lead their fellow citizens at this highest level of public service. In the myriad difficult choices that they will certainly face throughout this legislative session, help them to turn to You to know what choices You want them to make and realize that ultimately You would want us to choose to help the least among us—the poor, the unemployed, and those who are vulnerable and marginalized because of reasons beyond their own control. May the efforts of these Senators be blessed as they do their best to work for justice for all while ensuring the dignity of all persons in the state of Michigan.

For all of Your blessings, we give You thanks and praise today, tomorrow, and forever and ever. Amen.

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

Motions and Communications

Senators Emmons, Richardville, Kahn and Booher entered the Senate Chamber.

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

The following communications were received and read:

Office of the Auditor General

March 22, 2011

Enclosed is a copy of the following audit report:

Performance audit of Unemployment Insurance Benefit Overpayments and Nonmonetary Eligibility Determinations, Unemployment Insurance Agency, Department of Energy, Labor, and Economic Growth.

March 29, 2011

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Department of History, Arts, and Libraries (HAL) for the period October 1, 2008 through September 30, 2009.

March 31, 2011

Enclosed is a copy of the following audit report:

Performance audit of the Real Estate Division, Bureau of Highway Development, Michigan Department of Transportation.

April 5, 2011

Enclosed is a copy of the following audit report:

Performance audit of the Michigan State Disbursement Unit, Office of Child Support, Department of Human Services.

April 6, 2011

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Department of Technology, Management, and Budget (DTMB) for the period October 1, 2008 through September 30, 2010.

Auditor General

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

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

March 18, 2011

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-034-LG (Secretary of State Filing #11-03-07) on this date at 4:29 p.m. for the Department of Energy, Labor, and Economic Growth, entitled "Uniform System of Accounts for Major and Nonmajor Gas Utilities."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

March 18, 2011

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-033-LG (Secretary of State Filing #11-03-08) on this date at 4:31 p.m. for the Department of Energy, Labor, and Economic Growth, entitled "Rescinded - Uniform System of Accounts for Major and Nonmajor Gas Utilities."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6), of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

March 18, 2011

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-026-LG (Secretary of State Filing #11-03-09) on this date at 4:33 p.m. for the Department of Energy, Labor, and Economic Growth, entitled "Uniform System of Accounts for Major and Nonmajor Electric Utilities."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

March 18, 2011

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-025-LG (Secretary of State Filing #11-03-10) on this date at 4:35 p.m. for the Department of Energy, Labor, and Economic Growth, entitled "Rescinding - Uniform System of Accounts for Major and Nonmajor Electric Utilities."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6), of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Ruth Johnson
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The following communication was received:
Department of Transportation

March 23, 2011

I am pleased to provide the Michigan Department of Transportation's report on transportation accessibility for seniors and persons with disabilities for Fiscal Year 2010.

The report is being forwarded to the Legislature for their information pursuant to Section 10e(21) of Act 51 of the Public Acts of 1951, as amended.

Sincerely,
Kirk T. Steudle
Director

The communication was referred to the Secretary for record.

The following communication was received:
Michigan Economic Development Corporation

March 31, 2011

Attached you will find the 21st Century Jobs Fund report for Fiscal Year 2010, as required in MCL 125.2088n of the Michigan Strategic Fund Act and the 21st Century Jobs Trust Fund legislation.

To date, the 21st Century Jobs Fund has resulted in the creation and retention of 14,928 jobs, with an additional 7,566 projected to be created in the future. The funding received through the 21st Century Jobs Fund has enabled Michigan companies to raise additional investment totaling \$1,908,640,104.

If you have any questions regarding this report, please contact James McBryde in our Office of Governmental Affairs at 517.335.1847.

Michael A. Finney
President and CEO

The communication was referred to the Secretary for record

The following communication was received:
Department of State Police

April 1, 2011

Enclosed is the FY10 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.

This year as a cost cutting measure, the report is being sent to you via e-mail and will also be accessible on our web site at www.michigan.gov/ohsp.

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 Secretary announced that pursuant to Rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from October 1, 2010 through December 31, 2010, and are available in the Secretary's office during business hours for public inspection:

Committee

Agriculture and Bioeconomy
Appropriations
Banking and Financial Institutions
Campaign and Election Oversight
Commerce and Tourism
Economic Development and Regulatory Reform
Education
Energy Policy and Public Utilities
Families and Human Services
Finance
Government Operations
Health Policy
Homeland Security and Emerging Technologies
Hunting, Fishing and Outdoor Recreation
Judiciary

Chairperson

Senator Gerald Van Woerkom
Senator Ron Jelinek
Senator Randy Richardville
Senator Michelle McManus
Senator Jason Allen
Senator Alan Sanborn
Senator Wayne Kuipers
Senator Bruce Patterson
Senator Mark Jansen
Senator Nancy Cassis
Senator Michael Bishop
Senator Tom George
Senator Cameron Brown
Senator James Barcia
Senator Wayne Kuipers

Local, Urban and State Affairs
 Natural Resources and Environmental Affairs
 Senior Citizens and Veterans Affairs
 Transportation

Senator Gerald Van Woerkom
 Senator Patricia Birkholz
 Senator Jason Allen
 Senator Jud Gilbert

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, March 24:
House Bill Nos. 4013 4258 4309 4310 4311 4312 4347 4366 4367

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, March 29, for his approval the following bill:

Enrolled Senate Bill No. 140 at 2:16 p.m.

The Secretary announced that the following official bills and joint resolution were printed on Thursday, March 24, and are available at the legislative website:

House Bill Nos. 4479 4480 4481 4482 4483 4484 4485 4486 4487 4488 4489 4490 4491 4492
House Joint Resolution S

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

Senate Bill Nos. 291 292 293 294 295 296 297 298 299 300 301 302 303 304
305 306 307 308 309 310 311 312
Senate Joint Resolution K
House Bill Nos. 4493 4494 4495 4496 4497 4498 4499 4500 4501 4502 4503 4504 4505 4506
4507 4508

Messages from the Governor

The following messages from the Governor were received:

Date: March 22, 2011
 Time: 3:05 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 20 (Public Act No. 10), being

An act to amend 1974 PA 154, entitled “An act to prescribe and regulate working conditions; to prescribe the duties of employers and employees as to places and conditions of employment; to create certain boards, commissions, committees, and divisions relative to occupational and construction health and safety; to prescribe their powers and duties and powers and duties of the department of labor and department of public health; to prescribe certain powers and duties of the directors of the departments of labor, public health, and agriculture; to impose an annual levy to provide revenue for the safety education and training division; to provide remedies and penalties; to repeal certain acts and parts of acts; and to repeal certain acts and parts of act on specific dates,” (MCL 408.1001 to 408.1094) by adding section 17.

(Filed with the Secretary of State on March 24, 2011, at 10:14 a.m.)

Date: March 23, 2011
 Time: 4:50 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 22 (Public Act No. 11), being

An act to amend 1988 PA 418, entitled “An act to adopt the uniform statutory rule against perpetuities,” by amending section 5 (MCL 554.75), as amended by 2008 PA 149.

(Filed with the Secretary of State on March 24, 2011, at 10:16 a.m.)

Date: March 23, 2011
 Time: 4:52 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 23 (Public Act No. 12), being

An act to amend 2008 PA 148, entitled “An act to exclude certain personal property held in trust from the rule against perpetuities and similar rules that potentially affect the duration of trusts,” by amending section 4 (MCL 554.94).

(Filed with the Secretary of State on March 24, 2011, at 10:18 a.m.)

Date: March 23, 2011
Time: 5:04 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 149 (Public Act No. 13), being

An act to amend 1972 PA 106, entitled “An act to provide for the licensing, regulation, control, and prohibition of outdoor advertising adjacent to certain roads and highways; to prescribe powers and duties of certain state agencies and officials; to promulgate rules; to provide remedies and prescribe penalties for violations; and to repeal acts and parts of acts,” by amending sections 7a and 17 (MCL 252.307a and 252.317), section 7a as amended by 2010 PA 350 and section 17 as amended by 2009 PA 86.

(Filed with the Secretary of State on March 24, 2011, at 10:20 a.m.)

Date: March 30, 2011
Time: 11:42 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 140 (Public Act No. 16), being

An act to make, supplement, and adjust appropriations for certain capital outlay projects for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; to prescribe certain conditions for the appropriations; and to repeal acts and parts of acts.

(Filed with the Secretary of State on March 30, 2011, at 1:52 p.m.)

Respectfully,
Rick Snyder
Governor

The following messages from the Governor were received and read:

February 28, 2011

I respectfully submit to the Senate the following appointment:

Director, Department of Energy, Labor, and Economic Growth

Steven H. Hilfinger of 20251 Wellesley Street, Beverly Hills, Michigan 48025, county of Oakland, for a term expiring at the pleasure of the Governor.

March 20, 2011

I respectfully submit to the Senate the following appointment:

Michigan Strategic Fund Board of Directors

Steven H. Hilfinger of 20251 Wellesley Street, Beverly Hills, Michigan 48025, county of Oakland, for a term expiring at the pleasure of the Governor.

March 23, 2011

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

Michigan Apple Committee

Gary F. Bartley of 53138 Townhall Road, Dowagiac, Michigan 49047, county of Cass, representing District 1, succeeding himself, is reappointed for a term expiring April 1, 2014.

Damon M. Gleib of 1457 Hickory Road, Hillsdale, Michigan 49242, county of Hillsdale, representing District 7, succeeding Mike Beck, is appointed for a term expiring April 1, 2014.

Kevin Winkel of 63460 Shafer Lake Road, Lawrence, Michigan 49064, county of Van Buren, representing District 2, succeeding himself, is reappointed for a term expiring April 1, 2014.

March 23, 2011

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

Michigan Bean Commission

Jack C. Frank of 2080 Wheeler Road, Bay City, Michigan 48706, county of Bay, representing District 1, succeeding himself, is reappointed for a term expiring December 31, 2013.

John E. Densmore of 5460 E. Buchanan Road, Ithaca, Michigan 48847, county of Gratiot, representing District 2, succeeding himself, is reappointed for a term expiring December 31, 2013.

Ross E. Voelker of 934 Caseville Road, Pigeon, Michigan 48755, county of Huron, representing District 6, succeeding himself, is reappointed for a term expiring December 31, 2013.

Frances K. Arbogast-Carlson of 4795 Reed Road, Howard City, Michigan 49329, county of Montcalm, representing District 7, succeeding herself, is reappointed for a term expiring December 31, 2013.

March 23, 2011

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

Child Abuse and Neglect Prevention Board

Vivek S. Sankaran of 6149 Wilson Road, Ann Arbor, Michigan 48108, county of Washtenaw, representing the legal community, succeeding Paul Shaheen, for a term expiring December 19, 2013.

March 23, 2011

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

Chair, State Construction Code Commission

William R. Benoit, Jr., of 3545 Briarbrooke Lane, Rochester, Michigan 48306, county of Oakland, succeeding Donald Pratt, is appointed to serve as Chair, for a term expiring at the pleasure of the Governor.

State Construction Code Commission

Thomas E. Baldwin of 397 Arbor Ridge Road, Benton Harbor, Michigan 49022, county of Berrien, representing Municipal Building Inspectors, succeeding Robert DeBerardino, is appointed for a term expiring January 31, 2015.

James M. Cash of 500 Kedzie Street, East Lansing, Michigan 48823, county of Ingham, representing Industrial Management, succeeding Kenneth G. Lawless, is appointed for a term expiring January 31, 2015.

Matthew J. Reno of 10720 Dice Road, Saginaw, Michigan 48623, county of Saginaw, representing Municipal Building Inspectors, succeeding Sheilah Johnson, is appointed for a term expiring January 31, 2015.

Roger E. Papineau of 1901 Beulah Highway, Beulah, Michigan 49617, county of Benzie, representing Residential Builders, succeeding Donald L. Pratt, is appointed for a term expiring January 31, 2015.

Beth A. Yorke of 13343 Kingston Road, Huntington Woods, Michigan 48070, county of Oakland, representing Field of Building Contracting, succeeding herself, is reappointed for a term expiring January 31, 2015.

William E. Duffield of 6522 Knollwood Circle East, West Bloomfield, Michigan 48322, county of Oakland, representing Premanufactured Buildings, succeeding Kelly L. Hunt, is appointed for a term expiring January 31, 2015.

William R. Benoit, Jr., of 3545 Briarbrooke Lane, Rochester, Michigan 48306, county of Oakland, representing Municipal Building Inspectors, succeeding himself, is reappointed for a term expiring January 31, 2015.

Frederick F. Butters of 21138 Fairway Drive, Southfield, Michigan 48034, county of Oakland, representing Architects, succeeding Dawn M. Holtrop, is appointed for a term expiring January 31, 2015.

March 23, 2011

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

Governor's Traffic Safety Advisory Council

Lawrence B. Hummel of 8632 S. Mt. Hope Road, Carson City, Michigan 48811, county of Montcalm, representing local units of government, succeeding Steven M. Puuri, is appointed for a term expiring May 27, 2012.

March 23, 2011

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

Michigan State Housing Development Authority

Robert S. Sher of 3208 Bloomfield Shore Drive, West Bloomfield, Michigan 48323, county of Oakland, representing Independents, succeeding himself, is reappointed for a term expiring March 10, 2015.

Robert D. Fowler of 5563 Silverleaf Court, Haslett, Michigan 48840, county of Ingham, representing Republicans, succeeds Douglas Graham, is appointed for a term expiring March 10, 2015.

March 23, 2011

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

Michigan Board of Speech Language Pathology

Frances E. Eldis of 8855 Riverdale Road, Redford, Michigan 48239, county of Wayne, representing Professionals, succeeding herself, is reappointed for a term expiring December 31, 2014.

Brit Austin of 1256 Poppy Hill Road, Oxford, Michigan 48371, county of Oakland, representing Professionals, succeeding herself, is reappointed for a term expiring December 31, 2014.

Vasu Divi of 283 S. Zeeb Road #209, Ann Arbor, Michigan 48103, county of Washtenaw, representing Physicians-Otolaryngologists, succeeding Glendon M. Gardner, is appointed for a term expiring December 31, 2014.

March 23, 2011

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

Michigan Board of Veterinary Medicine

Christopher J. Rohwer of 6024 Texas Drive, Kalamazoo, Michigan 49009, county of Kalamazoo, representing Veterinarians, is reappointed for a term expiring December 31, 2014.

Colleen J. Thorp-Stout of 2025 Redschool Road, Brutus, Michigan 49716, county of Emmet, representing Veterinarians, succeeding Henry M. Vaupel, for a term expiring December 31, 2014.

Charlotte C. Kim of 246 N. Ridge Street, Apt. 202, Canton, Michigan 48187, county of Wayne, representing Veterinarians, succeeding Michelle Kopcha, for a term expiring December 31, 2014.

March 30, 2011

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

Michigan Parole and Commutation Board

Jane E. Price of 6449 Vantage Drive S.E., Caledonia, Michigan 49316, county of Kent, succeeding Paul F. Condino, is appointed for a term expiring April 15, 2011.

Amy M. Bonito of 6846 Mulberry Lane, Grand Ledge, Michigan 48837, county of Eaton, succeeding Miguel A. Berrios, is appointed for a term expiring April 15, 2011.

March 31, 2011

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

Board of Law Examiners

The Honorable Christopher M. Murray of 365 McKinley, Grosse Pointe Farms, Michigan 48236, county of Wayne, succeeding the Honorable Brian K. Zahra, is appointed for the remainder of a term expiring June 30, 2011.

April 5, 2011

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

Automobile Theft Prevention Authority Board of Directors

Laura J. Pierman of 8218 Timber Trail Road, White Lake, Michigan 48386, county of Oakland, representing auto insurers doing business in Michigan, is appointed for a term expiring July 1, 2014.

April 5, 2011

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

State and Local Law Enforcement Equipment Procurement Program

Genevieve A. Hayes of 1001 N. Adams Road, Birmingham, Michigan 48009, county of Oakland, representing the Michigan Department of Technology, Management, and Budget Purchasing Department, is appointed for a term expiring at the pleasure of the Governor.

April 6, 2011

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

Michigan State Board of Residential Builders and Maintenance and Alteration Contractors

Sidney J. Browne, Jr., of 4280 Plank Road, Marine City, Michigan 48039, county of St. Clair, representing the public registered under building officials and inspectors registration act, succeeding Jennifer Flack, is appointed for a term expiring March 31, 2012.

Joseph G. Agostinelli of 3929 Bronson Boulevard, Kalamazoo, Michigan 49008, county of Kalamazoo, representing the general public, succeeding Anthony Parker, is appointed for a term expiring March 31, 2015.

Gregory R. Powell of 428 Anchors Way, St. Joseph, Michigan 49085, county of Berrien, representing licensed residential builders, succeeding Marilyn Lane, is appointed for a term expiring March 31, 2015.

April 11, 2011

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

Mackinac Island State Park Commission

Richard A. Manoogian of 15520 Windmill Pointe Drive, Grosse Pointe Park, Michigan 48230, county of Wayne, representing Independents, succeeding himself, for a term commencing April 13, 2011, is reappointed for a term expiring April 12, 2017.

Charles W. Yob of 2920 Green Avenue, Hesperia, Michigan 49421, county of Newaygo, representing Republicans, succeeding Laurie Stupak, for a term commencing April 13, 2011 and expiring April 12, 2017.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

April 5, 2011

Please be advised of the withdrawal of the appointment of Deloris Hunt as a member of the **Michigan Civil Rights Commission**. The appointment was filed with the Secretary of the Senate on March 15, 2011 and transmitted to the Office of the Great Seal on the same day.

April 5, 2011

Due to an error on the letter dated March 23, 2011, filed with your office, please be advised of the following correction appearing in **bold** print:

Michigan Board of Speech Language Pathology

Frances E. Eldis of 8855 Riverdale Road, Redford, Michigan 48239, county of Wayne, representing Professionals, succeeding herself, is reappointed for a term expiring December 31, 2014.

Brit Austin of 1256 Poppy Hill Road, Oxford, Michigan 48371, county of Oakland, representing Professionals, succeeding herself, is reappointed for a term expiring December 31, 2014.

Vasu Divi of 283 S. Zeeb Road #209, Ann Arbor, Michigan 48103, county of Washtenaw, representing Physicians-Otolaryngologists, succeeding Glendon M. Gardner, is appointed for a term expiring December 31, **2013**.

Sincerely,
Rick Snyder
Governor

The messages were referred to the Committee on Government Operations.

Messages from the House

Senate Bill No. 188, entitled

A bill to amend 1994 PA 295, entitled "An act to require persons convicted of certain offenses to register; to prohibit certain individuals from engaging in certain activities within a student safety zone; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe fees, penalties, and sanctions," by amending sections 2, 3, 4, 4a, 5, 5a, and 5b (MCL 28.722, 28.723, 28.724, 28.724a, 28.725, 28.725a, and 28.725b), section 2 as amended by 2005 PA 301, section 3 as amended by 1999 PA 85, section 4 as amended by 2004 PA 240, section 4a as amended and section 5b as added by 2004 PA 237, section 5 as amended by 2006 PA 402, and section 5a as amended by 2005 PA 322, and by adding section 3a.

The House of Representatives has concurred in the Senate amendment to the House amendments.

Pursuant to a previous order, the bill was referred to the Secretary for enrollment printing and presentation to the Governor on March 24, 2011.

Senate Bill No. 5, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 547.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

The Senate agreed to the full title.

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

Senate Bill No. 53, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2155.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

The Senate agreed to the full title.

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

Senate Bill No. 141, entitled

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

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

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

Senate Bill No. 144, entitled

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

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

The Senate agreed to the full title.

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

Third Reading of Bills

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

Senate Bill No. 159

Senate Bill No. 245

Senate Bill No. 46

The motion prevailed.

Senator Johnson entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 159, entitled

A bill to amend 1965 PA 213, entitled “An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties,” by amending section 1 (MCL 780.621), as amended by 2002 PA 472.

The question being on the passage of the bill,

Senator Jones offered the following amendment:

1. Amend page 4, line 25, after “**EXCEED**” by striking out “**93**” and inserting “**90**”.

The amendment was adopted, a majority of the members serving voting therefor.

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. 87**Yeas—37**

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

Nays—1

Smith

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 245, entitled

A bill to amend 1967 PA 227, entitled “An act to regulate the inspection, construction, installation, alteration, maintenance, repair and operation of elevators and the licensing of elevator contractors; to prescribe the functions of the director of labor; to create, and prescribe the functions of, the elevator safety board; to provide penalties for violations of the act; and to repeal certain acts and parts of acts,” by amending section 6 (MCL 408.806).

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. 88**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 Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Proos' statement is as follows:

I rise in support of Senate Bill No. 245 today. This is an opportunity for us to make sure that we give our homebuilders and real estate developers along the lakefront greater access and opportunity to the great amenities that we have—our Great Lakes themselves.

It will allow for elevator lifts to be residential lifts for up to 20 homeowners in the homeowners association. It makes sense for us to give those individuals who sometimes have 150 to 200 steps to make it down to the lakefront. Amazingly,

that elevator lift legislation allows for only one family to use it. We all know full well that the neighbors get to use that lift also. Technically, it is illegal for them to use the lift unless, in fact, it includes an individual lift for each individual family.

So let's clarify the law and say that instead of having hundreds of lifts, let's allow a small group of homeowners of 20 or less to gather together for one individual family lift that allows them to get Grandma and their little kids down to the beach to enjoy our great natural resources.

The following bill was read a third time:

Senate Bill No. 46, entitled

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," (MCL 125.3101 to 125.3702) by adding section 513.

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. 89

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 Senate agreed to the title of the bill.

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 Jansen 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:

Senate Bill No. 56, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1059.

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

Resolutions

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 31

Senate Resolution No. 33

The resolution consent calendar was adopted.

Senator Nofs offered the following resolution:

Senate Resolution No. 31.

A resolution declaring April 2011 as Michigan Safe Digging Month.

Whereas, The month of April traditionally marks the beginning of the commercial and residential construction season, when large-scale projects like buildings and roads begin, as well as smaller jobs like installing landscaping, decks, fencing, and even street mailboxes. Each year, because of projects like these, Michigan's utility infrastructure is put in danger by unintentional damage to underground facilities such as natural gas, electric, cable, telephone, fiber optic, water and sewer pipes and lines by those who fail to call 811 at least three working days prior to digging. Undesired consequences such as service interruption, damage to the environment, personal injury, and even death can potentially result; and

Whereas, MISS DIG System, Inc., as well as Consumers Energy, DTE Energy, and other Michigan utilities, along with the Michigan Public Service Commission and the national Common Ground Alliance organization, promote the national call before you dig number—811—in an effort to reduce these damages. Calling 811 provides potential excavators and homeowners with a simple-to-remember toll-free number that reaches their local One-Call Center to request the marking of utility line locations at the intended dig site; and

Whereas, Through this partnership and ongoing education campaign to share safe digging practices, excavators and homeowners can save time and money, while keeping our state and its residents and workers safe and connected by making a simple call to 811 in advance of the excavation; waiting the required amount of time; respecting the marks by maintaining visual definition throughout the course of the excavation; and, finally, digging with care around the marks; and

Whereas, All parties agree that safety is a shared responsibility: To know what's below; call 811 before digging; now, therefore, be it

Resolved by the Senate, That we hereby proclaim the month of April 2011 as Michigan Safe Digging Month. We encourage excavators and homeowners throughout our great state to always call 811 before digging. Safe digging is no accident.

Senators Anderson, Bieda, Booher, Hildenbrand, Hopgood, Kowall, Proos, Richardville and Schuitmaker were named co-sponsors of the resolution.

Senator Schuitmaker offered the following resolution:

Senate Resolution No. 33.

A resolution to commemorate April 10-16, 2011, as Crime Victim's Rights Week and reaffirm our commitment to the Crime Victim's Vigil on April 13, 2011.

Whereas, As the state of Michigan continues to make strides in reducing the crime rate, we must remember that there are still far too many victims of crime. Indeed, the latest available statistics indicate Michigan families had to agonize with over 170,000 reported new victims of violent crime in 2008 alone, and research indicates that only roughly half of violent crimes are reported. Those who have suffered a violation of their person, property, or trust deserve to be treated with dignity and respect by our criminal and juvenile justice systems and by society at-large; and

Whereas, We recognize that our response to crime victims plays an important role in their efforts to rebuild their lives following the offense. Let all of us—policymakers, those in the criminal justice system, counselors, clergy members, and members of the general public—do what we can to respond to victims of crime with compassion and respect; and

Whereas, With the implementation of the crime victim's rights act in 1985 and the passage of the constitutional amendment in 1988, the state of Michigan has adopted some of the nation's most comprehensive laws to protect the rights of victims of crime and provide them certain essential services. All of us must do what we can to adhere not only to the victim's rights laws, but the spirit of those laws as well. Let us acknowledge that just as government must be open to its citizens, so our system of justice must be open to victims of crime; and

Whereas, The national theme for 2011 is based on the provisions in the Michigan Constitution crime victim rights language in Article I, Section 24, granting victims the right to be treated with fairness, dignity, and respect. Let us all strive toward these rights and beyond until we create a world where fairness, dignity, and respect will be basic rights for every-one victimized by crime; and

Whereas, Through public and private efforts, our community has already taken important steps to ensure that our treatment of victims helps them to begin the healing. Let us gratefully acknowledge all those who work, often as volunteers, on behalf of crime victims. Those deserving recognition are the many law enforcement officers, prosecutors, victims service

providers, corrections officers, parole and probation officers, counselors, physicians, health care professionals, and the many others whose dedication and service to crime victims helps to lessen trauma and assists in personal recoveries. Let us, in particular, express our appreciation for those victims and survivors of crime who have turned personal tragedy into a motivating force not only to improve the rights and treatment of other victims of crime, but also to build a better, more just community; now, therefore, be it

Resolved by the Senate, That we hereby commemorate the week of April 10-16, 2011, as Crime Victim's Rights Week and reaffirm our commitment to respect and enforce victim's rights and address their needs with a Crime Victim's Vigil on April 13, 2011, at the State Capitol, and throughout the remainder of the year.

Senators Anderson, Bieda, Booher, Brandenburg, Caswell, Hildenbrand, Hopgood, Jones, Kowall, Proos and Richardville were named co-sponsors of the resolution.

Senator Bieda offered the following resolution:

Senate Resolution No. 32.

A resolution to commemorate the 25th Anniversary of the Chernobyl nuclear-plant disaster and those affected by the accident.

Whereas, The anniversary of the Chernobyl incident is commemorated on April 26, 2011; and

Whereas, Michigan's commemoration of the 25th Anniversary of the Chernobyl disaster is led by the Ukrainian-Americans of Southeast Michigan, particularly the Ukrainian Cultural Center; and

Whereas, It is appropriate to honor and seek to preserve the memories of those who lost their lives in this most tragic incident; those who are still affected by the disasters; and those who continue fighting to aid the citizens of the Ukraine who are still reeling from the disaster; and

Whereas, The effects of the Chernobyl catastrophe were far-reaching. Even though it was a time of great contention between the former Soviet Union and the United States, we as citizens of Michigan and the United States still offered up our support and sympathies for those hurt by the accident; and

Whereas, Michigan is home to a proud community of Ukrainian-Americans who are an integral part of their communities in their new homeland. These individuals endure the burden of the disaster and are still fighting the good fight to aid their brothers and sisters in the Ukraine; and

Whereas, Michiganders seek to honor the memories of their fellow human beings who suffered through Chernobyl; now, therefore, be it

Resolved by the Senate, That we encourage all Michiganders to observe the anniversary of the Chernobyl disaster, and we honor those who perished in this tragic accident and those who still carry the burden of the disaster with them; and be it further

Resolved, That a copy of this resolution be transmitted to the Ukrainian Cultural Center in Warren, Michigan.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senators Anderson and Hopgood were named co-sponsors of the resolution.

Senator Jones offered the following resolution:

Senate Resolution No. 34.

A resolution to memorialize the United States Congress to take immediate steps to provide funding to the Drug Enforcement Agency for the cleanup of clandestine methamphetamine laboratories seized by state and local law enforcement.

Whereas, Clandestine methamphetamine laboratories, or meth labs, are a serious problem in Michigan and many other Midwestern and Southern states. Meth addicts cook meth in makeshift labs that can be found anywhere, including private residences, motel and hotel rooms, apartments, mobile homes, rural areas, and even cars. These clandestine meth labs generally contain toxic, corrosive, flammable, or explosive chemicals and wastes that represent significant risks to the health of law enforcement personnel and the public. In addition, these chemicals and wastes can contaminate soil and water and present serious environmental threats. According to the Drug Enforcement Agency (DEA), in 2010, there were 10,247 clandestine meth lab incidents throughout the United States, with 671 of these in Michigan alone; and

Whereas, Cleaning up clandestine meth labs is complicated, time-consuming, and hazardous. The cleanup requires that law enforcement wear chemical protective suits and use special safety precautions and disposal procedures for the toxic chemicals and wastes. It takes thousands of dollars to clean up a single meth lab and restore the site to a safe and clean condition; and

Whereas, Since 1998, the DEA has been funding the cleanup of meth labs seized by local and state law enforcement using funds provided through the Community Oriented Policing Services program, known as COPS. The COPS funding has enabled local and state law enforcement in the U.S. to clean up tens of thousands of clandestine meth labs, including 3,866 in fiscal year 2008, of which 300 were in Michigan; and

Whereas, The ability of local and state law enforcement to clean up clandestine meth labs has been placed in serious jeopardy. During fiscal years 2001 to 2008, the DEA received COPS funding of \$20 million each year to fund state and

local cleanups. In recent years, however, the funding levels have been significantly reduced. Alarming, President Obama's fiscal year 2011 recommended budget does not even include COPS funding for DEA meth lab cleanups; and

Whereas, Absent federal funding to clean up the toxic and dangerous sites left behind at clandestine meth labs, the public and the environment are put at risk. Local and state law enforcement are concerned. They do not know who will clean up the homes and apartments that housed meth labs or the farmers' fields, parks, or state forest land where toxic meth waste is dumped. The absence of COPS funding for meth lab cleanups could lead to a crisis in Michigan and many other states struggling to deal with these clandestine labs; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to take immediate steps to provide funding to the Drug Enforcement Agency for the cleanup of clandestine methamphetamine laboratories seized by state and local law enforcement; 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, the members of the Michigan congressional delegation, the administrator of the Drug Enforcement Agency, and the Department of Justice Office of Community Oriented Policing Services.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Meekhof moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Meekhof moved that the resolution be referred to the Committee on Judiciary.

The motion prevailed.

Senators Anderson, Bieda, Booher, Brandenburg, Caswell, Hopgood, Kowall, Proos and Schuitmaker were named co-sponsors of the resolution.

Senators Hildenbrand, Hunter, Emmons, Hune, Kowall, Gregory and Gleason offered the following resolution:

Senate Resolution No. 35.

A resolution recognizing April 19, 2011, as McDonald's National Hiring Day.

Whereas, McDonald's Corporation and its 122 Michigan owner/operators are significant contributors to our state's economy; and

Whereas, In 2010, McDonald's and its owner/operators returned to the local economy more than half of every dollar earned, as well as employed more than 32,600 people in management, support, and operations staff positions in Michigan, spending annually more than \$267 million on wages and \$72.4 million on benefits; and

Whereas, McDonald's owner/operators are recognized for providing opportunities to their employees, nurturing talent, developing leaders, and rewarding achievement through their approach of well-trained individuals with diverse backgrounds and experiences, working together in an environment that fosters respect and drives high levels of continuing success; and

Whereas, On April 19, 2011, McDonald's and its owner/operators anticipate adding to their restaurant crews 2,200 employees in the state of Michigan and more than 50,000 employees nationally; now, therefore, be it

Resolved by the Senate, That we hereby recognize April 19, 2011, as McDonald's National Hiring Day; and be it further

Resolved, That a copy of this resolution be transmitted to McDonald's Corporation headquarters with our highest esteem.

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

Senator Meekhof moved that the rule be suspended.

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

The resolution was adopted.

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

The motion prevailed.

Senator Hildenbrand's statement is as follows:

Thank you for taking up Senate Resolution No. 35 today which recognizes next Tuesday, April 19, as McDonald's National Hiring Day. As you may know, McDonald's recently announced that they will be hiring more than 50,000 new employees nationally, and Michigan's share of these new employees should top 2,200. This is great news and a welcomed investment in our state.

Already McDonald's employs more than 32,600 people here in Michigan and spends more than \$267 million annually on wages and \$72.4 million on benefits. I must mention the significant role of the owners and operators of these restaurants play in providing stable employment and leadership training for thousands of Michigan employees all across our state. This commitment to Michigan is very much appreciated, and we welcome McDonald's continued growth and expansion here in our great state.

Senator Schuitmaker offered the following concurrent resolution:

Senate Concurrent Resolution No. 14.

A concurrent resolution to memorialize Congress to adopt and submit to the states for ratification an amendment to the United States Constitution to provide for a means of amending the Constitution through a convention limited to the consideration of a specific amendment as proposed by at least two-thirds of the states.

Whereas, The United States Constitution provides for two ways that this fundamental document may be amended. In its nearly two and one-quarter centuries, it has only been amended by one of these two methods. All amendments to date have been initiated by Congress and then submitted to the states for ratification. The option that has never been used, a constitutional convention, has not been pursued, most scholars agree, because of the fear that any convention could turn into a runaway convention dealing with much more than a single issue; and

Whereas, There is a strong sense among the American people that government spending has been out of control for many years and that the acceleration of this trend is a major threat to our nation's strength and the prosperity of our children and grandchildren. This problem, which has been long in the making, can, in the opinion of many, best be addressed permanently through an amendment to our Constitution to establish more appropriate budgeting requirements; and

Whereas, Another area of grave concern is the longstanding trend of the federal government to burden the states with unfunded mandates. This is also an issue area that would be best addressed through stronger constitutional protections for the states; and

Whereas, A proposal that is drawing increasing attention across the country is the so-called Madison Amendment to establish another means, initiated by the states, to amend the federal Constitution. The Madison Amendment, which was considered by the 111th Congress as H. J. Res 95, reads as follows:

“The Congress, on Application of the Legislatures of two thirds of the several States, which all contain an identical Amendment, shall call a Convention solely to decide whether to propose that specific Amendment to the States, which, if proposed shall be valid to all intents and purposes as part of the Constitution when ratified pursuant to Article V.”

Under this amendment, the states would be able to submit to the Congress a request for a convention to consider a specific proposed amendment to the United States Constitution. When two-thirds of the states have submitted the identical proposal, the convention would be held to propose the amendment and submit it for ratification by three-quarters of the states. The amendment would then become part of the Constitution; and

Whereas, Adoption of the Madison Amendment would restore accountability and balance to the federal government. The effective monopoly that Congress has on proposing amendments to the United States Constitution would end as the states would also gain this authority; and

Whereas, With this safeguard against a runaway convention and this new responsibility entrusted to the states, there would be much better balance between Congress and the states. This would significantly strengthen our country; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize Congress to adopt and submit to the states for ratification an amendment to the United States Constitution to provide for a means of amending the Constitution through a convention limited to the consideration of a specific amendment as proposed by at least two-thirds of the states; 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.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senators Booher, Brandenburg, Jones, Kowall and Proos were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senator Caswell introduced

Senate Joint Resolution L, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 13 of article IV, to limit the legislative session.

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

Senators Robertson, Brandenburg, Hildenbrand, Pavlov, Nofs, Caswell, Marleau, Colbeck, Green, Jansen, Booher and Emmons introduced

Senate Bill No. 313, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 17014 and 17015 (MCL 333.17014 and 333.17015), section 17014 as amended by 2002 PA 685 and section 17015 as amended by 2006 PA 77.

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

Senator Schuitmaker introduced

Senate Bill No. 314, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 32 (MCL 400.32), as amended by 1995 PA 223.

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

Senator Booher introduced

Senate Bill No. 315, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1147 (MCL 380.1147).

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

Senator Booher introduced

Senate Bill No. 316, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 6 (MCL 388.1606), as amended by 2010 PA 110.

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

Senator Hune introduced

Senate Bill No. 317, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2009 PA 99, and by adding section 811r.

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

Senator Hopgood introduced

Senate Bill No. 318, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 36a (MCL 117.36a), as amended by 2011 PA 7.

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

Senator Jones introduced

Senate Bill No. 319, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 301, 302, 504, 810a, 8121, 8150, and 8176 (MCL 600.301, 600.302, 600.504, 600.810a, 600.8121, 600.8150, and 600.8176), section 301 as amended by 1993 PA 190, section 302 as amended by 2001 PA 117, section 504 as amended by 2002 PA 715, section 810a as amended by 2004 PA 492, section 8121 as amended by 2001 PA 258, and section 8176 as amended by 2002 PA 92, and by adding section 303e.

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

Senator Jones introduced

Senate Bill No. 320, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 10, 13a, and 14 of chapter XIA (MCL 712A.10, 712A.13a, and 712A.14), section 10 as amended by 1988 PA 92, section 13a as amended by 2004 PA 475, and section 14 as amended by 2001 PA 211, and by adding sections 14a and 14b to chapter XIA.

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

Senator Jones introduced

Senate Bill No. 321, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3107 (MCL 500.3107), as amended by 1991 PA 191.

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

House Bill No. 4013, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 224a (MCL 750.224a), as amended by 2006 PA 457.

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 Judiciary.

House Bill No. 4258, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2882a.

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 Families, Seniors and Human Services.

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 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 Reforms, Restructuring and Reinvesting.

House Bill No. 4310, entitled

A bill to amend 1967 PA 204, entitled "Metropolitan transportation authorities act of 1967," by amending section 13 (MCL 124.413).

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 Reforms, Restructuring and Reinvesting.

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 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 Reforms, Restructuring and Reinvesting.

House Bill No. 4312, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 5 (MCL 124.505), as amended by 1985 PA 10.

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 Reforms, Restructuring and Reinvesting.

House Bill No. 4347, entitled

A bill to amend 1917 PA 253, entitled "An act to authorize the transfer of moneys from the general fund of counties, in certain instances, to the county road fund of said counties, to be used in the construction, maintenance and repair of highways," by amending section 1 (MCL 247.121).

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 Government and Elections.

House Bill No. 4366, entitled

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

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4367, entitled

A bill to amend 1986 PA 196, entitled "Public transportation authority act," by amending section 4 (MCL 124.454).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communication was received and read:

Office of the Senate Majority Leader

April 12, 2011

Pursuant to Senate Rule 3.203, I am hereby re-referring House Bills 4227 and 4228 from the Senate Committee on Economic Development to the Senate Committee on Regulatory Reform.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Randy Richardville

Senate Majority Leader

The communication was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Moolenaar, Warren, Schuitmaker and Hood asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Moolenaar's statement is as follows:

On April 6, 2011, Michigan State Police Trooper Jeffrey Werda of Gladwin was involved in a one-vehicle patrol car crash and died while en route to intercept a pursuit in progress. Over this past weekend, thousands bid farewell to the fallen Michigan State Police Trooper. Governor Rick Snyder offered words of appreciation for the services Werda gave to his state: "Trooper Werda was one of the great public servants of our state. He served with courage, duty, and honor and made a difference, every day, in people's lives."

Trooper Jeffrey Werda leaves behind his wife Tammy and three children: McKenzie, Jacob, and Zach. Trooper Jeffrey Werda made the ultimate sacrifice by giving his life for the safety of the people of Michigan. It is for his ultimate sacrifice that I request the Senate to honor Trooper Jeffrey Werda and his family with a moment of silence.

A moment of silence was observed in the memory of Michigan State Police Trooper Jeffrey Werda.

Senator Warren's statement is as follows:

You all should have on your desks a very unusual looking cookie that we passed out today. Today we commemorate Equal Pay Day, which is the day in 2011 that women have to work to make as much as their male counterparts made in 2010. So, still in 2011, Michigan women earn 72 cents on the dollar for what their male counterparts make.

So I hope you will enjoy this cookie. It was made with a cookie cutter. No one actually took a bite out of it, so it is very safe to eat. It is an important recognition that, still in 2011, women do not earn equal pay for equal work. In Michigan now, 62 percent of women are in the workforce, so this is not just a women's issue. It is a family issue, a children's issue. If women are bringing home 28 percent less than their male counterparts, whether a first wage earner or second wage earner, it makes a big difference.

So enjoy your cookie, and please pay attention to the fact that we have work to do to ensure that women are earning equal wages for equal work in the workforce in Michigan.

Senator Schuitmaker's statement is as follows:

I would like to thank my colleagues for supporting the resolution commemorating this week as Crime Victim's Rights Week. As a reminder to everyone, the William Van Regenmorter Crime Victim's Rights Act provides crime victims with substantial rights from their persecutors. This week is a simple reminder of the appalling and dreadful situation that too many Michigan families find themselves in because they or someone close to them was a crime victim. We will use the week to remind them that while we will never understand their situation, we will do whatever we can to honor their loved ones.

Also as a reminder to my colleagues, you have an invitation in your office inviting you to tomorrow night's Crime Victim's Vigil that will be at the Library of Michigan.

Senator Hood's statement is as follows:

As today, we just honored one of Michigan's finest, Trooper Werda, let it be a bit of advice to us and something to learn from this that tomorrow is not promised. It is not promised to any of us, and we must seize the moment and take care of the things that we need to take care of in this life. We need to make sure that our families and friends and our colleagues know how we feel about them. Let your families know that you love them every day. It is one of the most important things that we can do not only as legislators, but as people. Let that be a note to all of us and all of the citizens of Michigan and across the world to just take every day as an important day because in the twinkling of an eye, your life may change.

Committee Reports

The Committee on Appropriations reported

House Bill No. 4135, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 15 (MCL 423.215), as amended by 2009 PA 201.

With the recommendation that the bill pass.

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

Roger Kahn, M.D.
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker and Anderson

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, March 23, 2011, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Kahn (C), Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

COMMITTEE ATTENDANCE REPORT

The Senate Fiscal Agency Board of Governors submitted the following:

Meeting held on Thursday, March 24, 2011, at 9:00 a.m., Room S-324, Capitol Building
Present: Senators Kahn (C), Caswell, Anderson and Whitmer
Excused: Senator Richardville

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Energy, Labor, and Economic Growth submitted the following:

Meeting held on Thursday, March 24, 2011, at 1:30 p.m., Room 426, Capitol Building
Present: Senators Jansen (C), Proos and Johnson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:
Meeting held on Thursday, March 24, 2011, at 2:30 p.m., Room 210, Farnum Building
Present: Senators Caswell (C), Jansen and Proos
Excused: Senator Gregory

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:
Meeting held on Tuesday, March 29, 2011, at 10:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower
Present: Senators Caswell (C), Jansen, Proos and Gregory

COMMITTEE ATTENDANCE REPORT

The Committee on Reforms, Restructuring and Reinventing submitted the following:
Meeting held on Wednesday, March 30, 2011, at 8:43 a.m., Rooms 402 and 403, Capitol Building
Present: Senators Jansen (C), Colbeck, Robertson and Young
Excused: Senators Casperson, Kowall and Warren

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:
Meeting held on Wednesday, March 30, 2011, at 10:30 a.m., House Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Schuitmaker (C) and Hood
Excused: Senator Walker

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Corrections submitted the following:
Joint meeting held on Wednesday, March 30, 2011, at 11:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower
Present: Senators Proos (C) and Anderson
Excused: Senator Walker

Scheduled Meetings

Appropriations - Wednesday, April 13, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Subcommittees -

Community Colleges - Wednesday, April 13, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Community Health Department - Wednesday, April 13, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Corrections Department - Thursday, April 14, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

General Government - Tuesday, April 19, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Higher Education - Wednesday, April 13, 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Human Services Department - Thursday, April 14, 2:30 p.m., Room 210, Farnum Building (373-2768)

Judiciary - Wednesday, April 13, 9:00 a.m., Room 100, Farnum Building (373-2768)

K-12, School Aid, Education - Wednesday, April 13, 8:30 a.m., and Tuesday, April 19, 11:00 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police and Military Affairs - Thursday, April 14, 1:00 p.m., Room 405, Capitol Building (373-2768)

Transportation - Wednesday, April 13, 3:00 p.m. or later immediately following the Appropriations Committee meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Economic Development - Wednesday, April 13, 1:30 p.m., Room 110, Farnum Building (373-5312)

Education - Wednesday, April 13, 12:30 p.m., Room 100, Farnum Building (373-5314)

Families, Seniors and Human Services - Wednesday, April 13, 3:00 p.m., Room 210, Farnum Building (373-5312)

Finance - Wednesday, April 13, 12:30 p.m., Room 210, Farnum Building (373-5307)

Local Government and Elections - Wednesday, April 13, 3:00 p.m., Room 100, Farnum Building (373-5323)

Michigan Law Revision Commission - Tuesday, April 19, 11:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Natural Resources, Environment and Great Lakes - Thursday, April 14, 8:30 a.m., Room 210, Farnum Building (373-5323)

Natural Resources, Environment and Great Lakes and House Transportation - Wednesday, April 13, 12:30 p.m., House Appropriations Room, 3rd Floor, Capitol Building (373-5323)

Outdoor Recreation and Tourism - Thursday, April 14, 12:30 p.m., Room 210, Farnum Building (373-5323)

Reforms, Restructuring and Reinventing - Wednesday, April 13, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-5324)

Regulatory Reform - Thursday, April 14, 1:30 p.m., Room 110, Farnum Building (373-5307)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 10:52 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, April 13, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate