

No. 36
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Wednesday, April 28, 2010.

10:00 a.m.

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

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

Allen—present
Anderson—present
Barcia—present
Basham—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

Garcia—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present
Nofs—present

Olshove—present
Pappageorge—present
Patterson—present
Prusi—present
Richardville—present
Sanborn—present
Scott—present
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

Pastor David Christian of Resurrection Life Church of Grandville offered the following invocation:

We pray to Almighty God, the King of all the Earth. We pray for Your blessing on these men and women as they represent You and the people of Michigan. We ask that You would bless these Senators who are assembled to do Your work and the work of this great state. We pray that they may fear God more than man; that they will be blessed with Your wisdom as they do this work to restrain the evil and reward the good. We pray that we will have a tranquil and quiet life in all godliness and honesty; that You will cause that which is hidden to be revealed so that wise decisions can be made.

We pray for Your blessing on our leadership and on this great state. We pray for Your blessing on our agriculture, our industries, solutions for the economy, and education. We also think of our troops abroad and at home and pray for Your safety and protection over them. Add Your protection over all those who provide for the safety of this state.

We ask this in the name of the King of kings and Lord of lords. Amen.

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

Motions and Communications

Senators Gilbert and Gleason entered the Senate Chamber.

Senator Cropsey moved that Senators Kuipers, Brown and Garcia be temporarily excused from today's session. The motion prevailed.

Senator Thomas moved that Senator Brater be temporarily excused from today's session. The motion prevailed.

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

The motion prevailed.

Senator Allen's statement is as follows:

Today, I have one of our wonderful interns who is going to be departing. I would like to make a few remarks in regards to the intern who has been in my office and whom I have been fortunate to have this past semester. Paige Van Popplin is a student at Central Michigan University studying international business. In addition to taking time from her busy academic schedule to intern in my office, Paige also is on the executive board of her fraternity, Alpha Kappa Psi.

Paige has been a valuable member of my staff, assisting with constituents and their interactions and helping other staff members with their work. She is a talented writer and competent contributor to our office. Her dedication and service was much appreciated this semester and demonstrated her great character. As an office, we have learned much from our interactions with Paige, and hope that we will be able to impart on her the work experience she desired.

We are sad to be losing Paige but know that she will be a success at whatever she puts her hand to—next job or career. We wish her well in her continued studies at Central Michigan University, and look forward to seeing all that she will accomplish in the coming years.

The following communication was received and read:
Office of the Senate Majority Leader

April 27, 2010

Pursuant to Joint Rule 3, the Senate having non-concurred in the House substitute (H-9) to Senate Bill 1227, appoints the following members to sit on the conference committee:

Senator Judson Gilbert

Senator Mark Jansen

Senator Deborah Cherry

Thank you for your prompt consideration of this matter.

Respectfully yours,
Michael D. Bishop
Majority Leader
State Senate, 12th District

The communication was referred to the Secretary for record.

The following communication was received and read:
Office of the Auditor General

April 23, 2010

Enclosed is a copy of the following audit report:
Performance audit of the Michigan Economic Growth Authority Tax Credit Program, Michigan Strategic Fund.
Auditor General

The audit report was referred to the Committee on Government Operations.

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

April 21, 2010

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 #2009-013-LG (Secretary of State Filing #10-04-01) on this date at 11:30 a.m. for the Department of Energy, Labor, and Economic Growth, entitled "Licensing Qualifications."

This rule becomes 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.

April 21, 2010

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 #2009-036-LG (Secretary of State Filing #10-04-02) on this date at 11:32 a.m. for the Department of Energy, Labor, and Economic Growth, entitled "Board of Magistrates - General Rules."

This rule becomes 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.

April 21, 2010

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 State Police and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-057-SP (Secretary of State Filing #10-04-03) on this date at 11:34 a.m. for the Department of State Police, entitled "Tests for Breath Alcohol."

This rule becomes 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.

April 22, 2010

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 #2008-005-LG (Secretary of State Filing #10-04-06) on this date at 1:39 p.m. for the Department of Energy, Labor, and Economic Growth, entitled "Michigan Elevator Rules."

These rules take effect 60 days after filing with the Secretary of State.

April 22, 2010

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 #2009-007-LG (Secretary of State Filing #10-04-05) on this date at 1:37 p.m. for the Department of Energy, Labor, and Economic Growth, entitled "Construction Code - Part 7. Plumbing Code."

These rules take effect 120 days after filing with the Secretary of State.

April 22, 2010

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 #2009-012-LG (Secretary of State Filing #10-04-04) on this date at 1:35 p.m. for the Department of Energy, Labor, and Economic Growth, entitled "Vendor Representative and Salesperson."

This rule becomes 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,
Terri Lynn Land
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of
Messages from the House

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

House Bill No. 4514

The motion prevailed.

Senate Bill No. 1227, entitled

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

The House of Representatives has appointed Reps. Griffin, Meadows and Bolger as conferees to join with Sens. Gilbert, Jansen and Cherry.

The bill was referred to the Conference Committee on April 27, 2010.

Senate Bill No. 1010, entitled

A bill to amend an act of the Territorial Laws, p. 1131, vol. III, approved April 22, 1833, entitled "An act to establish Kalamazoo college and to prescribe its powers and duties," by amending section 3 (MCL 390.753), as amended by 1985 PA 203.

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.

Senators Brater, Brown, Garcia and Bishop entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Scott and Whitmer asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

President Herbert Hoover once said, "About the time we can make ends meet, somebody moves the ends." This is a good description of what happens to drivers in this state dealing with auto insurance bills.

The vast majority of drivers' auto insurance premiums go up instead of down. Everybody understands that if you get tickets, if you have accidents, then your policy will cost more. We expect it to cost more when these things happen. We don't expect to be charged more just because of where we live. We don't expect to get charged more because of our credit record. We don't expect, and it isn't fair, to be charged more for things that have nothing to do with our driving record. And when that happens, the ends get moved, and the bills become difficult to pay.

We can make the ends meet again for our constituents by passing auto insurance reform. We have the bills to do this, and this reform should be at the top of our list of reforms to deal with quickly. Let's act now before another month goes by and our citizens find the ends have moved once again.

Senator Whitmer's statement is as follows:

I would like to take a moment to talk about yesterday's Supreme Court decision on Vioxx and the irony that Wall Street investors can sue to recover for their lost investment from a pharmaceutical company that misled regarding the impact of their drugs. And yet only in Michigan is the actual victim of that drug or their surviving family member prevented from seeking recovery.

Yesterday, the Supreme Court in *Merck v. Reynolds* held that shareholders can sue for the losses they suffered when Merck's stock value tumbled. The Court determined that there was sufficient evidence that Merck knowingly misled the public to believe that Vioxx was safe and effective. Merck had strong internal evidence early in 1996 that Vioxx was dangerous. Yet, they did not pull the drug from the market until 2004, eight years later. Shareholders have had their right to make their case in court. Only in Michigan does the victim of Merck's fraud suffer. Michigan citizens are treated as second-class citizens, and it is wrong.

It is sad that the law we have had in place since 1996, which was authored by the Republican Legislature and Republican Governor, only harms victims like Leslie Richter. But somehow, this law that the Senate majority so adamantly defends does allow Wall Street investors to recover their lost profits. You lose your life, no recovery. You lose some profits, well, you have standing in court from Michigan. Vioxx killed 55,000 people. Merck knew the drug was dangerous but instructed its sales people to dodge questions concerning its safety because Merck was making a killing—literally and figuratively—on the drug.

If Leslie Richter had been an investor in Merck, she would be able to sue for the loss of her investment in Merck. However, since she merely lost her husband, she is precluded from having any recovery at all. That is just wrong. It is time for this Legislature to change the law to protect the people in Michigan, the consumers in Michigan, who have been hurt by these deceitful companies that have purposely misled, and it is time for us to change that law.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Kuipers introduced

Senate Bill No. 1295, entitled

A bill to prohibit abortion coverage in certain health plans.

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

Senators Cropsey, McManus, Kuipers and Bishop introduced

Senate Bill No. 1296, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 391a.

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

Senators Cropsey, McManus, Kuipers and Bishop introduced

Senate Bill No. 1297, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 392 (MCL 168.392); and to repeal acts and parts of acts.

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

Senators Cropsey, McManus, Kuipers and Bishop introduced

Senate Bill No. 1298, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 394 (MCL 168.394), as amended by 1999 PA 216.

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

Senators Cropsey, McManus, Kuipers and Bishop introduced

Senate Bill No. 1299, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 395 (MCL 168.395).

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

Senators Cropsey, McManus, Kuipers and Bishop introduced

Senate Bill No. 1300, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 404 (MCL 168.404), as amended by 1999 PA 218.

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

Senator Switalski introduced

Senate Bill No. 1301, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 503, 504, 515, 523, 532, 537, and 549h (MCL 600.503, 600.504, 600.515, 600.523, 600.532, 600.537, and 600.549h), section 504 as amended by 2002 PA 715, section 537 as amended by 1988 PA 134, and section 549h as added by 1990 PA 54.

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

Senator Switalski introduced

Senate Bill No. 1302, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 48 (MCL 400.48), as amended by 1996 PA 423.

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

Senators Richardville, Van Woerkom, Birkholz, Kahn, Pappageorge, Kuipers and Nofs introduced

Senate Bill No. 1303, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 113 (MCL 208.1113), as amended by 2008 PA 472.

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

Senators Cassis, Nofs, Kuipers, Gilbert, Jansen and Pappageorge introduced

Senate Bill No. 1304, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 2006 PA 646.

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

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Barcia as Chairperson.

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

Senate Bill No. 962, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 111 (MCL 208.1111), as amended by 2008 PA 433.

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

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

Senate Bill No. 1206, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 2 and 4a (MCL 28.722 and 28.724a), section 2 as amended by 2005 PA 301 and section 4a as amended by 2004 PA 237, and by adding section 2a.

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. 1207, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 8 (MCL 28.728), as amended by 2004 PA 240.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 1208, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 5a (MCL 28.725a), as amended by 2005 PA 322.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 1241, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 5 (MCL 28.725), as amended by 2006 PA 402.

Substitute (S-1).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 2, line 22, after "state" by inserting "**OR COUNTRY**".
2. Amend page 2, line 23, after "state" by inserting "**OR COUNTRY**".
3. Amend page 2, line 26, after "state" by inserting "**OR COUNTRY**".

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

Resolutions

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

Senate Resolution No. 41

Senate Resolution No. 75

Senate Resolution No. 88

House Concurrent Resolution No. 49

The motion prevailed.

House Concurrent Resolution No. 46.

A concurrent resolution to memorialize the Congress and President Obama to use all means necessary to immediately stop the inhumane and illegal kidnapping of children in Haiti.

Whereas, The nightmare that has descended upon the people of Haiti with the earthquake and the subsequent efforts to bring order to the chaos has included countless disturbing situations. Of these, few are more wrenching than reports of some people taking advantage of the confusion to exploit children; and

Whereas, Stories of individuals gathering up homeless children or convincing parents to give up their children in the false hopes of a better life somewhere else indicate that such horrendous activities were a concern even before the earthquake. Orphanages in Haiti, including those that have claimed that title but have been fronts for criminal trafficking of children, have apparently long operated with chronic problems recognized by Haitian authorities and UNICEF officials; and

Whereas, In the utter disruption of the government following the quake, children are even more vulnerable to being taken. Determining which situations are legitimate efforts to rescue children and which are little more than criminal activities is made all the more difficult by the confusion and grief, the absence of communications, and the hundreds of thousands of dead and missing. The stories of children being taken away as orphans when they are not are most disturbing; and

Whereas, The United States, working with other governmental and charitable service groups from around the world, has taken on a leadership role in helping the Haitian government and its people recover from the horrors facing them. Among the challenges in the areas of logistics, nutrition, hygiene, and infrastructure rebuilding, no task can be more important than doing all we can to safeguard the children of this devastated country. We must do all we can to assure that children are protected from all manner of abuse; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress and President Obama to use all means necessary to immediately stop the inhumane and illegal kidnapping of children in Haiti, including those presumed to be orphaned, who are being used for slavery, prostitution, and human trafficking; and be it further

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

The House of Representatives has adopted the concurrent resolution.

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

Senators Barcia, Brater, Clark-Coleman, Clarke, Gleason, Hunter, Jacobs and Switalski were named co-sponsors of the concurrent resolution.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:39 a.m.

11:32 a.m.

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

During the recess, Senator Kuipers entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 5495

House Bill No. 5698

House Bill No. 5094

House Bill No. 5095

House Bill No. 5555

The motion prevailed.

The following bill was read a third time:

House Bill No. 5495, entitled

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

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. 211

Yeas—37

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

Brater
Brown
Cassis
Cherry

Gleason
Hardiman
Hunter

Olshove
Pappageorge
Patterson

Thomas
Van Woerkom
Whitmer

Nays—0

Excused—0

Not Voting—1

Nofs

In The Chair: Richardville

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

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

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

“An act to provide for the development and rehabilitation of residential housing; to provide for the creation of neighborhood enterprise zones; to provide for obtaining neighborhood enterprise zone certificates for a period of time and to prescribe the contents of the certificates; to provide for the exemption of certain taxes; to provide for the levy and collection of a specific tax on the owner of certain facilities; and to prescribe the powers and duties of certain officers of the state and local governmental units.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5698, entitled

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

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. 212

Yeas—38

Allen
Anderson
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
Hunter
Jacobs

Jansen
Jelinek
Kahn
Kuipers
McManus
Nofs
Olshove
Pappageorge
Patterson

Prusi
Richardville
Sanborn
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

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

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

“An act to regulate the division of land; to promote the public health, safety, and general welfare; to further the orderly layout and use of land; to require that the land be suitable for building sites and public improvements and that there be adequate drainage of the land; to provide for proper ingress and egress to lots and parcels; to promote proper surveying and monumenting of land subdivided and conveyed by accurate legal descriptions; to provide for the approvals to be obtained prior to the recording and filing of plats and other land divisions; to provide for the establishment of special assessment districts and for the imposition of special assessments to defray the cost of the operation and maintenance of retention basins for land within a final plat; to establish the procedure for vacating, correcting, and revising plats; to control residential building development within floodplain areas; to provide for reserving easements for utilities in vacated streets and alleys; to provide for the filing of amended plats; to provide for the making of assessors plats; to provide penalties for the violation of the provisions of this act; to repeal certain parts of this act on specific dates; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5094, entitled

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

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. 213

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

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

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

“An act to provide for the creation of the commission on law enforcement standards; to prescribe its membership, powers, and duties; to prescribe the reporting responsibilities of certain state and local agencies; to provide for additional costs in criminal cases; to provide for the establishment of the law enforcement officers training fund; and to provide for disbursement of allocations from the law enforcement officers training fund to local agencies of government participating in a police training program.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5095, entitled

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

The 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. 214

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

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

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

“An act to license and regulate private security guards, private security police, private security guard agencies and security alarm systems servicing, installing, operating, and monitoring; to provide penalties for violations; to protect the general public against unauthorized, unlicensed and unethical operations by individuals engaged in private security activity or security alarm systems sales, installations, service, maintenance, and operations; to establish minimum qualifications for individuals as well as private agencies engaged in the security business and security alarm systems and operations; to impose certain fees; to create certain funds; and to prescribe the powers and duties of the departments of state police and consumer and industry services.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5555, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 3 (MCL 125.2683), as amended by 2010 PA 5.

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. 215

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

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

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

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

“An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials.”

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Messages from the Governor

Western Michigan University Board of Control

Mr. John T. Cakmakci of 11073 East Higley Circle, Schoolcraft, Michigan 49087, county of Kalamazoo, succeeding William Martin, whose term will expire on December 31, 2010, is appointed for a term commencing January 1, 2011 and expiring December 31, 2018.

Mr. George A. Franklin of 2010 Hudson Street, Kalamazoo, Michigan 49008, county of Kalamazoo, succeeding Kenneth Miller, whose term will expire on December 31, 2010, is appointed for a term commencing January 1, 2011 and expiring December 31, 2018.

Michigan Technological University Board of Control

Mr. Terry J. Woychowski of 9333 Park Lane, Commerce, Michigan 48382, county of Oakland, succeeding Ruth Reck, whose term will expire December 31, 2010, is appointed for a term commencing January 1, 2011 and expiring December 31, 2018.

Mr. Russell A. Gronevelt, Jr., of 11648 Paciocco Court, Plymouth, Michigan 48170, county of Wayne, is reappointed for a term commencing January 1, 2011 and expiring December 31, 2018.

Grand Valley State University Board of Control

Mr. Douglas W. Crim of 16711 Peacock Lane, Haslett, Michigan 48840, county of Clinton, succeeding Lucille Taylor, whose term will expire December 31, 2010, is appointed for a term commencing January 1, 2011 and expiring December 31, 2018.

Mr. Matthew L. Tomaszewicz of 2567 Hunter Green Court, Grand Rapids, Michigan 49546, county of Kent, succeeding Dorothy Johnson, whose term will expire December 31, 2010, is appointed for a term commencing January 1, 2011 and expiring December 31, 2018.

Eastern Michigan University Board of Control

Mr. Michael D. Hawks of 3494 Riverside Drive, Saugatuck, Michigan 49453, county of Allegan, succeeding Gary Hawks, whose term will expire December 31, 2010, is appointed to represent the general public, for a term commencing January 1, 2011 and expiring December 31, 2018.

Ms. Erane C. Washington-Kendrick of 8409 South Huron River Drive, Ypsilanti, Michigan 48197, county of Washtenaw, succeeding Phil Incarnati, whose term will expire December 31, 2010, is appointed to represent the general public, for a term commencing January 1, 2011 and expiring December 31, 2018.

Northern Michigan University Board of Control

Mr. Larry C. Inman of 8971 Crockett, Williamsburg, Michigan 49690, county of Grand Traverse, is reappointed for a term commencing January 1, 2011 and expiring December 31, 2018.

Mr. Douglas B. Roberts, Ph.D., of 1853 Northgate Drive, East Lansing, Michigan 48823, county of Ingham, is reappointed for a term commencing January 1, 2011 and expiring December 31, 2018.

Ferris State University Board of Control

Mr. Edward L. Haynor of 1407 East 78th Street, Newaygo, Michigan 49337, county of Newaygo, succeeding James Haverman, whose term will expire December 31, 2010, is appointed to represent the general public, for a term commencing January 1, 2011 and expiring December 31, 2018.

Mr. Larry L. Leatherwood of 812 Canton Drive, Lansing, Michigan 48917, county of Eaton, succeeding R. Thomas Cook, whose term will expire December 31, 2010, is appointed to represent the general public, for a term commencing January 1, 2011 and expiring December 31, 2018.

Central Michigan University Board of Control

Mr. Ronald C. Edmonds of 4901 Warblers Way, Midland, Michigan 48642, county of Midland, succeeding Gail Torreano, whose term will expire December 31, 2010, is appointed to represent the general public, for a term commencing January 1, 2011 and expiring December 31, 2018.

Mr. Kevin F. Kelley of 14900 Fox, Redford, Michigan 48239, county of Wayne, succeeding Stephanie Comai, whose term will expire December 31, 2010, is appointed to represent the general public, for a term commencing January 1, 2011 and expiring December 31, 2018.

Board of Mechanical Rules

Mr. Patrick M. Maher of 1978 South Long Lake Road, Traverse City, Michigan 49684, county of Grand Traverse, is reappointed to represent HVAC equipment contractors, for a term commencing October 2, 2010 and expiring October 1, 2012.

(The Committee on Government Operations was discharged from further consideration of the appointments on April 22 and the motion made to disapprove the appointments. See Senate Journal No. 34, pp. 633, 636.)

The question being on the disapproval of the said appointments to office,

Senator Cherry moved that the question be divided and that a separate vote be taken on each appointment.

The motion did not prevail.

Senator Thomas requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion did not prevail, a majority of the members not voting therefor, as follows:

Roll Call No. 216**Yeas—17**

Anderson
Barcia
Basham
Brater
Cherry

Clark-Coleman
Clarke
Gleason
Hunter

Jacobs
Olshove
Patterson
Prusi

Scott
Switalski
Thomas
Whitmer

Nays—21

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

Garcia
George
Gilbert
Hardiman
Jansen

Jelinek
Kahn
Kuipers
McManus
Nofs

Pappageorge
Richardville
Sanborn
Stamas
Van Woerkom

Excused—0**Not Voting—0**

In The Chair: Richardville

The question being on the disapproval of the said appointments to office,
The Senate disapproved the appointments, a majority of the members serving voting therefor, as follows:

Roll Call No. 217**Yeas—21**

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

Garcia
George
Gilbert
Hardiman
Jansen

Jelinek
Kahn
Kuipers
McManus
Nofs

Pappageorge
Richardville
Sanborn
Stamas
Van Woerkom

Nays—17

Anderson
Barcia
Basham
Brater
Cherry

Clark-Coleman
Clarke
Gleason
Hunter

Jacobs
Olshove
Patterson
Prusi

Scott
Switalski
Thomas
Whitmer

Excused—0**Not Voting—0**

In The Chair: Richardville

Protests

Senators Cherry, Jacobs, Clark-Coleman, Basham, Scott, Whitmer, Brater, Patterson, Prusi and Switalski, under their constitutional right of protest (Art. 4, Sec. 18), protested against the disapproval of the gubernatorial appointments to office.

Senators Cherry, Patterson and Prusi moved that the statements they made during the discussion of the appointments be printed as their reasons for voting “no.”

The motion prevailed.

Senator Cherry’s statement, in which Senators Jacobs, Clark-Coleman, Basham, Scott, Whitmer and Brater concurred, is as follows:

I hope that members reject this motion to disapprove the appointments that have been made for the various universities. The people, as we talked about last time, who have been nominated are qualified and would be of great service to the state of Michigan and the universities they have been selected to represent. I believe it would be a mistake to go through this process of disapproval.

In addition, it shows that we are having another unproductive and self-serving day in the State Senate. After focusing a full session day on this last week, Senate Republican leadership continues to focus on this political issue instead of addressing the bills to create jobs and help Michigan workers. To be honest, I am extremely disappointed and a little embarrassed that the Republican majority is expending so much effort on an issue that barely resonates outside the Capitol, let alone Lansing.

Are your coffee hours and district events filled with people concerned about gubernatorial appointments? Are your offices being flooded with constituent calls from people up in arms over this? Mine certainly are not. The people of Michigan need job creation and real economic relief, not partisan posturing. We should be focused on legislation that helps our economy. We should not be wasting the Legislature’s time and taxpayer money on pushing a petty political agenda that ignores the real needs of Michigan citizens.

In the last four months, our unemployment level, as I have said before, continues to be the highest in the nation, and we are dealing here with appointments and rejecting very qualified and very good citizens to various university boards to help. Actually, if we would appoint these positions, they would be helpful to our state’s economy because they would help universities move forward, which is where we need to be spending our efforts. Instead, we are rejecting them based on politics, and I ask members to disapprove this motion and to get on with serious business in this State Senate.

Senator Patterson’s statement, in which Senators Cherry, Jacobs, Clark-Coleman, Basham, Scott, Whitmer and Brater concurred, is as follows:

“Advice and consent” is such a mysterious and vexing term. Perhaps it is meaningless—just three little words. Advice and consent, meaningless even to lawyers. Such a problem, advice and consent.

Well, I think I’ve now read everything on the topic, having reached out to LSB to get some further research materials. And I would draw to your attention that little document that I’ve referred to from time to time, the Michigan Constitution, Article VIII, Section 1: “Encouragement of education. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.” Remember, we’re talking about appointments to universities, institutions of higher learning. Perhaps they will be able to figure out that tricky little phrase “advice and consent.”

Here we are taking action en masse, even rejecting people we’ve approved in the past. When we look at Article VIII, Section 6, it talks about the boards of control and how they are to be constituted. But, again, that’s just picky, picky, picky little details. We are dealing with appointments to universities which were envisioned to be autonomous in their operation. Sadly, that seems not to be the case with regard to advice and consent, a phrase that I believe encompasses a process, due process.

When I look back over the years, I would draw your attention to *Gongwer News Service*, November 9, 1982, quoting then-Republican Governor William Milliken, responding to what Democrats in the Senate had done. He expressed that “he intended to exercise his constitutional responsibility of governor. ‘I will remind everyone I am still governor and will remain so up to the last hour of his term,” which the Constitution indicates goes beyond the last hour of our terms. “ ‘I intend to exercise that responsibility. I expect the Senate to carry out its constitutional mandate to advise and consent to appointments and they should do so on the basis of merit and not politics.’ ” What a haunting concept.

And then we go to *Gongwer News Service*, October 24, 2002, “Democrats, irked by Governor John Engler’s recent rush to appoint allies onto state boards before he leaves office, said Thursday that they are researching whether the appointments are legal. In recent days, Mr. Engler has been announcing a flurry of appointments, most notably to university boards, for terms that begin January 1—the day he leaves office. The governor contends that the appointments are legal.” Oh, John Engler was an attorney wasn’t he? Yeah, he was. It doesn’t matter “because under the constitution his term expires at noon January 1 while under statute the board terms expire December 31, giving him a 12-hour window.

But Senate Minority Leader John Cherry,”—conspicuous by his absence at the moment. He must be having therapy on his wrist?—“...the Democratic lieutenant governor nominee, and House Minority Leader Buzz Thomas (D-Detroit) called

the appointments inappropriate and said the subject was being researched. 'I'm sure that's going to be a matter that's being researched at this moment,' said Mr. Cherry. There will be a lot of legal minds examining that.' Said Mr. Thomas of the appointments: 'That should be the purview of the next governor.'" Interesting?

But definitively then, "Senate Majority Leader Dan DeGrow (R-Port Huron) agreed that the 60-day advise and consent window begins with the date of the letter. Mr. DeGrow said he supports all of Mr. Engler's appointments. 'I figure he'll make every appointment he can until the end of his term, which is his right,' he said." Dan DeGrow, lawyer?

Anyways, thank you very much.

Senator Prusi's statement, in which Senators Cherry, Jacobs, Clark-Coleman, Basham, Scott, Whitmer and Brater concurred, is as follows:

Learned counsel who spoke before talked about the role of advice and consent. I find it rather ironic that we are going to nonconsent to appointments without any advice in the strictest measure of that term. There have been no hearings held, no testimony taken on any of these appointments that are before the Senate today, but we are going to summarily reject them solely on partisan, political concerns and not for the good and the welfare of the people of the state of Michigan or the universities that we hold in such high esteem.

The Michigan Senate has not rejected university appointments without hearings in recent history. Over the last 20 years, no gubernatorial appointee—and that includes governors of both political parties who have made appointments to the boards of control—has been rejected without at least giving them a hearing. The Constitution calls for fair and equitable treatment. If anybody can look me in the eye and say this is fair and equitable treatment of qualified appointees, I would ask you to reexamine your position. There has been no fair and equitable treatment.

If you go back to the ending of the last governor's term in 2002, 48 hours before he was to leave office and Governor Granholm was to be sworn in, appointments were confirmed by the Senate at that point. Actually, there were two members of the Senate, by virtue of special elections, serving at that point, and I would hope that through consistency of their voting records, would vote "no" on this motion to disapprove these. Just 48 hours before Governor Granholm left office, Senators Sanborn and Garcia voted to confirm gubernatorial appointments during the sine die.

One of the appointments, Senator Roger Kahn from Saginaw, to the Community Corrections Board, now sits in this chamber, and I would hope through the consistency of his accepting an appointment at the very last hours of the Engler Administration, he would also join us in voting "no" on this motion.

Senator Switalski's statement is as follows:

I appreciate the remarks of Senator Patterson because he has shown all too often in this chamber that we are prisoners of partisan hypocrisy. If you go back and read the Journal from 2002, when the roles were exactly reversed, all the parliamentary procedures were being offered by the other side on that occasion.

We are both fighting for appointments for our partisan Governor—either our expected change or our currently serving. I would just ask, for once, could we just rise above that? I know it would be in my favor right now, and I plead guilty for my side in the past. We have done the same thing you are doing right now. But could we, for once, rise above that? I know it is asking you to take the first step, but it would be a breath of fresh air.

We have some serious issues to deal with. The pension issue is a huge issue, and it is going to take cooperation to get that resolved. This would go a long way toward doing that. And even if you don't do it right now, even if you stick with what you said you were going to do and disapprove these, why can't you go back after this and consider some of those appointments? Let's make progress on this. Let's not let this be totally partisan.

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

The motion prevailed.

Senator Cropsey's statement is as follows:

When people start talking about partisan politics, I just have a question, and I think it is a self-evident answer. When, in the course of our history, has a governor made an appointment to a vacancy nine months ahead of time?

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Tuesday, April 27, 2010, at 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Hardiman (C), Kahn, Jansen, Scott and Barcia

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submitted the following:

Meeting held on Tuesday, April 27, 2010, at 2:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Brown (C), Jelinek and Scott

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary and Corrections submitted the following:

Meeting held on Tuesday, April 27, 2010, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Cropsey (C), Kahn and Brater

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Economic Development submitted the following:

Meeting held on Wednesday, April 28, 2010, at 8:30 a.m., Room 110, Farnum Building

Present: Senators Jansen (C), George, Stamas, Scott and Anderson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Transportation submitted the following:

Meeting held on Wednesday, April 28, 2010, at 8:30 a.m., Room 405, Capitol Building

Present: Senators Hardiman (C), Cropsey and Anderson

Scheduled Meetings

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

Appropriations -**Subcommittees -**

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

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

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

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

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

Conference Committee -

Public School Employees Retirement (SB 1227) - Thursday, April 29, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Energy Policy and Public Utilities - Thursday, April 29, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7350)

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

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

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 12:06 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, April 29, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate