

No. 11
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2012

Senate Chamber, Lansing, Wednesday, February 8, 2012.

10:00 a.m.

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

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

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

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

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

Pastor Robert Harris of St. Paul Church of God in Christ of Detroit offered the following invocation:

Father, it is an honor to come and offer prayer. We pray for Your divine presence on these Senators present here today, the Governor of the state of Michigan, the Lieutenant Governor, and all of the families represented here today.

Look on us in a favorable way and that Your will would be done in our lives. Lead and guide us that we would do the things that are right and pleasing in Your sight; that we would represent those areas in which we were set to represent—our constituencies. Look upon all of the families and our nation. Touch us in a special way.

In Jesus Christ's name we pray. Amen.

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

Motions and Communications

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

Senator Meekhof moved that Senator Jansen be temporarily excused from today's session. The motion prevailed.

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senator Hansen admittance to the Senate floor, including the center aisle.

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

Senator Meekhof moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor.

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, February 7:
House Bill Nos. 4121 4122 5206 5207 5208 5209 5210 5211 5212

The Secretary announced that the following official bills were printed on Tuesday, February 7, and are available at the legislative website:

Senate Bill Nos. 927 928 929 930

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:05 a.m.

10:18 a.m.

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

During the recess, Senator Hansen introduced Eagle Scouts Caleb Arends, Zachary Balzer, Keith Gill, Stephen Golden, Dakota Grant, Matthew Greiner, Matthew Traxler, and Kyle Snodgrass and William Blynn, Vice President of Programs for the Gerald R. Ford Council of the Boy Scouts of America, in recognition of the 102nd Anniversary of the Boy Scouts of America and the 100th Anniversary of the Eagle Scout award; and presented them with a Special Tribute.

During the recess, Senators Jansen, Johnson and Hunter entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

General Orders

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

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

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

House Bill No. 5136, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80124, 80308, 81108, 81116, 82105, and 82114 (MCL 324.80124, 324.80308, 324.81108, 324.81116, 324.82105, and 324.82114), section 80124 as amended by 2007 PA 8, section 80308 as added by 1995 PA 58, section 81108 as amended by 2005 PA 39, section 81116 as amended by 2006 PA 477, section 82105 as amended by 2008 PA 399, and section 82114 as amended by 2008 PA 145.

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.

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.

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.

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.

Senate Bill No. 753, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11e of chapter XVII (MCL 777.11e), as added by 2002 PA 31.

Senate Bill No. 825, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11d of chapter XVII (MCL 777.11d), as added by 2002 PA 31.

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:

House Bill No. 5103, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8121 and 8123 (MCL 600.8121 and 600.8123), as amended by 2011 PA 300.

Substitute (S-3).

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

1. Amend page 4, line 13, after "(1)" by striking out the balance of the line through "**THE**" on line 14 and inserting "The".
2. Amend page 4, line 16, after "judges." by striking out the balance of the subsection.
3. Amend page 5, line 8, after "**DISTRICT**" by striking out the balance of the subsection and inserting "**HAS**

1 JUDGE BEGINNING ON THE EARLIER OF THE FOLLOWING DATES:

(A) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF DISTRICT JUDGE IN THE FORTY-FOURTH DISTRICT.

(B) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT DISTRICT JUDGE IN THE FORTY-FOURTH DISTRICT NO LONGER SEEKS ELECTION OR REELECTION TO THAT OFFICE."

4. Amend page 5, line 15, by striking out “(12)” and inserting “(11)”.

5. Amend page 8, line 25, by striking out all of subsection (11) and renumbering the remaining subsection.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 750, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending sections 33 and 35 (MCL 169.233 and 169.235), section 33 as amended by 1999 PA 238 and section 35 as amended by 2000 PA 75.

Substitute (S-4).

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. 751, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 509r, 509aa, 658, 659, and 761 (MCL 168.509r, 168.509aa, 168.658, 168.659, and 168.761), section 509r as amended by 2003 PA 302, section 509aa as amended by 2004 PA 92, section 659 as amended by 2004 PA 296, and section 761 as amended by 2005 PA 71, and by adding section 764c.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 16, following line 16, by inserting:

“Enacting section 1. This amendatory act takes effect June 1, 2012.”.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 752, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 569a, 671, 792a, and 871 (MCL 168.569a, 168.671, 168.792a, and 168.871), section 569a as added by 1985 PA 24, section 671 as amended by 1995 PA 261, section 792a as amended by 2005 PA 71, and section 871 as amended by 2000 PA 207, and by adding section 686b.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 15, line 16, by striking out all of enacting section 1 and inserting:

“Enacting section 1. This amendatory act takes effect June 1, 2012.”.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 754, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 509v (MCL 168.509v), as added by 1994 PA 441, and by adding section 497c.

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. 803, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 523, 759, and 761 (MCL 168.523, 168.759, and 168.761), sections 523 and 761 as amended by 2005 PA 71 and section 759 as amended by 1995 PA 261.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 11, line 23, after “CLERK” by inserting “IN THE MANNER PROVIDED IN THE NOTICE”.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 823, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 198, 326, 352, 624, 759, 931, and 973 (MCL 168.198, 168.326, 168.352, 168.624, 168.759, 168.931, and 168.973), section 624 as amended by 1999 PA 218, section 759 as amended by 1995 PA 261, and section 931 as amended by 1996 PA 583, and by adding sections 483a, 871b, 932c, and 932e; and to repeal acts and parts of acts.

Substitute (S-2).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 60, following line 7, by inserting:

"Enacting section 2. This amendatory act takes effect June 1, 2012."

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 824, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 4, 6, 15, 26, 29, 32, 33, 34, 36, 47, and 55 (MCL 169.204, 169.206, 169.215, 169.226, 169.229, 169.232, 169.233, 169.234, 169.236, 169.247, and 169.255), section 4 as amended by 1989 PA 95, section 6 as amended by 2003 PA 69, sections 15, 26, 29, and 47 as amended by 2001 PA 250, section 32 as amended by 1999 PA 236, sections 33 and 34 as amended by 1999 PA 238, section 36 as amended by 1996 PA 590, and section 55 as amended by 1995 PA 264.

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 amendment, the following bill:

House Bill No. 5085, entitled

A bill to amend 1978 PA 390, entitled "An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts," by amending section 7 (MCL 408.477), as amended by 1995 PA 278.

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 2, line 9, after "**OR**" by inserting "**A CONTRIBUTION OR ANY PAYMENT**".

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

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

House Bill No. 5086, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 4, 6, 11, 15, and 57 (MCL 169.204, 169.206, 169.211, 169.215, and 169.257), section 4 as amended by 1989 PA 95, section 6 as amended by 2003 PA 69, section 11 as amended by 1996 PA 590, and sections 15 and 57 as amended by 2001 PA 250.

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

1. Amend page 2, line 11, after "liable." by inserting "**EXCEPT FOR THE PURPOSES OF SECTION 57,**".

2. Amend page 2, line 13, after "**COMMITTEE**" by striking out the balance of the subsection and inserting a period.

3. Amend page 5, following line 10, by inserting:

"(I) EXCEPT FOR THE PURPOSES OF SECTION 57, AN EXPENDITURE TO OR FOR A FEDERAL CANDIDATE OR A FEDERAL COMMITTEE."

4. Amend page 14, line 24, after the first "**TO**" by inserting a comma and "**OR MAKE AN EXPENDITURE FOR,**".

5. Amend page 15, line 24, after "**TO**" by inserting a comma and "**OR MAKE AN EXPENDITURE FOR,**".

6. Amend page 15, line 24, after "**SECTION,**" by inserting "**OR IF THE SECRETARY OF STATE ENTERS INTO A CONCILIATION AGREEMENT UNDER SECTION 15(10) THAT DOES NOT PREVENT A PUBLIC BODY OR A PERSON ACTING FOR A PUBLIC BODY TO USE OR AUTHORIZE THE USE OF PUBLIC RESOURCES TO ESTABLISH OR ADMINISTER A PAYROLL DEDUCTION PLAN TO COLLECT OR DELIVER A CONTRIBUTION TO, OR MAKE AN EXPENDITURE FOR, A COMMITTEE IN VIOLATION OF THIS SECTION,**".

7. Amend page 16, line 6, after “PERSON” by inserting “WHO RESIDES, OR HAS A PLACE OF BUSINESS, IN THE JURISDICTION WHERE THE USE OR AUTHORIZATION OF THE USE OF PUBLIC RESOURCES OCCURRED”.

8. Amend page 16, line 7, after “ACTION” by striking out “THAT THE COMPLAINANT OR ANY OTHER PERSON”.

9. Amend page 16, line 12, after “THAT” by striking out “SO”.

10. Amend page 16, line 14, after “PERSON” by inserting “WHO RESIDES, OR HAS A PLACE OF BUSINESS, IN THE JURISDICTION WHERE THE USE OR AUTHORIZATION OF THE USE OF PUBLIC RESOURCES OCCURRED”.

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

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

Senator Meekhof moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

House Bill No. 5103

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

The following bill was read a third time:

House Bill No. 5103, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 8121 and 8123 (MCL 600.8121 and 600.8123), as amended by 2011 PA 300.

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. 55

Yeas—32

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

Nays—5

Hood	Johnson	Schuitmaker	Young
Hopgood			

Excused—0

Not Voting—1

Anderson

In The Chair: President

Senator Meekhof moved to reconsider the vote by which the bill was passed.
 The motion prevailed, a majority of the members serving voting therefor.
 The question being on the passage of the bill,
 The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 56**Yeas—32**

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

Nays—6

Hood	Johnson	Walker	Young
Hopgood	Schuitmaker		

Excused—0**Not Voting—0**

In The Chair: President

Senator Meekhof moved that the bill be given immediate effect.
 The motion prevailed, 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 revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 34

Senate Resolution No. 67

The motion prevailed.

Senators Schuitmaker and Warren offered the following resolution:

Senate Resolution No. 114.

A resolution to memorialize Congress and the President, in all matters pertaining to trade agreements, to remain cognizant of the degree to which Asia’s pollution impacts the quality of the Great Lakes.

Whereas, Over the past few decades, much attention has been directed to the interconnectedness of the nations of the world. This is most often expressed and most evident in the development of our global economy. With the evolution of technology, transportation, and communications, geographic barriers have less and less significance in many aspects of life; and

Whereas, The impact on our environment of the global economy and policies that are followed in other countries is increasingly evident. In Michigan, there are growing concerns over the harm that can be done to the Great Lakes by pollution emanating from Asia. The effects of airborne matter from Asia's notoriously-polluted skies, especially persistent organic pollutants (POPs) such as mercury, toxaphene, and PCBs (polychlorinated biphenyl), are deeply troubling to many Americans, including those committed to protecting the Great Lakes; and

Whereas, In the negotiation and enforcement of trade policies with other nations, but most especially with the swiftly-growing economies of Asia, it is important that all of the ways these policies affect life in the United States be fully understood. While economic factors, fairness, and mutually-beneficial provisions to promote healthy growth are the foundation of good policies and practices, it is critical that those involved in this process realize that there are many other ways that these treaties impact our nation. Clearly, all efforts must be taken to ensure the health and future of one of the most critical sources of fresh water in the world; now, therefore, be it

Resolved by the Senate, That we memorialize Congress and the President, in all matters pertaining to trade agreements, to remain cognizant of the degree to which Asia's pollution impacts the quality of the Great Lakes; and be it further

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

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

Senator Meekhof moved that the rule be suspended.

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Senators Booher, Brandenburg, Colbeck, Emmons, Green, Jansen, Jones, Marleau, Meekhof, Nofs, Pavlov, Proos, Richardville and Rocca were named co-sponsors of the resolution.

Senators Casperson, Hansen, Meekhof, Richardville, Hildenbrand, Colbeck, Marleau, Booher, Caswell, Proos, Pappageorge and Green offered the following resolution:

Senate Resolution No. 115.

A resolution to memorialize Congress to adopt and submit to the states for ratification an amendment to the United States Constitution to require a balanced budget.

Whereas, Our country is awash in debt. With an overall national debt pegged at \$14 trillion and an annual budget deficit expected to hit \$1.3 trillion, the future stability of the American economy is in peril. The policies of the past, carried out over decades, represent a threat to the strength and self-determination of our nation. These policies cannot continue if we expect our children and grandchildren to enjoy the opportunities past generations have known; and

Whereas, While a major obstacle is the staggering 60 percent of spending for so-called entitlements, there are few areas of federal expenditure that can escape serious examination in any move to bring sanity to the federal budget. It is clear that specific cuts to government programs will be difficult to achieve. It is also clear, however, that the pain of moves made to work toward a balanced budget will be less destructive than what could occur if the present trend of soaring government debt continues unchecked; and

Whereas, The notion of requiring a balanced budget for our federal government is hardly revolutionary. If businesses do not balance budgets, they fail. If families fail to balance their budgets, they face bankruptcy. State and local governments across the country have no other option but to balance their budget each year; and

Whereas, Congress has both the capacity and the responsibility to adopt and submit to the states for ratification an amendment to the United States Constitution to require a balanced budget. The American people understand the serious harm that unchecked government spending can do to our country; now, therefore, be it

Resolved by the Senate, That we memorialize Congress to adopt and submit to the states for ratification an amendment to the United States Constitution to require a balanced budget; and be it further

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

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

Senators Brandenburg, Emmons, Jansen, Jones, Nofs, Pavlov and Rocca were named co-sponsors of the resolution.

Senators Hansen, Casperson, Meekhof, Richardville, Hildenbrand, Colbeck, Marleau, Booher, Caswell, Proos, Pappageorge and Green offered the following concurrent resolution:

Senate Concurrent Resolution No. 26.

A concurrent resolution to memorialize Congress to adopt and submit to the states for ratification an amendment to the United States Constitution to require a balanced budget.

Whereas, Our country is awash in debt. With an overall national debt pegged at \$14 trillion and an annual budget deficit expected to hit \$1.3 trillion, the future stability of the American economy is in peril. The policies of the past, carried out over decades, represent a threat to the strength and self-determination of our nation. These policies cannot continue if we expect our children and grandchildren to enjoy the opportunities past generations have known; and

Whereas, While a major obstacle is the staggering 60 percent of spending for so-called entitlements, there are few areas of federal expenditure that can escape serious examination in any move to bring sanity to the federal budget. It is clear that specific cuts to government programs will be difficult to achieve. It is also clear, however, that the pain of moves made to work toward a balanced budget will be less destructive than what could occur if the present trend of soaring government debt continues unchecked; and

Whereas, The notion of requiring a balanced budget for our federal government is hardly revolutionary. If businesses do not balance budgets, they fail. If families fail to balance their budgets, they face bankruptcy. State and local governments across the country have no other option but to balance their budget each year; and

Whereas, Congress has both the capacity and the responsibility to adopt and submit to the states for ratification an amendment to the United States Constitution to require a balanced budget. The American people understand the serious harm that unchecked government spending can do to our country; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize Congress to adopt and submit to the states for ratification an amendment to the United States Constitution to require a balanced budget; and be it further

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

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

Senators Brandenburg, Emmons, Jansen, Jones, Nofs, Pavlov, Rocca and Schuitmaker were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senator Kahn introduced

Senate Bill No. 931, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2012; and to provide for the expenditure of the appropriations.

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

Senator Kahn introduced

Senate Bill No. 932, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2011 PA 299 and section 17b as amended by 2007 PA 137.

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

Senators Jones, Hune, Marleau, Kahn, Proos, Booher, Schuitmaker, Pappageorge and Jansen introduced

Senate Bill No. 933, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," (MCL 418.101 to 418.941) by adding section 315a.

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

Senators Jones, Marleau, Nofs, Rocca, Kahn, Proos, Booher, Bieda, Gleason, Schuitmaker, Colbeck, Pappageorge and Jansen introduced

Senate Bill No. 934, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520b, 520c, 520d, and 520e (MCL 750.520b, 750.520c, 750.520d, and 750.520e), as amended by 2007 PA 163.

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

Senators Jansen, Marleau, Booher, Green, Jones, Walker, Schuitmaker, Moolenaar, Meekhof and Hildenbrand introduced

Senate Bill No. 935, entitled

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

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

Senators Bieda, Whitmer, Hunter, Gleason, Smith, Young, Anderson, Gregory, Johnson, Hood, Warren and Hopgood introduced

Senate Bill No. 936, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2946 (MCL 600.2946), as amended by 1995 PA 249.

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

Senators Hune and Bieda introduced

Senate Bill No. 937, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 8115a (MCL 500.8115a), as added by 2004 PA 217.

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

House Bill No. 4121, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 24a, 509q, 558, 659, 699, 863, 960, and 968 (MCL 168.24a, 168.509q, 168.558, 168.659, 168.699, 168.863, 168.960, and 168.968), section 24a as amended by 2010 PA 52, sections 509q and 699 as amended by 2005 PA 71, section 558 as amended by 2002 PA 163, section 659 as amended by 2004 PA 296, section 863 as amended by 2003 PA 302, and sections 960 and 968 as amended by 1989 PA 26, and by adding section 17 and chapter XVIII.

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

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

House Bill No. 4122, entitled

A bill to amend 1929 PA 312, entitled "The metropolitan district act," by amending sections 3, 4, 7, 9, 9b, and 13 (MCL 119.3, 119.4, 119.7, 119.9, 119.9b, and 119.13), section 4 as amended by 2002 PA 410 and section 9b as added by 1998 PA 171, and by adding sections 2a, 17a, and 17b.

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

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

House Bill No. 5206, entitled

A bill to amend 1965 PA 232, entitled "Agricultural commodities marketing act," (MCL 290.651 to 290.674) by adding section 18b.

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 Agriculture.

House Bill No. 5207, entitled

A bill to repeal 1961 PA 70, entitled "Seal of quality act," (MCL 289.631 to 289.646).

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 Agriculture.

House Bill No. 5208, entitled

A bill to amend 1964 PA 283, entitled "Weights and measures act," (MCL 290.601 to 290.634) by adding section 35.

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 Agriculture.

House Bill No. 5209, entitled

A bill to amend 1927 PA 89, entitled "An act to promote the agricultural and industrial interests in the Upper Peninsula of Michigan; to create a board of managers for a state fair in the Upper Peninsula; to define the powers and duties thereof; to provide immunity from personal liability for members of the board of managers and its chief administrative officer for action taken in their official capacity; to provide for the transferring to and vesting in the state of Michigan or the people thereof, the title and control of all lands and other property that now is or hereafter may be owned or acquired in the

Upper Peninsula for the purpose of holding and conducting an agricultural and industrial state fair; to authorize the leasing or licensed use of facilities for certain purposes, including bingo; to permit and regulate games of skill at the Upper Peninsula state fair; and to provide for an appropriation therefor," (MCL 285.141 to 285.145) by adding section 6.

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 Agriculture.

House Bill No. 5210, entitled

A bill to amend 1965 PA 232, entitled "Agricultural commodities marketing act," (MCL 290.651 to 290.674) by adding section 18a.

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 Agriculture.

House Bill No. 5211, entitled

A bill to amend 1939 PA 141, entitled "Grain dealers act," (MCL 285.61 to 285.88) by adding section 29.

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 Agriculture.

House Bill No. 5212, entitled

A bill to amend 1931 PA 189, entitled "The insect pest and plant disease act," (MCL 286.201 to 286.228) by adding section 23b.

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 Agriculture.

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:

Very briefly, I would ask that the entire Senate pause today for a moment of silence. We have lost a woman in my district, and her name is Alberta Ogletree. She served for 18 years very dutifully, diligently, and respectfully the state of Michigan as sergeant at arms. She was 79 years old last month, and she expired yesterday. Alberta also worked for the late, great David Holmes. I would simply ask this chamber to observe a moment of silence in her honor.

A moment of silence was observed in memory of Assistant Sergeant at Arms Alberta Ogletree.

Committee Reports

The Committee on Transportation reported

House Bill No. 4978, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307 and 811k (MCL 257.307 and 257.811k), section 307 as amended by 2011 PA 159 and section 811k as amended by 2006 PA 298, and by adding section 811s; and to repeal acts and parts of acts.

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.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, February 7, 2012, at 12:00 noon, Room 100, Farnum Building

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

The Committee on Veterans, Military Affairs and Homeland Security reported

Senate Resolution No. 113.

A resolution to urge the United States Department of Defense to fulfill its commitment to deliver no fewer than four C-27J cargo aircraft to the 110th Airlift Wing of the Air National Guard in Battle Creek.

(For text of resolution, see Senate Journal No. 8, p. 89.)

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

A resolution to express support for the 2012 United States Air Force Re-Missioning Plan to locate an MQ-1/9 RSO element at the Battle Creek Air National Guard Base in Battle Creek, Michigan.

Whereas, The 110th Airlift Wing has been one of the most decorated Air National Guard units in the nation, receiving the Air Force Outstanding Unit Award in 1992, 1998, 2000, 2004, and 2011, an honor bestowed on fewer than 10 percent of Air Force units annually; and

Whereas, More than \$22 million in taxpayer funding has been invested in the Battle Creek Air National Guard Base from 2001 to 2011, \$16.7 million of which represents the federal share and \$5.2 million of which was invested by the state of Michigan. The 110th Airlift Wing has been the recipient of \$477 million in operational funding from 2001 to 2011, including military construction, personnel, and operations and maintenance; and

Whereas, The existing infrastructure, trained personnel, uncongested skies, and investment at the Battle Creek Air National Guard Base make it second to no other location in the nation for critical air mission support. In addition, the base's location adjacent to the expansive Michigan Army Reserve and National Guard Fort Custer Training Center provides valuable joint force and interagency training capabilities; and

Whereas, The placement of an MQ-1/9 RSO element in Battle Creek will complement the current mission of the 110th Air Operations Group, also located at the Battle Creek Air National Guard Base, which serves as a vital part of the 17th Air Force, the air component to the U.S. Africa Command and the newest unified combatant command; and

Whereas, The Battle Creek Air National Guard Base is integral to the economy of Southwest Michigan, providing \$22.2 million in total wages and salaries and \$26 million in gross regional product to Calhoun County; and

Whereas, The Air Force has been an important partner in the Battle Creek community since 1947. During this same time period, the greater Battle Creek/Calhoun County region has been a staunch supporter and defender of the Battle Creek Air National Guard Base, as well as its other defense and military installations; and

Whereas, Failure to provide a follow-on mission to replace the previously committed C-27J aircraft would cause significant harm to the economies of Battle Creek and the state of Michigan and jeopardize the significant investments made by the citizens of Michigan and the United States; and

Whereas, The creation of an MQ-1/9 RSO element in Battle Creek has been recommended as part of the 2012 United States Air Force Structure Change Report; and

Whereas, It is understood that the MQ-1/9 RSO would be a replacement mission for the Battle Creek Air National Guard Base, replacing the C-27J aircraft previously committed to the base; and

Whereas, Infrastructure at the Battle Creek Air National Guard Base remains available to support the C-27J or its successor aircraft, should further analysis determine that it is an aircraft essential to the national defense, homeland security, and emergency needs of our nation; now, therefore, be it

Resolved by the Senate, That we urge the United States Department of Defense and the Department of the Air Force to fulfill their commitment to designate an enduring mission for the Battle Creek Air National Guard Base by locating either an MQ-1/9 RSO element or the C-27J, or its successor aircraft, at the base; and be it further

Resolved, That copies of this resolution be transmitted to the United States Secretary of the Air Force, the United States Secretary of Defense, and the members of Michigan's congressional delegation.

John R. Moolenaar
Chairperson

To Report Out:

Yeas: Senators Moolenaar, Pappageorge, Emmons and Gregory

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Veterans, Military Affairs and Homeland Security submitted the following:

Meeting held on Tuesday, February 7, 2012, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Moolenaar (C), Pappageorge, Emmons and Gregory
Excused: Senator Smith

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources, Environment and Great Lakes submitted the following:
Meeting held on Monday, February 6, 2012, at 10:00 a.m., University Center of Gaylord, Room U-111/112,
80 Livingston Boulevard, Gaylord
Present: Senators Casperson (C), Green and Meekhof
Absent: Senators Pavlov, Kowall, Warren and Hood

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:
Meeting held on Tuesday, February 7, 2012, at 2:00 p.m., Room 210, Farnum Building
Present: Senators Caswell (C), Jansen, Proos and Gregory

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:
Meeting held on Tuesday, February 7, 2012, at 2:30 p.m., Room 110, Farnum Building
Present: Senators Jones (C), Schuitmaker, Rocca and Bieda

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:
Joint meeting held on Tuesday, February 7, 2012, at 3:00 p.m., Rooms 402 and 403, Capitol Building
Present: Senators Colbeck (C), Pappageorge and Gregory

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Licensing and Regulatory Affairs submitted the following:
Meeting held on Wednesday, February 8, 2012, at 8:30 a.m., Rooms 402 and 403, Capitol Building
Present: Senators Jansen (C), Proos and Johnson

Scheduled Meetings

Administrative Rules - Thursday, February 9, 1:00 p.m., Room 405, Capitol Building (373-5773) (CANCELED)

Agriculture - Thursday, February 9, 9:30 a.m., Room 110, Farnum Building (373-5312) (CANCELED)

Appropriations -

Subcommittees -

Agriculture and Rural Development - Tuesdays, February 21 and February 28, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Capital Outlay - Thursday, February 16, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-8080)

Community Health Department - Thursday, February 16, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Corrections Department - Tuesday, February 14, 3:00 p.m., Room 405, Capitol Building (373-2768)

Human Services Department - Tuesday, February 14, 2:00 p.m., Room 210, Farnum Building (373-2768)

K-12, School Aid, Education - Wednesday, February 15, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police and Military Affairs, House State Police Appropriations Subcommittee and House Military and Veterans Affairs Appropriations Subcommittee - Thursdays, February 16 and March 1, 3:00 p.m., Rooms 402 and 403, Capitol Building; and Thursday, February 23, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Appropriations and House Appropriations - Thursday, February 9, 11:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-1106)

Banking and Financial Institutions - Thursday, February 9, 1:30 p.m., Room 100, Farnum Building (373-5324)

Michigan Law Revision Commission - Thursday, February 16, 11:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Natural Resources, Environment and Great Lakes - Thursday, February 9, 8:30 a.m., Room 210, Farnum Building (373-5323)

Outdoor Recreation and Tourism - Thursday, February 9, 12:30 p.m., Room 210, Farnum Building (373-5323)

Transportation - Tuesday, February 14, 12:30 p.m., Room 100, Farnum Building (373-5314)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 11:01 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, February 9, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate