

**No. 15**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**96th Legislature**  
**REGULAR SESSION OF 2011**

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Senate Chamber, Lansing, Tuesday, February 22, 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—excused  
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 Trey Hancock of Dearborn Assembly of God of Dearborn offered the following invocation:

Lord God, for those who are present here today as governing authorities, I pray. I ask that the responsibilities they have been given by You will be understood as a sacred trust, which is an extension of Your authority. I ask that You would give them a sense of divine partnership in carrying out their duties as God's servants, doing good to those who obey the law and being a terror to those who do not.

Lord, for their full-time service in governing our state, I say thank You. Lord, Your word says to whom much is given, much is required. Lord, as a fair exchange with Your servants, we offer our respect, and we honor them for their God-given service today for the good of all those within our borders.

In Jesus' name. Amen.

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

### Motions and Communications

The following communication was received and read:

Office of the Auditor General

February 17, 2011

Enclosed is a copy of the Comprehensive Annual Financial Report of the Bureau of State Lottery for the fiscal years ended September 30, 2010 and 2009.

If you have questions regarding this report, please call me; or Scott M. Strong, C.P.A., Deputy Auditor General; or Laura J. Hirst, C.P.A., Audit Division Administrator for contract audits.

Auditor General

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

Senator Hopgood moved that Senators Gleason, Hunter and Young be temporarily excused from today's session. The motion prevailed.

Senator Hopgood moved that Senator Johnson be excused from today's session. The motion prevailed.

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senator Bieda 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, including the center aisle.

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

### Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:06 a.m.

10:14 a.m.

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

During the recess, Senator Bieda introduced representatives of the Peace Corps: Jodi Alexiev, Grand Rapids; Paul Garriepy, Lansing; Ty Lawson, Lansing; Mary Lou Malone, Detroit; Donna Fiebelkorn, Whitehall; and Representative Marcia Hovey-Wright; and presented them with Senate Resolution No. 9, commemorating the 50th Anniversary of the Peace Corps.

Representative Hovey-Wright and Ms. Fiebelkorn responded briefly.

During the recess, Senators Gleason, Hunter and Young entered the Senate Chamber.

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, February 17:  
**House Bill No. 4004**

The Secretary announced that the following official bills were printed on Thursday, February 17, and are available at the legislative website:

<b>Senate Bill Nos.</b>	<b>147</b>	<b>148</b>	<b>149</b>	<b>150</b>	<b>151</b>	<b>152</b>	<b>159</b>							
<b>House Bill Nos.</b>	<b>4260</b>	<b>4261</b>	<b>4262</b>	<b>4263</b>	<b>4264</b>	<b>4265</b>	<b>4266</b>	<b>4267</b>	<b>4268</b>	<b>4269</b>	<b>4270</b>	<b>4271</b>	<b>4272</b>	<b>4273</b>
	<b>4274</b>	<b>4275</b>	<b>4276</b>	<b>4277</b>	<b>4278</b>	<b>4279</b>	<b>4280</b>	<b>4281</b>	<b>4282</b>					

The Secretary announced that the following official bills and joint resolution were printed on Friday, February 18, and are available at the legislative website:

<b>Senate Bill Nos.</b>	<b>160</b>	<b>161</b>	<b>162</b>	<b>163</b>	<b>164</b>	<b>165</b>	<b>166</b>	<b>167</b>	<b>168</b>					
<b>House Bill Nos.</b>	<b>4283</b>	<b>4284</b>	<b>4285</b>	<b>4286</b>	<b>4287</b>	<b>4288</b>	<b>4289</b>	<b>4290</b>	<b>4291</b>	<b>4292</b>	<b>4293</b>	<b>4294</b>	<b>4295</b>	<b>4296</b>
	<b>4297</b>	<b>4298</b>	<b>4299</b>	<b>4300</b>	<b>4301</b>	<b>4302</b>	<b>4303</b>							
<b>House Joint Resolution</b>		<b>K</b>												

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 Green 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. 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.

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  
**Messages from the Governor**

The following messages from the Governor were received and read:

February 4, 2011

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

**Michigan Capitol Committee**

Brian Calley of 10198 Butler Road, Portland, Michigan 48875, county of Ionia, is appointed for a term expiring January 24, 2013.

Elizabeth Clement of 3840 Kiskadee Road, East Lansing, Michigan 48823, county of Ingham, is appointed for a term expiring January 24, 2013.

Dick Posthumus of 7815 Alden Nash Avenue, Alto, Michigan 49302, county of Kent, is appointed for a term expiring January 24, 2013.

Marsha Quebbeman of 3910 Bayberry Lane, Lansing, Michigan 48911, county of Ingham, is appointed for a term expiring January 24, 2013.

February 4, 2011

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

**Michigan Board of Chiropractic**

Christophe B. Dean of 2881 Palmerston Road, Troy, Michigan 48084, county of Oakland, succeeding Jeffrey Louis Eisman, for a term expiring December 31, 2014.

Thomas M. Klapp of 5053 Eric Court, Ann Arbor, Michigan 48105, county of Washtenaw, succeeding Patricia Ann Odette, for a term expiring December 31, 2014.

February 4, 2011

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

**State Fire Marshal**

Ronald R. Farr of 1226 107th Avenue, Otsego, Michigan 49078, county of Allegan, for a term expiring at the pleasure of the Governor.

February 4, 2011

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

**Michigan State Waterways Commission**

James R. Hansen of 5615 Portage Point, 11.4 Lane, Escanaba, Michigan 49826, county of Delta, succeeding Brian Arp, for a term expiring September 18, 2013.

Van Snider, Jr., of 25195 Westmoreland Drive, Farmington Hills, Michigan 48336, county of Oakland, succeeding Glenn Bailey, for a term expiring September 18, 2013.

February 4, 2011

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

**Workers' Compensation Board of Magistrates**

David Grunewald of 1111 Torrey Road, Grosse Pointe Woods, Michigan 48236, county of Wayne, is reappointed for a term expiring January 26, 2015.

Sincerely,  
Rick Snyder  
Governor

The appointments were referred to the Committee on Government Operations.

**Third Reading of Bills**

The following bill was read a third time:

**Senate Bill No. 110, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 88b (MCL 125.2088b), as amended by 2010 PA 271.

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. 19**

**Yeas—36**

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

**Nays—1**

Anderson

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**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.

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. 20****Yeas—37**

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	Jones	Proos	Young
Green			

**Nays—0****Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators Bieda, Whitmer, Hunter, Gleason, Johnson and Gregory introduced

**Senate Joint Resolution G, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 26 of article IV, to require a fiscal impact note for all bills and to require spending cuts or increased revenues for any bill that will increase state spending or have a negative impact on state revenues.

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

Senator Green introduced

**Senate Bill No. 169, entitled**

A bill to make appropriations for the department of agriculture and rural development 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 Booher introduced

**Senate Bill No. 170, entitled**

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure thereof under the supervision of the director of the department of technology, management, and budget and the state administrative board.

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

Senator Booher introduced

**Senate Bill No. 171, entitled**

A bill to make appropriations for community and junior colleges 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 Moolenaar introduced

**Senate Bill No. 172, entitled**

A bill to make appropriations for the department of community health 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 Proos introduced

**Senate Bill No. 173, entitled**

A bill to make appropriations for the department of corrections 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 Walker introduced

**Senate Bill No. 174, entitled**

A bill to make appropriations for the department of education 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 Jansen introduced

**Senate Bill No. 175, entitled**

A bill to make appropriations for the department of energy, labor, and economic growth 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 Green introduced

**Senate Bill No. 176, entitled**

A bill to make appropriations for the department of environmental quality 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 Pappageorge introduced

**Senate Bill No. 177, entitled**

A bill to make appropriations for the legislature, the judiciary, the executive, the department of attorney general, the department of state, the department of treasury, the department of technology, management, and budget, the department of civil service, the department of civil rights, and certain state purposes related thereto for the fiscal year ending September 30, 2012; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by the state agencies; and to declare the effect of this act.

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

Senator Schuitmaker introduced

**Senate Bill No. 178, entitled**

A bill to make appropriations for higher education 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 Caswell introduced

**Senate Bill No. 179, entitled**

A bill to make appropriations for the department of human services 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 Proos introduced

**Senate Bill No. 180, entitled**

A bill to make appropriations for the judiciary 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 Colbeck introduced

**Senate Bill No. 181, entitled**

A bill to make appropriations for the department of military and veterans affairs 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 Green introduced

**Senate Bill No. 182, entitled**

A bill to make appropriations for the department of natural resources 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 Walker introduced

**Senate Bill No. 183, 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 2010 PA 217 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.

Senator Colbeck introduced

**Senate Bill No. 184, entitled**

A bill to make appropriations for the department of state police 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 Pappageorge introduced

**Senate Bill No. 185, entitled**

A bill to make appropriations for the department of transportation 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 Casperson introduced

**Senate Bill No. 186, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 705 (MCL 257.705), as amended by 2000 PA 214.

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

Senators Booher, Brandenburg, Schuitmaker, Proos, Hansen, Meekhof, Hopgood, Marleau, Emmons and Green introduced

**Senate Bill No. 187, 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 Jones, Pavlov, Pappageorge, Nofs and Proos introduced

**Senate Bill No. 188, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 2, 3, 4, 4a, 5, 5a, and 5b (MCL 28.722, 28.723, 28.724, 28.724a, 28.725, 28.725a, and 28.725b), section 2 as amended by 2005 PA 301, section 3 as amended by 1999 PA 85, section 4 as amended by 2004 PA 240, section 4a as amended and section 5b as added by 2004 PA 237, section 5 as amended by 2006 PA 402, and section 5a as amended by 2005 PA 322, and by adding section 3a.

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

Senators Pavlov, Jones, Pappageorge, Nofs and Proos introduced

**Senate Bill No. 189, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 6, 7, 8, 8c, 8d, 9, and 10 (MCL 28.726, 28.727, 28.728, 28.728c, 28.728d, 28.729, and 28.730), section 6 as amended by 1996 PA 494, section 7 as amended by 2004 PA 237, section 8 as amended and sections 8c and 8d as added by 2004 PA 240, section 9 as amended by 2005 PA 132, and section 10 as amended by 2006 PA 46, and by adding section 8a; 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.

Senator Hildenbrand introduced

**Senate Bill No. 190, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by repealing section 281 (MCL 208.1281).

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

Senators Caswell, Casperson, Kahn and Green introduced

**Senate Bill No. 191, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 919 (MCL 600.919).

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

Senators Caswell, Marleau, Emmons, Green and Proos introduced

**Senate Bill No. 192, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 871 (MCL 600.871), as amended by 2005 PA 326.

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



Senators Jones, Booher and Proos introduced  
**Senate Bill No. 193, entitled**

A bill to revise, consolidate, and codify the laws relating to fireworks; to regulate the purchase, possession, sale, and use of fireworks; to establish a fireworks safety fund; to establish a fireworks safety fee; to provide for the transfer and expenditure of funds; to prescribe the powers and duties of certain state agencies; to provide for penalties and remedies; 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 Regulatory Reform.

Senators Jones, Booher and Proos introduced  
**Senate Bill No. 194, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2008 PA 538.

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

**House Bill No. 4004, entitled**

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," by amending section 10 (MCL 474.60), as amended by 2008 PA 570.

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 Transportation.

### Committee Reports

The Committee on Natural Resources, Environment and Great Lakes reported  
**Senate Resolution No. 10.**

A resolution to memorialize the United States Congress to take immediate steps to impose a moratorium on greenhouse gas, air quality, and other regulatory actions by the Environmental Protection Agency.

(For text of resolution, see Senate Journal No. 9, p. 114.)

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

A resolution to memorialize the United States Congress to take immediate steps to impose a moratorium on greenhouse gas, air quality, and other regulatory actions by the Environmental Protection Agency.

Whereas, Concern is growing that, with cap-and-trade legislation having failed in Congress, the Environmental Protection Agency (EPA) is attempting to obtain the same results through the adoption of regulations. The EPA has proposed or is proposing numerous new regulations, particularly in the area of air quality, greenhouse gases, cooling water intake, and coal ash management, that are likely to have major negative effects on the economy, jobs, and U.S. competitiveness in worldwide markets. The aggregate of the EPA's regulatory activity and its aggressive timeline has become known to many as the "train wreck" because of the numerous and overlapping requirements and because of the potentially devastating consequences this regulatory activity may have on the economy; and

Whereas, These new regulatory actions are ill-conceived, ill-advised, and understudied. Neither the EPA nor any other executive agency has undertaken a comprehensive study of what the cumulative effect of all of this new regulatory activity will have on the economy, jobs, and competitiveness. Furthermore, the EPA has not performed any comprehensive study of what the environmental benefits of its greenhouse regulation will be in terms of impacts on global climate; and

Whereas, Michigan and other states struggling to rebound from the loss of manufacturing jobs and high unemployment face further hardship if the EPA irresponsibly and prematurely imposes greenhouse gas, air quality, coal by-products, and water use restrictions. Coal dominates electricity generation in Michigan, supplying nearly two-thirds of the electric energy produced in the state. The regulatory package proposed by the EPA will push energy prices higher, hurting consumers, as well as the manufacturers the state is counting on to supply jobs. Manufacturers could face a double impact, paying higher energy prices and having to deal with these restrictions themselves; and

Whereas, The Michigan Legislature supports continuing improvements in the quality of the state's and the nation's air and water and believes that such improvements can be made in a sensible fashion without unjustifiably damaging the economy, so long as there is a full understanding of the cost of the regulations at issue, and those regulations are based upon sound science. Since the EPA has identified "taking action on climate change and improving air quality" as its first strategic goal for the 2011-2015 time period, the EPA should be required to identify the specific actions it intends to take to achieve these goals and to assess the total cost, economic impact, and benefits of all these actions together; and

Whereas, A primary goal of government at the present time must be to promote economic recovery and to foster a stable and predictable business environment that will lead to the creation of jobs. Public health and welfare will suffer without

significant new job creation and economic improvement because people with good jobs are better able to take care of themselves and their families than the unemployed, and environmental improvement is best achieved in a society that generates wealth; now, therefore, be it

Resolved by the Senate, That we memorialize Congress to take the following actions: Adopt legislation prohibiting the EPA from unilaterally regulating greenhouse gas emissions, including, if necessary, by removing appropriations from EPA greenhouse gas regulatory activities; impose a moratorium on the promulgation of any new air quality, water use, and waste management regulations by the EPA for a period of at least two years, except those necessary to directly address an imminent health or environmental emergency when subject to court order; direct appropriations for EPA air quality regulatory activities towards the updating of the agency's scientific models and data; require the administration to undertake a multiagency study identifying all regulatory activity that the EPA intends to undertake in furtherance of its goals of taking action on climate change and improving air quality, limiting water use, and expanding coal ash regulations; and specify the cumulative effect of all of these regulations on the economy, jobs, and American economic competitiveness; 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.

Thomas A. Casperson  
Chairperson

To Report Out:

Yeas: Senators Casperson, Pavlov, Green, Kowall and Meekhof

Nays: Senators Warren and Hood

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

The Committee on Natural Resources, Environment and Great Lakes reported

**Senate Concurrent Resolution No. 6.**

A concurrent resolution to memorialize the United States Congress to take immediate steps to impose a moratorium on greenhouse gas, air quality, and other regulatory actions by the Environmental Protection Agency.

(For text of resolution, see Senate Journal No. 9, p. 115.)

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

A concurrent resolution to memorialize the United States Congress to take immediate steps to impose a moratorium on greenhouse gas, air quality, and other regulatory actions by the Environmental Protection Agency.

Whereas, Concern is growing that, with cap-and-trade legislation having failed in Congress, the Environmental Protection Agency (EPA) is attempting to obtain the same results through the adoption of regulations. The EPA has proposed or is proposing numerous new regulations, particularly in the area of air quality, greenhouse gases, cooling water intake, and coal ash management, that are likely to have major negative effects on the economy, jobs, and U.S. competitiveness in worldwide markets. The aggregate of the EPA's regulatory activity and its aggressive timeline has become known to many as the "train wreck" because of the numerous and overlapping requirements and because of the potentially devastating consequences this regulatory activity may have on the economy; and

Whereas, These new regulatory actions are ill-conceived, ill-advised, and understudied. Neither the EPA nor any other executive agency has undertaken a comprehensive study of what the cumulative effect of all of this new regulatory activity will have on the economy, jobs, and competitiveness. Furthermore, the EPA has not performed any comprehensive study of what the environmental benefits of its greenhouse regulation will be in terms of impacts on global climate; and

Whereas, Michigan and other states struggling to rebound from the loss of manufacturing jobs and high unemployment face further hardship if the EPA irresponsibly and prematurely imposes greenhouse gas, air quality, coal by-products, and water use restrictions. Coal dominates electricity generation in Michigan, supplying nearly two-thirds of the electric energy produced in the state. The regulatory package proposed by the EPA will push energy prices higher, hurting consumers, as well as the manufacturers the state is counting on to supply jobs. Manufacturers could face a double impact, paying higher energy prices and having to deal with these restrictions themselves; and

Whereas, The Michigan Legislature supports continuing improvements in the quality of the state's and the nation's air and water and believes that such improvements can be made in a sensible fashion without unjustifiably damaging the economy, so long as there is a full understanding of the cost of the regulations at issue, and those regulations are based upon sound science. Since the EPA has identified "taking action on climate change and improving air quality" as its first strategic goal for the 2011-2015 time period, the EPA should be required to identify the specific actions it intends to take to achieve these goals and to assess the total cost, economic impact, and benefits of all these actions together; and

Whereas, A primary goal of government at the present time must be to promote economic recovery and to foster a stable and predictable business environment that will lead to the creation of jobs. Public health and welfare will suffer without significant new job creation and economic improvement because people with good jobs are better able to take care of themselves and their families than the unemployed, and environmental improvement is best achieved in a society that generates wealth; now, therefore, be it

Resolved by the Senate, That we memorialize Congress to take the following actions: Adopt legislation prohibiting the EPA from unilaterally regulating greenhouse gas emissions, including, if necessary, by removing appropriations from EPA greenhouse gas regulatory activities; impose a moratorium on the promulgation of any new air quality, water use, and waste management regulations by the EPA for a period of at least two years, except those necessary to directly address an imminent health or environmental emergency when subject to court order; direct appropriations for EPA air quality regulatory activities towards the updating of the agency's scientific models and data; require the administration to undertake a multiagency study identifying all regulatory activity that the EPA intends to undertake in furtherance of its goals of taking action on climate change and improving air quality, limiting water use, and expanding coal ash regulations; and specify the cumulative effect of all of these regulations on the economy, jobs, and American economic competitiveness; 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.

Thomas A. Casperson  
Chairperson

**To Report Out:**

Yeas: Senators Casperson, Pavlov, Green, Kowall and Meekhof

Nays: Senators Warren and Hood

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

**COMMITTEE ATTENDANCE REPORT**

The Committee on Natural Resources, Environment and Great Lakes submitted the following:

Meeting held on Thursday, February 17, 2011, at 8:00 a.m., Room 210, Farnum Building

Present: Senators Casperson (C), Pavlov, Green, Kowall, Meekhof, Warren and Hood

**COMMITTEE ATTENDANCE REPORT**

The Committee on Appropriations submitted the following:

Joint meeting held on Thursday, February 17, 2011, at 11:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower

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 Finance submitted the following:

Joint meeting held on Thursday, February 17, 2011, at 11:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower

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

**COMMITTEE ATTENDANCE REPORT**

The Subcommittee on Community Colleges submitted the following:

Joint meeting held on Friday, February 18, 2011, at 1:00 p.m., Jackson Community College, Board Room #214, Potter Center, 2111 Emmons Road, Jackson

Present: Senators Booher (C), Schuitmaker and Anderson

**Scheduled Meetings**

**Agriculture** - Thursday, February 24, 9:00 a.m., Room 110, Farnum Building (373-5312)

**Appropriations** - Wednesday, February 23, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

**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 25, 1:00 p.m., Room K-301, John Lewis Center, 14500 East 12 Mile Road, Warren (373-2768)

**Corrections Department and House Corrections Appropriations Subcommittee** - Thursday, February 24, 2:00 p.m., Room 100, Farnum Building (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)

**Economic Development** - Wednesday, February 23, 1:30 p.m., Room 110, Farnum Building (373-5312)

**Education** - Wednesday, February 23, 12:30 p.m., Room 100, Farnum Building (373-5324)

**Finance** - Wednesday, February 23, 12:30 p.m., Room 210, Farnum Building (373-5307)

**Judiciary** - Wednesday, February 23, 8:30 a.m., Room 100, Farnum Building (373-5323)

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

**Legislative Retirement Board of Trustees** - Wednesday, February 23, 1:00 p.m., Room H-65, Ground Floor, Capitol Building (373-0575)

**Natural Resources, Environment and Great Lakes** - Thursday, February 24, 8:30 a.m., Room 210, Farnum Building (373-5323)

**Natural Resources, Environment and Great Lakes and Outdoor Recreation and Tourism** - Thursday, March 3, 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5323)

**Outdoor Recreation and Tourism and Natural Resources, Environment and Great Lakes** - Thursday, March 3, 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5323)

**Reforms, Restructuring and Reinventing** - Wednesday, February 23, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-5314)

Senator Meekhof moved that the Senate adjourn.  
The motion prevailed, the time being 10:35 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, February 23, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate