

No. 14
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Thursday, February 17, 2011.

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

Father Mark Peacock of St. Patrick Catholic Church of Ada offered the following invocation:

Almighty and eternal God, You have revealed Your glory to all the nations. God of power and might, wisdom and justice, through You, authority is rightly administered, laws are enacted, and judgments are decreed.

Let the light of Your divine wisdom direct the deliberations of our Senate, and shine forth in all the proceedings and laws framed for our rule and government. May they seek to promote prosperity and justice for all who live in our beautiful state.

We ask for Your continued blessing upon these Senators and all who serve in public office. We ask this in Christ our Lord. Amen.

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

Motions and Communications

Senator Hood entered the Senate Chamber.

Senator Meekhof moved that Senators Kahn and Proos be temporarily excused from today's session. The motion prevailed.

Senator Hunter moved that Senators Anderson, Bieda and Whitmer be temporarily excused from today's session. The motion prevailed.

Senator Meekhof moved that the rules be suspended and that the following concurrent resolution, now on Committee Reports, be placed on the Resolutions calendar for consideration today:

Senate Concurrent Resolution No. 8

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

Senator Meekhof moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 139

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

Senators Kahn and Proos entered the Senate Chamber.

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, February 16:
House Bill No. 4158

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, February 16, and are available at the legislative website:

Senate Bill Nos.	153	154	155	156	157	158							
House Bill Nos.	4247	4248	4249	4250	4251	4252	4253	4254	4255	4256	4257	4258	4259
House Joint Resolution			J										

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 Gleason as Chairperson.

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Hansen, having assumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 139, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 367b, 371, 384, 386, and 423 (MCL 18.1367b, 18.1371, 18.1384, 18.1386, and 18.1423), section 367b as amended by 2007 PA 183, section 371 as amended by 2007 PA 2, and sections 384 and 386 as amended by 1999 PA 8.

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.

Resolutions

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

Senate Resolution No. 15

The resolution consent calendar was adopted.

Senators Pappageorge, Nofs, Hildenbrand, Proos and Marleau offered the following resolution:

Senate Resolution No. 15.

A resolution commemorating March 2011 as Ethnic and Cultural Heritage Month in the state of Michigan.

Whereas, The culture of the people of the state of Michigan has continually been renewed and enriched by the many different individuals who have chosen to come to Michigan, become citizens, and call this state their home; and

Whereas, Each individual brings with them a part of his or her own heritage which over time integrates into one common heritage, leading us to become a united people; and

Whereas, As unified people with one common heritage, we represent the past, present, and future traditions of our great state; and

Whereas, As united citizens, we celebrate Michigan's heritage with pride and great esteem; now, therefore, be it

Resolved by the Senate, That we hereby commemorate March 2011 as Ethnic and Cultural Heritage Month in the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to Royal Oak resident Joan Larson, who originated this idea years ago, as a token of our highest esteem.

Senators Bieda, Booher, Brandenburg, Hopgood and Hunter were named co-sponsors of the resolution.

Senator Meekhof moved that the following concurrent resolution be placed at the head of the Resolutions calendar:

Senate Concurrent Resolution No. 8

The motion prevailed.

Senate Concurrent Resolution No. 8.

A concurrent resolution to revise the project costs of the Western Michigan University Sangren Hall Replacement project.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

The substitute was adopted.

The concurrent resolution, as substituted, was adopted.

The President pro tempore, Senator Schuitmaker, resumed the Chair.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Johnson's statement is as follows:

I rise today to register my vehement opposition to Senate Bill No. 103, which would eliminate Michigan's earned income tax credit and raise taxes on approximately 782,000 Michiganders—roughly 8 percent of our population. This bill is bad for Michigan. In fact, it betrays our responsibilities to our constituents. I have never seen such a blatant attack on our working families by members of this body.

In the 32nd District, 17.9 percent of residents were eligible to collect the EITC. The estimated average claim per filer was \$401, and the EITC pumped about \$8.5 million into that area's economy. Why does the main sponsor of Senate Bill No. 103 wish to snatch away \$401 from hardworking people trying to keep food on their families' tables and deny his local businesses \$8.5 million in economic activity? The numbers don't lie, and I urge the sponsors of this legislation to consider the consequences of their actions.

In all, this bill would strip their districts of \$46.5 million of local economic investment, while reaching into their constituents' pocketbooks to grab an average of \$369.85 per year in new tax revenue. And that's not even accounting for the damage they would do to the rest of our districts.

That money does not go to pricey new cars, country club memberships, and yachts. Perhaps that is why elitists—with their high-end salaries and secure jobs—despise the EITC. The money did not go to wants. It went to needs. It gets spent on prescription drugs, food, clothes, utility bills, car notes, and mortgage payments. The EITC is not a handout to the jobless. Only those earning income may apply for this tax credit.

Interestingly, the debate over this bill has brought to the forefront just how out of touch some of my colleagues are with ordinary Michiganders. The bill's sponsor wrote a column last week comparing the need to cut back—which means raising taxes on the lowest-earning citizens—to his family's decision not to take a trip to the Bahamas this summer. Almost as egregiously, the gentleman from the 16th District said last week that we must all tighten our belts, and that's why the EITC should be eliminated. He cited the fact that we as lawmakers took a 10 percent pay cut to our salaries and office budgets. In case you were not aware, Senator, even after those cuts, you still earn more than double the EITC filing limit.

It is sheer hypocrisy for my colleagues on the other side of the aisle to propose or vote for this bill. In literature distributed throughout last year's election and on campaign questionnaires, they promised their constituents that they would not raise taxes.

My colleague from the 11th District said, "Raising taxes and fees is just not an option." My friend from the 19th District said, "We must allow Michigan workers to keep more of what they earn." The gentleman from the 24th District said, "I do not support raising taxes." My colleague from the 25th District said, "I am not in favor of taxing Michigan citizens anymore." The gentleman from the 32nd District said, "Every day I am fighting to make taxes fairer for our people." And our Senate Majority Floor Leader said, "The only change to the tax system that I will support is one that will reduce the tax burden for everyone." These are direct quotes.

Last August, the Americans for Tax Reform released their list of signatories to their Taxpayer Protection Pledge. Make no mistake, this is a tax increase. Who in this chamber signed it? I would ask the gentlemen from the 7th, 12th, and 26th Districts if they plan on voting "yes" on Senate Bill No. 103 to raise taxes on working families, thereby contradicting their written commitment to their constituents to never raise their taxes; like the gentleman from the 11th District already has by co-sponsoring this bill.

It's easy for some of us to dismiss the poor and downtrodden. They don't write checks toward your campaign committees. They don't hold receptions for you. They don't have the loudest voices. But they are our fellow men and women—our brethren—tied inextricably to us by various means—attending the same church, living in the same city, being citizens of the same great nation that preaches equality and opportunity, and by the undeniable common heritage we share in being children of God.

When we forget the ways in which we are bound to one another, it is very easy to trample on the rights and dignity of our brethren. It becomes even easier to favor those who are like us; in this case, those who are well-off and don't need much help. And, in fact, ignore those who are not like us; in this case, those who live paycheck to paycheck and who too often must decide which few out of a multitude of bills they can afford to pay each month.

In closing, I respectfully ask my colleagues to do two things: First, count your blessings. Our monthly travel reimbursements equal the typical annual EITC returns. You have funds available at your discretion; EITC filers do not. You can afford to put food on the table, to buy a car that runs and a house that is heated; they cannot.

Second, just remember, as our new Governor has said on many occasions, "We will not leave anybody behind in the reinvention of Michigan." And remember Emma Lazarus' words, forever enshrined on our Lady Liberty, the mother of exiles, that stands tall over our nation's eastern border: "Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me, I lift my lamp beside the golden door!"

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Meekhof, Rocca, Hildenbrand, Marleau, Proos, Pavlov, Pappageorge, Robertson, Colbeck, Jones, Schuitmaker, Hansen and Emmons introduced

Senate Bill No. 160, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 90h. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Hansen, Meekhof, Rocca, Hildenbrand, Marleau, Proos, Pavlov, Pappageorge, Robertson, Colbeck, Jones, Schuitmaker and Emmons introduced

Senate Bill No. 161, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2010 PA 132.

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

Senators Pappageorge, Rocca, Marleau, Booher and Anderson introduced

Senate Bill No. 162, entitled

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

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

Senators Rocca, Jones, Bieda, Schuitmaker, Nofs, Casperson, Walker and Pappageorge introduced

Senate Bill No. 163, entitled

A bill to amend 1963 PA 247, entitled "An act to define the term "newspaper" as used in the statutes of this state regarding publication of notices," by amending section 1 (MCL 691.1051); 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 Judiciary.

Senators Rocca, Jones, Bieda, Schuitmaker, Nofs, Casperson, Walker and Pappageorge introduced

Senate Bill No. 164, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2133 (MCL 324.2133), as added by 1995 PA 60.

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

Senators Moolenaar, Kahn, Jansen, Booher, Meekhof, Green, Caswell, Walker, Pavlov, Proos, Marleau, Schuitmaker, Hildenbrand, Pappageorge, Robertson, Hansen, Emmons, Colbeck, Jones, Casperson and Brandenburg introduced

Senate Bill No. 165, entitled

A bill to provide for fair and open competition in governmental construction contracts, grants, tax abatements, and tax credits; to prohibit requirements for certain terms in government contracts and contracts supported through government grants and tax subsidies and abatements; to prohibit expenditure of public funds under certain conditions; to prohibit certain terms in procurement documents for certain expenditures involving public facilities; and to provide for powers and duties of certain public officers, employees, and contractors.

The bill was read a first and second time by title and referred to the Committee on Reforms, Restructuring and Reinventing.

Senators Caswell, Schuitmaker, Casperson, Young, Proos, Pavlov, Robertson, Jones, Booher, Marleau, Brandenburg, Meekhof, Colbeck, Green and Hood introduced

Senate Bill No. 166, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2010 PA 155.

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

Senators Warren, Young, Whitmer, Hopgood and Bieda introduced

Senate Bill No. 167, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 24 and 51 of chapter X (MCL 710.24 and 710.51), section 24 as amended by 2004 PA 487 and section 51 as amended by 1996 PA 409.

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

Senators Casperson, Green, Robertson, Caswell, Rocca, Marleau, Emmons, Booher, Meekhof, Walker and Proos introduced

Senate Bill No. 168, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30311d (MCL 324.30311d), as added by 2009 PA 120.

The bill was read a first and second time by title and referred to the Committee on Natural Resources, Environment and Great Lakes.

House Bill No. 4158, entitled

A bill to regulate certain pricing of consumer items and the advertising of consumer items, goods, merchandise, and commodities; to prescribe the powers and duties of certain state and local officials; to provide remedies and penalties; to make appropriations; and to repeal acts and parts of acts.

The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Economic Development.

Senators Anderson, Whitmer and Bieda entered the Senate Chamber.

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

The motion prevailed.

Senator Whitmer’s statement is as follows:

I rise today because a good friend and longtime colleague in the Senate is leaving the Senate. So I want to recognize her and all of the work that she has done for many years. I recognize the contributions and service of our media production coordinator and specialist Kim Miller. She is leaving us to take a new and exciting position with DTMB. She will be an analyst working on issues of radio communications, homeland security, and technology. Kim is one of our longest-serving Senate Democratic Staff members. We thank her for all she has done to capture and further our work for 16 years.

She cares deeply for the state of Michigan and the people who call it home and has always been passionate and dedicated to our caucus and the principles of helping others. In fact, when she was on a video shoot for the caucus in Detroit, she rescued a stray cat and brought it back with her to give it a home. If that doesn’t encapsulate Kim’s compassion and concern, I am not really sure what does.

Since 1995, she has been behind the camera, making all of us look good. While our writers help with our words, in handling our video production, Kim provided the window to our work for the people of Michigan. She put a face on our efforts and helped us reach out to and communicate with our constituents. She even helped capture the stories and needs of the people we serve so they, too, could be heard. From cable shows, committee hearings, press conferences, PSAs, testimonials, town hall meetings, YouTube, and web videos in recent years, we are forever grateful.

We hope that she leaves proud knowing that while her time with us is over, the products that Kim has helped to create will continue on as a testament to her efforts. We all wish her the best of luck in her new endeavor. Please join me in recognizing Kim Miller for all the years she has given to the people of Michigan and the State Senate.

By unanimous consent the Senate returned to the order of

Resolutions

Senate Resolution No. 6.

A resolution to express opposition to the imposition of a ban of firearm hunting and snowmobiling in certain areas of the Huron-Manistee National Forest.

The question being on the adoption of the resolution,

Senator Meekhof requested the yeas and nays.

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

The resolution was adopted, a majority of the members voting therefor, as follows:

Roll Call No. 18

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

Committee Reports

The Committee on Appropriations reported

Senate Concurrent Resolution No. 8.

A concurrent resolution to revise the project costs of the Western Michigan University Sangren Hall Replacement project.

(For text of resolution, see Senate Journal No. 12, p. 148.)

With the recommendation that the following substitute (S-1) be adopted and that the concurrent resolution then be adopted:

A concurrent resolution to revise the project costs of the Western Michigan University Sangren Hall Replacement project.

Whereas, The Western Michigan University Sangren Hall Replacement project was authorized in 2008 PA 278 and 2010 PA 111, which set the total project cost at \$60,000,000; and

Whereas, Pursuant to section 246 of 1984 PA 431, as amended, being MCL § 18.1246, the authorized cost of projects shall only be established or revised by specific reference in a budget act, by concurrent resolution adopted by both houses of the Legislature, or inferred by the total amount of any appropriations made to complete plans and construction; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature revises the Western Michigan University share and the State Building Authority share of the total authorized cost for the Western Michigan University Sangren Hall Replacement project, with the total project cost remaining the same at \$60,000,000 and the State Building Authority share revised to \$29,999,800, the Western Michigan University share revised to \$30,000,000, and the State General Fund/General Purpose share remaining at \$200. The Legislature intends to continue to appropriate funds for construction subject to the limitations herein stated, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes of the legislative process; and be it further

Resolved, That copies of this resolution be transmitted to the State Budget Director, the director of the Department of Technology, Management, and Budget, and the Western Michigan University Board of Trustees.

Roger Kahn, M.D.
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution and the substitute recommended by the committee were placed on the order of Resolutions.

The Committee on Appropriations reported

Senate Bill No. 139, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 367b, 371, 384, 386, and 423 (MCL 18.1367b, 18.1371, 18.1384, 18.1386, and 18.1423), section 367b as amended by 2007 PA 183, section 371 as amended by 2007 PA 2, and sections 384 and 386 as amended by 1999 PA 8.

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.

Roger Kahn, M.D.
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 140, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay projects for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

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.

Roger Kahn, M.D.
Chairperson

To Report Out:

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

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 Appropriations submitted the following:

Meeting held on Wednesday, February 16, 2011, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Kahn (C), Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, February 16, 2011, at 8:30 a.m., Rooms 402 and 403, Capitol Building
Present: Senators Jansen (C), Colbeck, Casperson, Kowall, Robertson, Young and Warren

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Wednesday, February 16, 2011, at 12:30 p.m., Room 100, Farnum Building
Present: Senators Pavlov (C), Emmons, Colbeck, Hopgood and Young

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Wednesday, February 16, 2011, at 1:35 p.m., Room 110, Farnum Building
Present: Senators Kowall (C), Hildenbrand, Nofs, Emmons, Hansen, Hunter and Smith

COMMITTEE ATTENDANCE REPORT

The Committee on Local Government and Elections submitted the following:

Meeting held on Wednesday, February 16, 2011, at 3:00 p.m., Room 100, Farnum Building
Present: Senators Robertson (C), Hansen, Brandenburg and Young

Scheduled Meetings

Appropriations -

Subcommittees -

Agriculture and Rural Development and House Agriculture and Rural Development Appropriations Subcommittee - Wednesday, February 23, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Community Colleges and House Community Colleges Appropriations Subcommittee - Friday, February 18, 1:00 p.m., Jackson Community College, Board Room #214, Potter Center, 2111 Emmons Road, Jackson; and Friday, February 25, 1:00 p.m., Room K-301, John Lewis Center, 14500 East 12 Mile Road, Warren (373-2768)

Environmental Quality Department and House Environmental Quality Appropriations Subcommittee - Wednesday, February 23, 4:00 p.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Human Services Department - Wednesday, February 23, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

K-12, School Aid, Education - Wednesday, February 23, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Natural Resources Department and House Natural Resources Appropriations Subcommittee - Thursday, February 24, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

State Police and Military Affairs - Thursdays, February 24, March 3, March 10 and March 17, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Legislative Council - Thursday, February 24, 9:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Legislative Retirement Board of Trustees -

Subcommittee -

Investment - Friday, February 18, 1:30 p.m., Room H-65, Ground Floor, Capitol Building (373-0575)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 10:38 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Tuesday, February 22, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

