

**No. 6**  
**STATE OF MICHIGAN**  
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Senate Chamber, Lansing, Wednesday, January 25, 2012.

10:00 a.m.

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

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

Pastor Peter Mannering of Grace Chapel of Waterford offered the following invocation:

Our Father in heaven, may Your name be honored. May what Your servants accomplish here today reflect Your best interests for Your precious creation. May Your kingdom come; and as Your representatives build, may they listen closely to the master builder. May Your will be done on earth as it is in heaven; while we wait on You, lead Your servants here today to consider the power of justice and freedom and equality in love. Empower them to accomplish good today.

Give us today our daily bread; we are so blessed in this country You have provided. Remind us of what we so often take for granted. May thankfulness for what we have been given and entrusted with pervade this session. Guide us toward solutions and resources for those without daily bread. May they be discovered and implemented as quickly as possible.

Thank you for the security our military grants us. Provide daily sustenance for those who are now coming home. Lead them to jobs, food, and homes, and care for those who are still in harm's way.

Forgive us our debts; for, God, they are many. We ourselves have forgiven our debtors, and may a unity of purpose with good intent saturate the proceedings today. Under Your care and guidance, may common ground be found.

Do not lead us into temptation, but deliver us from the evil one; for, Father, we can all be so easily swayed by peripheral interests that do not further progress toward Your solutions.

God in heaven, grant wisdom, discernment, and insight that can only come from You. As difficult decisions are made and adhered to, grant the required strength and resolve to see them through. In the name of Jesus, we pray. Amen.

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

### Motions and Communications

Senator Johnson entered the Senate Chamber.

Senator Meekhof moved that consideration of the motion to discharge the Committee on Judiciary from further consideration of the following bill be postponed until Friday, December 28:

**Senate Bill No. 45**

The motion prevailed.

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senator Richardville admittance to the Senate floor.

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

By unanimous consent the Senate proceeded to the order of

### 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. 204**

**Senate Bill No. 630**

**Senate Bill No. 631**

**Senate Bill No. 632**

**Senate Bill No. 633**

**House Bill No. 5192**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 204, entitled**

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 12 (MCL 46.412), as amended by 1982 PA 504.

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. 13****Yeas—26**

Booher	Hansen	Marleau	Proos
Brandenburg	Hildenbrand	Meekhof	Richardville
Casperson	Hune	Moolenaar	Robertson
Caswell	Jansen	Nofs	Rocca
Colbeck	Jones	Pappageorge	Schuitmaker
Emmons	Kahn	Pavlov	Walker
Green	Kowall		

**Nays—12**

Anderson	Gregory	Hunter	Warren
Bieda	Hood	Johnson	Whitmer
Gleason	Hopgood	Smith	Young

**Excused—0****Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

**Protest**

Senator Gregory, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 204 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Gregory’s statement is as follows:

I rise in opposition to Senate Bill No. 204. I rise in opposition to Senate Bill No. 204 because it will take away the rights of Michigan residents to choose in a special election who will represent their best interest as a county commissioner.

Senate Bill No. 204 would allow a person appointed to fill a county commission vacancy to remain in that position for the remainder of that term, rather than until a special election is called, as is the current practice. An example of this would be if a person filled a vacant position in April 2013, they would stay in that position until December 31, 2014, even though municipal elections, both a primary and a general election, would have been held in 2013.

Part of the argument is that by not holding a special election, this would save money. However, if elections are held in conjunction with municipal elections, there would be very little cost or no extra cost at all. Yet even if there is some cost, what about the vote of the people. The current law has been in effect for over 50 years with very few problems or complaints from the voters. Why change it now?

Could this bill be politically motivated? In my county of Oakland, the Board of Commissioners controlled by Republicans would make any appointment to the Board of Commissioners. This bill would then give the Republican majority the ability to appoint a Republican to a vacant, long-held Democratic county commission seat for the remainder of the vacant term, possibly as long as 20 months.

I was reminded by my colleague from Wayne County that the Wayne County Commission is controlled by Democrats, so the same thing will be applicable in Wayne County. If you had a vacancy in a Republican seat, the Democratic commissioners could appoint that person, and they would hold that seat for an additional 20 months even though the area may have been a long-held Republican area.

Another point is county commissioners are on the same election cycle as State Representatives. That is, they take office on the odd year. Yet regardless of the cost of an election, there will never ever be any talk of eliminating special elections for State Representatives. My question is what makes a county commissioner position so much less important than a State Representative?

Representation is the backbone of our society, and the ability to choose who will represent us is the cornerstone of who we are as a state and a nation. Currently, if a vacancy occurs in April 2013, there would be an appointment and then a special election held in conjunction with the municipal elections. The current law eliminates any long-term political appointments, and it gives the people a voice in who will represent them as soon as possible. The people, our constituents, would then have their say, and the person they want as a representative would take office. I ask my fellow Senators to join with me in voting down this flawed bill.

The following bill was read a third time:

**Senate Bill No. 630, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 1070 (MCL 600.1070), as added by 2004 PA 224.

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. 14**

**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: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 631, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 350a (MCL 750.350a), as amended by 2004 PA 223.

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. 15**

**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: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 632, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 7411 (MCL 333.7411), as amended by 2004 PA 225.

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. 16**

**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: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 633, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 4a of chapter IX (MCL 769.4a), as amended by 2006 PA 663.

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. 17**

**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: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 5192, 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; to require certain provisions in collective bargaining agreements; 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 2011 PA 260.

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. 18**

**Yeas—35**

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

**Nays—2**

Warren

Whitmer

**Excused—0****Not Voting—1**

Hood

In The Chair: Schuitmaker

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was concurred in, 2/3 of the members serving voting therefor.  
The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Richardville's statement is as follows:

Jamie Clover Adams is moving on to a new career opportunity as the director of policy for the Quality of Life Group in the Department of Environmental Quality. She is a graduate of the University of Michigan and Georgetown University. Jamie has worked in and around government for nearly 25 years in two state capitols and in our nation's capitol. She has worked for the legislative and executive branches of government, as well as several business trade associations covering a broad range of issues.

In August of 1999, then-Kansas Governor Bill Graves appointed Jamie Clover Adams as the Kansas Secretary of Agriculture, where she managed a staff of 318 employees. Prior to her tenure as Secretary, Jamie served Governor Graves as his legislative liaison from November 1996 until August 1999.

Jamie joined the Senate Majority Policy Office in March 2003 and has served under the leadership of Majority Leader Ken Sikkema, Majority Leader Mike Bishop, and stayed on with my team when I took office as Majority Leader. She has served as deputy director and director and moved on to the role of deputy chief of staff in my office.

Jamie is a dedicated practitioner of her own personal management philosophy, which values ethics and personal responsibility above all other things. She respects the personal dignity of each individual and believes each and every person has a right to know the significance of his or her work. In short, she is someone you always want on and to lead your team.

In addition to her service in the Senate, Jamie is a member of the Clinton County Board of Commissioners, and most importantly, Jamie is married to her beloved husband Lyle who is here this morning. She is a dedicated mother and active participant in the life of their daughter Alexandra.

It has been our privilege to know Jamie and to count her as a friend and colleague. May she know of our heartfelt gratitude and best wishes for the future. Would you all please help me to wish Jamie Clover Adams Godspeed in her new role.

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 pro tempore, Senator Schuitmaker, designated Senator Robertson as Chairperson.

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

**Senate Bill No. 698, entitled**

A bill to amend 1846 RS 83, entitled "Of marriage and the solemnization thereof," by amending section 7 (MCL 551.7), as amended by 2008 PA 47.

**Senate Bill No. 721, entitled**

A bill to regulate the purchase and sale of certain plastic bulk merchandise containers; to require disclosures and record keeping by dealers of plastic bulk merchandise containers; and to provide for penalties and remedies.

**Senate Bill No. 722, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14h of chapter XVII (MCL 777.14h), as amended by 2010 PA 319.

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

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

**Senate Bill No. 699, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 874 (MCL 600.874).

Substitute (S-1).

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

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

**Senate Bill No. 700, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8316 (MCL 600.8316).

Substitute (S-2).

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

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

**Senate Bill No. 306, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2110c.

Substitute (S-3).

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

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senator Booher introduced

**Senate Bill No. 908, entitled**

A bill to amend 2009 PA 75, entitled "Mortgage loan originator licensing act," by amending sections 3 and 5 (MCL 493.133 and 493.135), section 3 as amended by 2010 PA 356.

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

**Statements**

Senators Bieda, Johnson, Caswell, Kahn, Young and Pappageorge asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Bieda's statement is as follows:

I wanted to rise today because, as a Wayne State grad, I want to comment that the university's football team had a magnificent season last year. The term "underdog" has often been used to refer to a team that advances much further in a tournament than originally anticipated. Although this cliché has seemed to be overly used in sports over the past decade, it wholeheartedly fits when talking about the Wayne State football team and their enthralling 2011 season.

It was not only their play on the field that caught the eye of the nation; however, the way the student athletes handled themselves while in Alabama was world-class. In fact, the officials who helped run the Division 2 championship for



decades said that the Wayne State University student athletes handled themselves better than any other group of athletes at the championship game.

This team and the coaching staff represented our state with such a positive image, and as a Wayne State alumnus, I am pleased to provide these few comments in recognition of them today.

Senator Johnson's statement is as follows:

Last night, President Obama delivered a State of the Union address that, to me, contained one single message that was more powerful and more important than any of the policies or initiatives he laid out for the nation. To use the President's own words, he stated, "This nation is great because we built it together. This nation is great because we worked as a team. This nation is great because we got each other's backs. And if we hold fast to that truth in this moment of trial, there is no challenge too great; no mission too hard."

I hope that my colleagues here in this chamber were not only listening to his words, but understand their importance because while the President was stressing the need for unity among our nation's leaders, we have seen little of that here in Lansing. Instead, the words that echo through the halls of our Capitol are far too often the same tired partisan squabbles that the people of Michigan told us they'd had enough of. The same nonsense that has held our state back has done so far too long.

The problems facing Michigan aren't going to be solved by Republicans nor are they going to be solved by Democrats, or Independents for that matter. They are only going to be solved by leaders willing to put aside what's best for their individual party, and do what's best for our state, our communities, and our families. We can all be those leaders. We can all do what the people of Michigan have asked us to do, what they've elected us to do.

We can judge ideas and legislation on their own merits instead of which side of the aisle they come from. We can debate our opinions in open committee room hearings instead of deciding policies behind closed caucus room doors. We can ensure that we are guided by principles of our constituents instead of the desires of our party, and we can make decisions based on what's best for the people of Michigan instead of what is best for ourselves.

It is never easy to change the way things are done here in Lansing, but we weren't elected to do the easy thing. We were elected to do what's right. I am asking all of you here, including myself, to do what is right and commit to working together so that, as our President said last night, there will be no challenge too great and no mission too hard for us to turn Michigan around and turn her into one of the best success stories this nation would know in the next decade.

Senator Caswell's statement is as follows:

I want to bring to the attention of the chamber that we heard in the State of the State speech that this will be the year of implementation. I want everyone in here to be aware of the work that the Department of Community Health has done over the last probably four years.

The CHAMPS program which will be up and running completely in the next four to five months has already produced \$96 million of operational savings, by allowing us to see and react quicker to the things that are taking place in the Medicaid area. We also have in place some long-range plans to allow the Medicaid constituents to give us feedback on whether or not certain procedures were even done to them so that we can follow that aspect of their medical care.

Paul Reinhart, who is one of those faceless bureaucrats, was the individual who looked ahead four years ago and could see the potential of this and used what was basically given to us by the federal government, a 90/10 percent match to put this system in place.

We will have, when it becomes operational here in the next four or five months, the best, most efficient computer system in the country for tracking physical as well as mental health care usage to pick up areas of more efficiencies that we can find to pick up fraud and so on.

My point in saying all this is that we've had discussions in this town about the need for an Inspector General; the need for other individuals to look at Medicaid, and what I would respectfully say is that need has been considerably lessened, if not eliminated, with the computer system that we now have available.

As we move forward, I would just like all of you, since Paul has passed away—he did a lot for me when I came to this town. I would like all of you to remember him because I think it's a fitting tribute to this individual that he gives the citizens of this state one more, if you will, cost efficiency, which was always what he was interested in.

Senator Kahn's statement is as follows:

I have to say, in listening to Senator Caswell's remarks, I, too, was one of the beneficiaries or students of Paul Reinhart. I think Senator Caswell's remarks are well said.

I rise today because I have in front of me a copy of the *Toll Roads News*, and I would like to read part of the first page to you. It is titled "Jailin' Judge suppresses report used to jail bridge tollers—banana republic 'justice' in Detroit."

"It is one of the most fundamental tenets of English common law and of American justice that the accused have the right to know the evidence against them, and to dispute it—but not in the court being conducted by Judge Prentis Edwards in Wayne County District Court in Detroit. Two Ambassador Bridge men Manuel 'Matty' Moroun and Dan Stamper were sent to jail January 12 on the basis of a secret report.

Both tollmen were released the next day by the state court of appeals but we and others made the criticism that Judge Edwards showed no interest in the facts of the case before jailing them. He was charging two bridge officers with civil contempt of court for supposedly disobeying court orders without hearing any testimony on whether the company had done court-ordered construction work since the previous hearings.

Apparently in response to this criticism Judge Edwards in an order issued January 18 on a February 9 hearing chose to highlight a January 5 report by Charles Scales, a court 'Monitor' of the Bridge Gateway plaza project. This report is to be updated for the February 9 hearing, the Judge orders, to describe the status of the bridge plaza on eight contested aspects of contract performance.

Judge Edwards uses Charles Scales' reporting as a substitute for submissions by the parties and testimony, so when he ordered Moroun and Stamper jailed he did so on the basis of Scales report of January 5. We called the Judge's office to see if we could get a copy of Scales report since it is a key in Judge Edwards court process leading to the rulings against the DIBC and the jailings.

'The report is for the judge only. No the report is for the Judge not for journalists,' Edwards' law clerk told us from the Wayne County courthouse.

'So they are not public documents?' we asked. 'No they are only for the Judge.'

Michigan DOT's spokesman says they've never seen Scales reports. The DIBC (bridge company) people say they haven't seen them either, though they've asked for them. They know about them because—adding insult to injury—Judge Edwards orders the bridge company to pay for them. And January 5 Scales submitted invoices to DIBC for work he has done over the past year for the Judge totaling \$71,403. Or tells them he has done.

This is strikingly similar in vindictive spirit to the practice of communist governments sending the bills for the execution of 'counter-revolutionaries' to their families after the firing squads did their bloody work. 100 bullets @ 1 Ruble each = 100 Rubles owing the Peoples Court."

Senator Young's statement is as follows:

I would like to start with a quote: "Why is the Constitution of the United States so exceptional? Well, the difference is so small that it almost escapes you, but it's so great it tells you the whole story in just three words: 'We the people.' In those other constitutions, the government tells the people of those countries what they're allowed to do. In our Constitution, we the people tell the government what it can do."

I find it a little bit disturbing that I had to learn from a reporter that the Governor through the EA process in the city of Detroit has decided to either sell or monetize the water department. This is why I find this a little bit disturbing. I don't understand why. If you were going to engage in thermonuclear war in my community, you could have at least let the Detroit delegation know about that. He didn't. You could have at least acknowledged that you were going to do something of that nature. He didn't.

I really believe if we are going to move forward and engage in what he talked about "positive relentless change," we have got to start communicating better with one another. I also believe that for him to think that he can act unilaterally and take over a water department without going through the constitutional process is a grave threat to our liberty. There is no way that we will be able to protect our freedoms or preserve our emancipation if we are running over the Constitution of this state. What he is talking about doing is violating the Constitution in six sections. That is unprecedented. We might as well have a constitutional convention if he is talking about doing something like that.

I'm not the sharpest knife in the drawer, but last time I checked, the city of Detroit was part of the state of Michigan. Last time I checked, the Constitution also applies to the city of Detroit. It doesn't apply to the city of Detroit if you agree with me. It doesn't apply to the city of Detroit if they are fiscally unreasonable. It doesn't apply to the city of Detroit if they don't do what you want to do, when you want them to do it, and how you want them to do it. It is the Constitution and it must be honored. The fact that we have someone who got up there and swore an oath on the Bible to defend the Constitution and then completely abdicated that responsibility in such a reprehensible fashion is dangerous and irresponsible.

I would like to say on behalf of my colleagues and on behalf of my constituents in the city of Detroit, do not take over the water department—just don't do it. I know it is seductive, and I know there are lots of people out there telling you why you should do it. I know there are lots of contractors out there talking about the money they can make, but it is wrong and unconstitutional to do it in the fashion he is doing it. I think at some point in time, in order for liberty to reign supreme in this state, we have to adhere to the Constitution, no matter who it applies to or whether we agree with it or not.

Senator Pappageorge's statement is as follows:

I want to follow up on some comments made by Senator Kahn earlier with regard to the bridge issue. He referred to a decision by a judge. There are two different versions on what the Gateway Project ought to look like. There is the original contract version, and there is the version that the Morouns would like the bridge to look like.

You would think that the first thing that anybody would do is look at both versions and see which one is better. Now kind of from photographs and so forth, I have looked at both versions. I think the Moroun version is better. It has a gas

station for your car that wasn't in the original version. It eliminates a bridge over a dead-end street that I don't think is necessary. So somewhere along the way, this has become an issue on whether the Morouns are following contract specifications, instead of focusing on does he have a better idea and should we do it.

To me, MDOT and the Morouns should have sat down a long time ago and said which one is the better version. If it turned out that the Moroun version was better, they should have said, "Moroun, you're going to have to pay for it because you're going to make some money off of that gas station," for example. But somehow, it's been lost in all of this. We got lawyers running back and forth arguing over a contract. To me, that doesn't make a lot of sense. This is something that ought to have been negotiated, and I believe it is still possible to negotiate it and not have to go to court and argue over a contract.

### Committee Reports

The Committee on Transportation reported

**Senate Bill No. 555, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811s.

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, Kowall, Brandenburg, Pavlov, Hansen, Gleason and Hood

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

**Senate Bill No. 600, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811s.

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

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

Thomas A. Casperson  
Chairperson

To Report Out:

Yeas: Senators Casperson, Kowall, Brandenburg, Pavlov, Hansen, Gleason and Hood

Nays: None

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

The Committee on Transportation reported

**Senate Bill No. 756, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 320a and 732 (MCL 257.320a and 257.732), section 320a as amended by 2010 PA 58 and section 732 as amended by 2010 PA 59, and by adding section 602c.

With the recommendation that the bill be referred to the Committee on Energy and Technology.

Thomas A. Casperson  
Chairperson

To Report Out:

Yeas: Senators Casperson, Kowall, Brandenburg, Hansen, Gleason and Hood

Nays: None

The bill was referred to the Committee on Energy and Technology.

The Committee on Transportation reported

**Senate Bill No. 869, 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 sections 811r, 811s, 811t, 811u, and 811v.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.  
The committee further recommends that the bill be given immediate effect.

Thomas A. Casperson  
Chairperson

To Report Out:

Yeas: Senators Casperson, Kowall, Brandenburg, Pavlov, Hansen, Gleason and Hood

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, January 24, 2012, at 12:30 p.m., Room 100, Farnum Building

Present: Senators Casperson (C), Kowall, Brandenburg, Pavlov, Hansen, Gleason and Hood

The Committee on Judiciary reported

**House Bill No. 4074, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 35, 37, and 67 (MCL 791.235, 791.237, and 791.267), section 35 as amended by 1998 PA 315, section 37 as amended by 1994 PA 217, and section 67 as amended by 1996 PA 565, and by adding section 34c.

With the recommendation that the bill pass.

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

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 4075, entitled**

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 1 (MCL 28.291), as amended by 2011 PA 158.

With the recommendation that the bill pass.

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

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 4076, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 2011 PA 159.

With the recommendation that the bill pass.

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

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 4077, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14 of chapter XI (MCL 771.14), as amended by 2010 PA 247.

With the recommendation that the bill pass.

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

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 4647, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2164a.

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

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

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

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

The Committee on Judiciary reported

**House Bill No. 4691, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1307a (MCL 600.1307a), as amended by 2004 PA 12.

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

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

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, January 24, 2012, at 2:30 p.m., Room 110, Farnum Building

Present: Senators Jones (C), Schuitmaker, Rocca and Bieda

#### COMMITTEE ATTENDANCE REPORT

The Committee on Reforms, Restructuring and Reinventing submitted the following:

Meeting held on Wednesday, January 25, 2012, at 8:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Jansen (C), Casperson, Kowall, Robertson, Young and Warren

Excused: Senator Colbeck

**Scheduled Meetings****Appropriations -****Subcommittees -**

**Human Services Department** - Tuesday, January 31, 2:00 p.m., Room 210, Farnum Building (373-2768)

**Licensing and Regulatory Affairs Department** - Thursday, January 26, 1:30 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**Natural Resources, Environment and Great Lakes** - Thursday, January 26, 8:30 a.m., Room 210, Farnum Building (373-5323)

**Outdoor Recreation and Tourism** - Thursday, January 26, 12:30 p.m., Room 210, Farnum Building (373-5323)

**Regulatory Reform** - Thursday, January 26, 12:30 p.m., Room 110, Farnum Building (373-5307)

Senator Meekhof moved that the Senate adjourn.  
The motion prevailed, the time being 10:59 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, January 26, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate