

**No. 48**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**96th Legislature**  
**REGULAR SESSION OF 2011**

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Senate Chamber, Lansing, Tuesday, May 31, 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—excused  
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—excused

Pastor Joe Bonno of St. Michael Lutheran Church of Canton offered the following invocation:

Lord, even now as we gather the day after Memorial Day, we remember those who have gone before us, Lord, those who have laid the path. We pray for those who will follow us on the path we work on today—the one that has been laid and will be built upon. Lord, I pray that we might see that You are the way, the truth, and the life. We pray that our thoughts, our words, and our actions would be guided by Your light for the good of all. You have entrusted this great responsibility to these, Your servants and our leaders. We pray that You would continue to bless them and keep them, cause Your face to shine upon them, be gracious unto them, lift Your light upon them, and give them Your peace. As they deliberate today, Father, may they know Your righteousness. Amen.

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

### Motions and Communications

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

Senator Hunter moved that Senators Young and Hood be excused from today's session.  
The motion prevailed.

The Secretary announced that the following official bills and joint resolution were printed on Thursday, May 26, and are available at the legislative website:

**House Bill Nos. 4679 4680 4681 4682 4683**  
**House Joint Resolution CC**

The Secretary announced that the following official bills were printed on Friday, May 27, and are available at the legislative website:

**House Bill Nos. 4684 4685 4686**

### Messages from the Governor

The following messages from the Governor were received:

Date: May 26, 2011

Time: 9:25 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 102 (Public Act No. 46), being**

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 803e (MCL 257.803e), as amended by 2003 PA 30.

(Filed with the Secretary of State on May 26, 2011, at 10:16 a.m.)

Date: May 26, 2011  
Time: 3:42 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 139 (Public Act No. 47), being**

An act to amend 1984 PA 431, entitled “An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending sections 367b and 386 (MCL 18.1367b and 18.1386), section 367b as amended by 2007 PA 183 and section 386 as amended by 1999 PA 8.

(Filed with the Secretary of State on May 27, 2011, at 9:20 a.m.)

Date: May 26, 2011  
Time: 3:45 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 245 (Public Act No. 48), being**

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

(Filed with the Secretary of State on May 27, 2011, at 9:22 a.m.)

Respectfully,  
Rick Snyder  
Governor

The following message from the Governor was received and read:

May 11, 2011

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

**Certificate of Need Commission**

Suresh K. Mukherji of 18394 Clairmont Circle, E., Northville, Michigan 48167, county of Wayne, representing Republicans and physicians licensed under part 170 or 175 representing a school of medicine or osteopathic medicine, succeeding Michael W. Young, is appointed for a term expiring April 9, 2014.

Kathleen M. Cowling of 3400 Midland Road, Saginaw, Michigan 48603, county of Saginaw, representing Republicans and osteopathic physicians engaged in the practice of osteopathic medicine and surgery, succeeding Peter B. Ajluni, is appointed for a term expiring April 9, 2014.

Robert L. Hughes of 635 Pine Meadow Lane, N.E., Ada, Michigan 49301, county of Kent, representing Republicans and companies that are not self-insured for health coverage, succeeding himself, is reappointed for a term expiring January 1, 2014.

Sincerely,  
Rick Snyder  
Governor

The appointments were referred to the Committee on Government Operations.

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 Booher as Chairperson.

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

**House Bill No. 4167, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12e of chapter XVII (MCL 777.12e), as amended by 2008 PA 297.

**House Bill No. 4168, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 601b (MCL 257.601b), as amended by 2008 PA 296.

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. 4231, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," (MCL 700.1101 to 700.8206) by adding section 5109.

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 amendment, the following bill:

**Senate Bill No. 331, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 229 (MCL 436.1229), as amended by 2005 PA 288; and to repeal acts and parts of acts.

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

1. Amend page 2, following line 12, by inserting:

"Enacting section 2. This amendatory act takes effect October 30, 2011."

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.

During the Committee of the Whole, Senator Brandenburg entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

The following bill was read a third time:

**House Bill No. 4111, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 503 (MCL 324.503), as amended by 2004 PA 587.

The question being on the passage of the bill,

Senator Gleason offered the following amendment:

1. Amend page 2, line 22, after "AREAS," by inserting "THE DEPARTMENT SHALL NOT UTILIZE A VOLUNTEER UNDER THIS SUBSECTION TO PERFORM SERVICES THAT WERE PROVIDED WITHIN THE PREVIOUS 180 DAYS BY A FULL-TIME EMPLOYEE."

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Hunter requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 262**

**Yeas—10**

Anderson  
Bieda  
Gleason

Gregory  
Hopgood  
Hunter

Johnson  
Smith

Warren  
Whitmer

**Nays—26**

Booher  
 Brandenburg  
 Casperson  
 Caswell  
 Colbeck  
 Emmons  
 Green

Hansen  
 Hildenbrand  
 Hune  
 Jansen  
 Jones  
 Kahn  
 Kowall

Marleau  
 Meekhof  
 Moolenaar  
 Nofs  
 Pappageorge  
 Pavlov

Proos  
 Richardville  
 Robertson  
 Rocca  
 Schuitmaker  
 Walker

**Excused—2**

Hood

Young

**Not Voting—0**

In The Chair: Schuitmaker

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. 263****Yeas—33**

Anderson  
 Bieda  
 Booher  
 Brandenburg  
 Casperson  
 Caswell  
 Colbeck  
 Emmons  
 Gleason

Green  
 Hansen  
 Hildenbrand  
 Hune  
 Hunter  
 Jansen  
 Johnson  
 Jones

Kahn  
 Kowall  
 Marleau  
 Meekhof  
 Moolenaar  
 Nofs  
 Pappageorge  
 Pavlov

Proos  
 Richardville  
 Robertson  
 Rocca  
 Schuitmaker  
 Smith  
 Walker  
 Whitmer

**Nays—3**

Gregory

Hopgood

Warren

**Excused—2**

Hood

Young

**Not Voting—0**

In The Chair: Schuitmaker

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

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

### **Resolutions**

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

**Senate Resolution No. 30**

**Senate Concurrent Resolution No. 13**

**House Concurrent Resolution No. 7**

**House Concurrent Resolution No. 8**

**Senate Resolution No. 34**

The motion prevailed.

#### **Senate Resolution No. 27.**

A resolution to urge the President of the United States to impose a moratorium on any new regulations and to memorialize the Congress of the United States enact the Regulations from the Executive in Need of Scrutiny (REINS) Act.

The question being on the adoption of the resolution,

The resolution was adopted.

#### **Senate Resolution No. 39.**

A resolution to memorialize the Congress of the United States to remove gray wolves in Michigan from the federal endangered species list and to amend the Endangered Species Act to prevent similar future situations.

The question being on the adoption of the resolution,

The resolution was adopted.

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

The motion prevailed.

Senator Casperson's statement is as follows:

I rise in support of Senate Resolution No. 39. It is more than just sending a resolution to remove gray wolves, but we believe Congress should act and change the Endangered Species Act so this similar problem doesn't happen in the future. It is far too easy to get an animal on the Endangered Species Act list, but darn near impossible to take them off. We have run into a lot of problems. I ask for your support on this resolution.

### **Committee Reports**

The Committee on Outdoor Recreation and Tourism reported

#### **Senate Bill No. 371, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 81131 (MCL 324.81131), as amended by 2009 PA 175.

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

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

Goeffrey M. Hansen  
Chairperson

**To Report Out:**

Yeas: Senators Hansen, Hildenbrand, Brandenburg, Casperson, Moolenaar, Gleason and Young

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 Outdoor Recreation and Tourism submitted the following:

Meeting held on Thursday, May 26, 2011, at 12:30 p.m., Room 210, Farnum Building

Present: Senators Hansen (C), Hildenbrand, Brandenburg, Casperson, Moolenaar, Gleason and Young

**COMMITTEE ATTENDANCE REPORT**

The Conference Committee on Omnibus (HB 4526) submitted the following:

Meeting held on Thursday, May 26, 2011, at 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Kahn, Moolenaar and Anderson

**COMMITTEE ATTENDANCE REPORT**

The Conference Committee on Education Omnibus (HB 4325) submitted the following:

Meeting held on Thursday, May 26, 2011, at 9:15 a.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Kahn, Moolenaar and Anderson

**Scheduled Meetings**

**Education** - Wednesday, June 1, 10:30 a.m., Room 100, Farnum Building (373-5314)

**Finance** - Wednesday, June 1, 12:30 p.m., Room 210, Farnum Building (373-5307)

**Reforms, Restructuring and Reinventing** - Wednesday, June 1, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-5324)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 10:26 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Wednesday, June 1, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

