

No. 11
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Thursday, February 10, 2011.

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

Pastor Lorraine Boucon of Hart Congregational United Church of Christ of Hart offered the following invocation:

Gracious God, we give You thanks for this day and all of Your blessings. We are grateful for our state and for its leaders, and we ask You to guide each of these Senators as they labor together for the good of all our people. Bless them as they do the work they were elected to do, and remind them often to turn to You for help. Care for their families, and grant them safety as they travel back and forth across the state.

God of all people, You have blessed us with the beauty and wonder of Michigan. You have shown us Your handiwork in our great Great Lakes, in the sand dunes and the orchards, in the Porcupine Mountains, and in the many rushing rivers and quiet small lakes. We are awed by Your majesty, O Lord. Each time we look into a clear sky on a summer night or see the sunset over Lake Michigan, we see Your creative hand. We are Your grateful people, but we are also people aware of our responsibility to care for our state's resources. Be with those who sit in this historical Capitol, and help each one to do the hard jobs they are asked to do.

We pray, O God, for the people of our state who are in need—in need of jobs, in need of shelter, in need of so many things. We wonder how our state's problems, our nation's problems can be solved. Where will the money come from? Where will the jobs be? And we are not alone. Our whole world seems to be in turmoil and unrest. There is a sense of worry and discouragement.

So we pray for what we cannot even name or imagine. We pray for a miracle. We pray that You will work through these Your servants, Almighty God, and strengthen them in their resolve to do what is right and good. We ask that the people these Senators serve will think before they criticize, and give praise whenever it is due, knowing that we all want what is best for our great state.

Pour out Your tender mercies of wisdom and health on our Governor and Lieutenant Governor and on our Representatives and Senators. Bless each of them, bless our beautiful state of Michigan, and bless the United States of America, gracious God, and we will give to You all honor and praise. Amen.

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

Motions and Communications

Senator Meekhof moved that Senator Pappageorge be excused from today's session.

The motion prevailed.

Senator Hunter moved that Senators Johnson and Young be temporarily excused from today's session.

The motion prevailed.

The following communication was received and read:

Office of the Auditor General

February 8, 2011

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Finance Authority, a discretely presented component unit of the State of Michigan, for the period October 1, 2009 through September 30, 2010.

Auditor General

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

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

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

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

The motion prevailed.

Senator Richardville's statement is as follows:

I rise this morning to recognize the contributions of Jonathan Worful who has worked in the Michigan Senate for the past ten years. Jonathan is one of those behind-the-scenes Secretary of the Senate employees who makes things run smoothly for all of us. As a media services specialist, Jonathan has been behind the television camera making sure our session and

committee meeting broadcasts are done with professional quality and accuracy. Jonathan has helped to establish and operate our video graphic system and has produced many computerized DVDs of our invocators and special presentations.

Jonathan has also been involved in local independent films shown in Lansing cinemas and several film festivals. Some of his works are *Fairview Street*, *Handlebar*, and the third film to be shown in March, titled *Lucky*. He most recently took an unpaid leave to work in Grand Rapids on a Hollywood film titled *Setup*, starring 50 Cent, Ryan Phillippe, and Bruce Willis. He is leaving us to concentrate full-time on these film productions and will be starting work on another 50 Cent film next month.

Jon's 2-year-old son Jackson is at daycare today so that his wife Andrea could join us. Jonathan's stepfather Don is here also. Jonathan, we appreciate the many hours you have spent with us, especially those long overnight sessions. Andrea and Don, we appreciate you sharing Jon with us. Many of us have families, and we recognize the sacrifices that they make so that we can do our work here.

So, Jon, we wish you the best in your film career. We look forward to reading your name up on the screen in future movie credits.

Senators Johnson and Young entered the Senate Chamber.

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. 20

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

The Secretary announced that the following official bills were printed on Wednesday, February 9, and are available at the legislative website:

Senate Bill Nos.	122	123																	
House Bill Nos.	4190	4191	4192	4193	4194	4195	4196	4197	4198	4199	4200	4201	4202	4203					
	4204	4205	4206	4207															

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 Caswell 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 with a substitute therefor, the following bill:

Senate Bill No. 20, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," (MCL 408.1001 to 408.1094) by adding section 17.

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.

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:

Senate Bill No. 20

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

The following bill was read a third time:

Senate Bill No. 20, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," (MCL 408.1001 to 408.1094) by adding section 17.

The question being on the passage of the bill,
 Senator Hunter offered the following amendment:

1. Amend page 1, line 3, after “**ERGONOMICS**” by inserting “**EXCEPT AS SUCH RULE PREVENTS INJURY OR DEATH**”.

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. 12**Yeas—13**

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

Nays—24

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

Excused—1

Pappageorge

Not Voting—0

In The Chair: President

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 13**Yeas—25**

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

Nays—12

Anderson
Bieda
Gleason

Gregory
Hood
Hopgood

Hunter
Johnson
Smith

Warren
Whitmer
Young

Excused—1

Pappageorge

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Hunter, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 20 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Hunter’s statement is as follows:

I rise in opposition to this bill. Study after study has proven that proper ergonomic standards will both save money and increase worker productivity. The private sector has embraced ergonomic standards, and they did so knowing that it was in their best interest.

This bill, however, is a solution in search of a problem. This bill would prevent an advisory board under MIOSHA from promulgating rules. Well, this board has not yet promulgated any rules. In fact, Governor Snyder made clear in his State of the State address that he has no interest in MIOSHA promulgating rules. Don’t you, shouldn’t we, trust what our Governor says?

I also think that there is a general fundamental misunderstanding among some of my colleagues on the other side of the aisle about MIOSHA. The business community does not want us to eliminate MIOSHA. We heard testimony in committee to support this yesterday. If you think this bill eliminates MIOSHA, you are wrong. The NFIB testified that they have a great working relationship with MIOSHA and would much rather deal with them than deal with OSHA. In fact, if MIOSHA were to disappear tomorrow, then there could be examples of businesses having to go all the way to Chicago to receive training in best practices. Our small businesses have a relationship with MIOSHA workers, and they support the department.

Additionally, this bill makes an exemption for the enforcement of federal rules. Well, folks, there are no federal regulations. This bill was introduced out of fear of something that might happen. It is premature, unnecessary, and overall, I think, a bad idea. I would urge my colleagues to oppose this legislation.

Before I sit down, Mr. President, I would like to make one observation. You have heard in committee and even on the floor that this is a one-of-a-kind standard and rule here in Michigan. Well, what about this one-of-a-kind law that we have only in the state of Michigan that is called drug immunity? What does that do to protect our citizens? What does that do to advance good public policy in this state as an, indeed, one-of-a-kind law that only exists here? So I think that argument just doesn’t hold water.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Meekhof introduced
Senate Bill No. 128, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 15a of chapter XVII (MCL 777.15a), as added by 2002 PA 206.

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

Senator Meekhof introduced
Senate Bill No. 129, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by amending the title, as amended by 2002 PA 304, and by adding chapter 43; 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 Insurance.

Senator Hildenbrand introduced
Senate Bill No. 130, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 321a (MCL 257.321a), as amended by 2004 PA 362.

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

Senators Pavlov, Marleau, Proos, Jansen and Hansen introduced
Senate Bill No. 131, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1290; 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 Education.

Senators Hansen, Marleau, Pavlov, Proos and Jansen introduced
Senate Bill No. 132, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 9.

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

Senators Rocca, Jones, Anderson, Marleau and Bieda introduced
Senate Bill No. 133, entitled

A bill to amend 1966 PA 291, entitled "Firefighters training council act," by amending section 13 (MCL 29.373), as amended by 2006 PA 213.

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

Senators Rocca, Jones, Anderson, Marleau and Bieda introduced
Senate Bill No. 134, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2010 PA 346.

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

Senators Robertson, Colbeck, Green, Hildenbrand, Caswell, Brandenburg, Marleau, Proos, Jansen, Pavlov and Meekhof introduced

Senate Bill No. 135, entitled

A bill to amend 1990 PA 211, entitled "The parental rights restoration act," by amending sections 3 and 4 (MCL 722.903 and 722.904).

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

Senator Robertson introduced
Senate Bill No. 136, entitled

A bill to amend 1993 PA 354, entitled "Railroad code of 1993," by amending section 307 (MCL 462.307).

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

Senator Jones introduced
Senate Bill No. 137, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310b.

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

Statements

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

The motion prevailed.

Senator Gleason's statement is as follows:

Over the past eight years, I have stood and talked about February 11 being White Shirt Day across America. It is a significant day, particularly in Flint, Detroit, Saginaw, and most industrial cities across this state. A white shirt is an indicator that everybody who works in our plants across the country are held in the same regard. There is as much respect extended to the sweeper and assembler as there is to the particular manager of that department and the factory as a whole.

I know I am standing here today not as the only UAW member. I know that I am joined by State Senator Mike Green. We actually worked in adjoining plants in Flint. This was a big day in our community and a great celebration across the state. So I ask that you would join this effort not only in spirit, but with great enthusiasm; that you think the workers in your factories and plants and businesses in your community are held in the same regard as those who hold management positions.

I would ask that my remarks be recorded on this very, very historic week. And just for further information, if you go to the Michigan Historical Museum, they have actually dedicated a portion of that museum to this effort. February 11 is a date when the UAW was finally given the authority to represent the workers in the plants across the country. It was the first UAW/GM contract initiated by this action. The workers in the factories sat down for 44 days so that future generations could stand up.

So I would ask that you think about this event tomorrow, and thank all of those in the past who thought it was important that we dedicate and indicate our support for these Michigan workers.

Senator Bieda's statement is as follows:

Very quickly, I would like the Journal to reflect that had I been present yesterday, I would have voted "yes" on Senate Bill No. 19.

I also rise today in support of a major event occurring in our beautiful state today. President Obama is visiting Marquette to announce the state-of-the-art WiMAX System that provides wireless Internet to a large residential area. In today's economy, the ability to connect to the Internet not only helps individuals, but businesses as well. A new report by *Connect Michigan* shows businesses with a broadband connection are likely to generate more revenue and jobs than those without.

Additionally, according to the Pew Internet report, "The Internet and the Recession," the main activities of online economic users in the past year include price comparisons, job searches, seeking advice on personal finances, and material on how to improve job-related skills, loans, and unemployment benefits; also checking out real estate values, according to the release of the report.

The Information Technology and Innovation Foundation, a technology think tank, states that for every \$5 billion invested in broadband, 250,000 jobs are created, including 100,000 direct and indirect jobs from telecom and IT equipment spending; plus another 150,000 in network effects, spurring new online applications and services. Also with every percentage point increase in broadband penetration, employment expands by nearly 300,000 jobs, partly because broadband networks attract investment to areas that would not otherwise be viable to many businesses, such as rural areas and inner-city regions.

While consumers and the economy as a whole have benefited tremendously from the use of broadband, many parts of the country still have not fully taken part. The Information Technology and Innovation Foundation has identified that part of the problem is that many lawmakers still conceive high-speed Internet as an optional luxury instead of a necessary foundation for economic success.

Areas with a broadband Internet connection are proven to attract young professionals and technology-based individuals who will in turn invest in the local communities, raising the quality and standard of life. I think in today's economic climate, we can all agree that broadband is a necessary tool in everyone's lives. Broadband connections today are the infrastructure equivalent of paved roads 100 years ago.

Committee Reports

The Committee on Economic Development reported

Senate Bill No. 20, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," (MCL 408.1001 to 408.1094) by adding section 17.

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.

Michael W. Kowall
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons and Hansen

Nays: Senators Hunter and Smith

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

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Wednesday, February 9, 2011, at 1:34 p.m., Room 110, Farnum Building

Present: Senators Kowall (C), Hildenbrand, Nofs, Emmons, Hansen, Hunter and Smith

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, February 9, 2011, at 8:30 a.m., Rooms 402 and 403, Capitol Building

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

Excused: Senator Young

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:

Meeting held on Wednesday, February 9, 2011, at 9:00 a.m., Room 405, Capitol Building

Present: Senators Walker (C), Caswell and Hopgood

Excused: Senator Pappageorge

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, February 9, 2011, at 12:30 p.m., Room 210, Farnum Building

Present: Senators Brandenburg (C), Jansen, Proos, Robertson, Bieda and Warren

Excused: Senator Pappageorge

COMMITTEE ATTENDANCE REPORT

The Committee on Local Government and Elections submitted the following:

Meeting held on Wednesday, February 9, 2011, at 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Robertson (C), Hansen, Brandenburg and Young

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Joint meeting held on Wednesday, February 9, 2011, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Pavlov (C), Emmons, Colbeck, Hopgood and Young

COMMITTEE ATTENDANCE REPORT

The Committee on Local Government and Elections submitted the following:

Joint meeting held on Wednesday, February 9, 2011, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Robertson (C), Hansen, Brandenburg and Young

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources, Environment and Great Lakes submitted the following:
Meeting held on Thursday, February 10, 2011, at 8:30 a.m., Room 210, Farnum Building
Present: Senators Casperson (C), Pavlov, Green, Kowall, Meekhof, Warren and Hood

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

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 (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)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 10:40 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Tuesday, February 15, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

