

**No. 94**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**95th Legislature**  
**REGULAR SESSION OF 2009**

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Senate Chamber, Lansing, Thursday, November 5, 2009.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor John D. Cherry, Jr.

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

Allen—present  
Anderson—present  
Barcia—present  
Basham—present  
Birkholz—present  
Bishop—present  
Brater—present  
Brown—present  
Cassis—present  
Cherry—present  
Clark-Coleman—present  
Clarke—present  
Cropsey—excused

Garcia—present  
George—present  
Gilbert—present  
Gleason—present  
Hardiman—present  
Hunter—present  
Jacobs—present  
Jansen—present  
Jelinek—present  
Kahn—present  
Kuipers—present  
McManus—present

Olshove—present  
Pappageorge—present  
Patterson—present  
Prusi—present  
Richardville—present  
Sanborn—present  
Scott—excused  
Stamas—present  
Switalski—present  
Thomas—excused  
Van Woerkom—present  
Whitmer—present

Senator Gerald Van Woerkom of the 34th District offered the following invocation:

Heavenly Father, we stand before You today as the Senate of the state of Michigan. We have had some difficult things to resolve over the past couple of months, many of which are still not resolved. Lord, we pray that You will be with us and bless us. Grant us the wisdom we need, and grant us the ability to make decisions that are good and right for the people of this state.

Lord, oftentimes as we do our work together, it is obvious that our opinions differ on how we want to resolve those problems. Help us to overcome those differences, and help us to do it in a charitable way. And, Lord, if some of our relationships become strained, frayed, or even torn apart, help us to heal those differences so that we can work together as a body and solve the problems we face in this state.

There are many people suffering in this state, Lord, and we pray that You will be with them. We pray that You will provide the means so that they can meet the needs they are beset with. We pray for jobs. We pray that our people may be able to take responsibility for themselves and their families with good jobs here in the state of Michigan.

And, Lord, as we approach Veterans Day, we pray for families who have lost loved ones in the war. We know it is a difficult time for them. We pray that You will give them comfort and peace. In Your most holy name, amen.

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

### Motions and Communications

Senator Brown moved that Senator Cropsey be excused from today's session.  
The motion prevailed.

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

Senator Anderson moved that Senators Scott and Thomas be excused from today's session.  
The motion prevailed.

The following communication was received and read:  
Office of the Senate Majority Leader

November 4, 2009

Pursuant to PA 549 of 2008, I am making the following appointment to the Jackson Public Schools Promise Zone Authority Board:

Mr. Joseph F. Ward, 1806 Warren Avenue, Jackson, MI 49203

If you have any questions, please feel free to contact Bill Sullivan in my office at 517-373-2417.

Sincerely,  
Michael D. Bishop  
Senate Majority Leader

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, November 4:  
**House Bill Nos. 5191 5279 5394 5530 5560**

The Secretary announced that the following official bills were printed on Wednesday, November 4, and are available at the legislative website:

**House Bill Nos. 5566 5567 5568 5569 5570 5571 5572 5573**

By unanimous consent the Senate proceeded to the order of

### Introduction and Referral of Bills

Senators Garcia, Hardiman, Kahn and Barcia entered the Senate Chamber.

Senators Kuipers, Van Woerkom, Cropsey, Gilbert, Jansen, Jelinek, Garcia, McManus, Allen, Sanborn, Barcia, Cherry, Clarke, Jacobs, Gleason, Basham, Thomas, Hunter, Scott and Olshove introduced

**Senate Bill No. 968, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16401 (MCL 333.16401), as amended by 2002 PA 734.

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

Senator Richardville introduced

**Senate Bill No. 969, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3107b (MCL 500.3107b), as added by 1994 PA 438.

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

Senator Jacobs introduced

**Senate Bill No. 970, entitled**

A bill to amend 1984 PA 233, entitled "Prudent purchaser act," by amending section 3 (MCL 550.53), as amended by 1996 PA 518.

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

Senator Kahn introduced

**Senate Bill No. 971, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending sections 502 and 502a (MCL 550.1502 and 550.1502a), section 502 as amended by 2003 PA 59 and section 502a as amended by 1998 PA 446.

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

Senator Richardville introduced

**Senate Bill No. 972, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 315 (MCL 418.315), as amended by 1998 PA 447.

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

Senator Allen introduced

**Senate Bill No. 973, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3405, 3475, and 3631 (MCL 500.3405, 500.3475, and 500.3631), sections 3405 and 3631 as amended by 1994 PA 438 and section 3475 as amended by 1984 PA 280.

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

Senators Birkholz, Basham, Barcia, Olshove and Clarke introduced

**Senate Bill No. 974, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 303a and 601 (MCL 339.303a and 339.601), section 303a as amended by 2006 PA 489 and section 601 as amended by 2008 PA 319, and by adding article 28; 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 Commerce and Tourism.

Senators Basham, Birkholz, Barcia, Olshove and Clarke introduced

**Senate Bill No. 975, entitled**

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending section 2a (MCL 125.1502a), as added by 1999 PA 245, and by adding section 10a.

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

Senators Birkholz, Basham, Barcia, Olshove and Clarke introduced

**Senate Bill No. 976, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," (MCL 338.2201 to 338.2277) by adding section 19.

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

Senators Cassis, Bishop and Cherry introduced

**Senate Bill No. 977, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627 (MCL 257.627), as amended by 2006 PA 85.

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

**House Bill No. 4288, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2010; and to provide for the expenditure of the appropriations.

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.

Senator Brown moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

**House Bill No. 5191, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21771 (MCL 333.21771).

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 Families and Human Services.

**House Bill No. 5279, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 759a (MCL 168.759a), as amended by 2006 PA 605.

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 Campaign and Election Oversight.

**House Bill No. 5394, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2010; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

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

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

**House Bill No. 5530, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 713 and 714 (MCL 168.713 and 168.714), as amended by 1990 PA 7.

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 Campaign and Election Oversight.

**House Bill No. 5560, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 644e (MCL 168.644e), as amended by 2003 PA 302.

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 Campaign and Election Oversight.

**Recess**

Senator Brown moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:11 a.m.

11:09 a.m.

The Senate was called to order by the President pro tempore, Senator Richardville.

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

By unanimous consent the Senate returned to the order of  
**Messages from the Governor**

The following message from the Governor was received and read:

November 4, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to state office under Section 20 of the Michigan Boxing Regulatory Act, 2004 PA 403, MCL 338.3620:

**Michigan Unarmed Combat Commission**

Mr. Jason R. Holtz of 6428 Richard Run, West Bloomfield, Michigan 48322, county of Oakland, is appointed to represent licensees in mixed martial arts, for a term commencing November 4, 2009 and expiring June 5, 2012.

Mr. Wolfgang Mueller of 2103 West Roundtable, Canton, Michigan 48188, county of Wayne, is appointed to represent licensees in mixed martial arts, for a term commencing November 4, 2009 and expiring June 5, 2012.

Mr. David G. Packer of 2447 Glen Valley Drive, N.W., Grand Rapids, Michigan 49544, county of Kent, succeeding Earle L. Robinson, whose term has expired, is appointed to represent licensees in boxing, for a term commencing November 4, 2009 and expiring June 5, 2012.

Mr. Vincent P. Viviano of 6705 St. Andrews Drive, Shelby Township, Michigan 48316, county of Macomb, is appointed to represent licensees in mixed martial arts, for a term commencing November 4, 2009 and expiring June 5, 2012.

Dr. James E. Weber of 9422 Deer Creek Court, Brighton, Michigan 48114, county of Livingston, is appointed to represent licensees in mixed martial arts, for a term commencing November 4, 2009 and expiring June 5, 2012.

Mr. Douglas J. Maskin of 87 Boulder Lane, Bloomfield Hills, Michigan 48304, county of Oakland, is reappointed to represent licensees in boxing, for a term expiring June 5, 2012.

Mr. Charles K. Zurawski of 116 Green Valley Drive, Milan, Michigan 48160, county of Washtenaw, is reappointed to represent the general public, for a term expiring June 5, 2012.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations and Reform.

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

The motion prevailed.

Senator Garcia's statement is as follows:

I am speaking about one of our former colleagues, then-Senator Mike Rogers and now Congressman Rogers, who used to be the floor leader here and was my predecessor in the 22nd Senate District. His mother passed away yesterday, and I thought that the members would want to know this so they could express their condolences to the Congressman and also his brother, State Representative Bill Rogers, who is currently serving with us. I thought the body should know that his mother did pass away yesterday. I know that I want to express my condolences to them and to the family.

By unanimous consent the Senate proceeded to the order of  
**Messages from the House**

**Senate Bill No. 418, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 88q (MCL 125.2088q), as added by 2008 PA 175.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate proceeded to the order of

### **General Orders**

Senator Brown 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 Richardville, designated Senator Cherry as Chairperson.

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

#### **House Bill No. 5245, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," (MCL 339.101 to 339.2919) by adding section 1809b.

The bill 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:

#### **House Bill No. 5246, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," (MCL 339.101 to 339.2919) by adding section 1809a. 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 a substitute therefor, the following bill:

#### **Senate Bill No. 791, entitled**

A bill to create the uniform real property electronic recording act; and to create an electronic recording commission and provide for its powers and duties.

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.

By unanimous consent the Senate returned to the order of

### **Third Reading of Bills**

Senator Brown moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

#### **House Bill No. 5245**

#### **House Bill No. 5246**

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

Senator Brown moved that the following bills be placed at the head of the Third Reading of Bills calendar:

#### **House Bill No. 5245**

#### **House Bill No. 5246**

#### **Senate Bill No. 955**

#### **Senate Bill No. 956**

#### **Senate Bill No. 500**

#### **Senate Bill No. 501**

#### **Senate Bill No. 283**

#### **House Bill No. 4999**

#### **Senate Bill No. 957**

#### **Senate Bill No. 958**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5245, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," (MCL 339.101 to 339.2919) by adding section 1809b. 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. 575**

**Yeas—34**

Allen	Cherry	Jacobs	Patterson
Anderson	Clark-Coleman	Jansen	Prusi
Barcia	Clarke	Jelinek	Richardville
Basham	Garcia	Kahn	Sanborn
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Olshove	Van Woerkom
Brown	Hardiman	Pappageorge	Whitmer
Cassis	Hunter		

**Nays—0**

**Excused—3**

Cropsey	Scott	Thomas
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**Not Voting—0**

In The Chair: President

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 revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,".

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5246, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," (MCL 339.101 to 339.2919) by amending the title, as amended by 1993 PA 93, and by adding section 1809a.

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. 576**

**Yeas—34**

Allen	Cherry	Jacobs	Patterson
Anderson	Clark-Coleman	Jansen	Prusi

Barcia	Clarke	Jelinek	Richardville
Basham	Garcia	Kahn	Sanborn
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Olshove	Van Woerkom
Brown	Hardiman	Pappageorge	Whitmer
Cassis	Hunter		

**Nays—0**

**Excused—3**

Cropsey	Scott	Thomas
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**Not Voting—0**

In The Chair: President

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 revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 955, entitled**

A bill to amend 1995 PA 279, entitled “Horse racing law of 1995,” by amending the title and sections 2, 3, 4, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 19a, 20, 21, 22, 23, 25, 30, 31, 33, and 34 (MCL 431.302, 431.303, 431.304, 431.306, 431.307, 431.308, 431.309, 431.310, 431.312, 431.313, 431.314, 431.315, 431.316, 431.317, 431.318, 431.319, 431.319a, 431.320, 431.321, 431.322, 431.323, 431.325, 431.330, 431.331, 431.333, and 431.334), sections 2 and 4 as amended by 2006 PA 445, sections 7, 9, 10, and 12 as amended by 2000 PA 164, sections 14, 17, and 18 as amended and section 19a as added by 1998 PA 408, section 16 as amended by 2005 PA 7, and section 20 as amended by 2006 PA 185; and to repeal acts and parts of acts.

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. 577**

**Yeas—25**

Allen	George	Jelinek	Patterson
Barcia	Gilbert	Kahn	Richardville
Birkholz	Gleason	Kuipers	Sanborn
Bishop	Hardiman	McManus	Stamas
Brown	Jacobs	Olshove	Switalski
Cassis	Jansen	Pappageorge	Van Woerkom
Garcia			

**Nays—9**

Anderson	Cherry	Clarke	Prusi
Basham	Clark-Coleman	Hunter	Whitmer
Brater			

**Excused—3**

Cropsey	Scott	Thomas
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**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. 956, entitled**

A bill to amend 1951 PA 90, entitled “An act to regulate the conducting of racing meets in the state of Michigan; to provide for the possession, control and disposition of funds held by licensees for the payment of outstanding winning tickets not claimed or demanded by the lawful owners of such funds; and to prescribe penalties for violations of the provisions of this act,” by amending sections 2, 3, and 4 (MCL 431.252, 431.253, and 431.254), as amended by 1998 PA 505.

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. 578****Yeas—25**

Allen	George	Jelinek	Patterson
Barcia	Gilbert	Kahn	Richardville
Birkholz	Gleason	Kuipers	Sanborn
Bishop	Hardiman	McManus	Stamas
Brown	Jacobs	Olshove	Switalski
Cassis	Jansen	Pappageorge	Van Woerkom
Garcia			

**Nays—9**

Anderson	Cherry	Clarke	Prusi
Basham	Clark-Coleman	Hunter	Whitmer
Brater			

**Excused—3**

Cropsey	Scott	Thomas
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**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. 500, entitled**

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending sections 2, 4, 7, 9, and 10 (MCL 207.552, 207.554, 207.557, 207.559, and 207.560), section 2 as amended by 2008 PA 581, section 4 as amended by 2004 PA 437, section 7 as amended by 2008 PA 457, section 9 as amended by 2008 PA 516, and section 10 as amended by 1996 PA 1.

The question being on the passage of the bill,

Senator Stamas offered the following amendments:

1. Amend page 7, line 26, after “**OF**” by striking out “**4**” and inserting “**3**”.
2. Amend page 8, line 1, by striking out all of subdivision (**B**) and relettering the remaining subdivision.
3. Amend page 24, line 14, after “**DECEMBER 30,**” by striking out “**2014**” and inserting “**2013**”.

The amendments were adopted, 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. 579****Yeas—33**

Allen	Clark-Coleman	Jacobs	Patterson
Anderson	Clarke	Jansen	Prusi
Barcia	Garcia	Jelinek	Richardville
Basham	George	Kahn	Sanborn
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Switalski
Brater	Hardiman	Olshove	Van Woerkom
Brown	Hunter	Pappageorge	Whitmer
Cherry			

**Nays—1**

Cassis

**Excused—3**

Cropsey

Scott

Thomas

**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. 501, entitled**

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending sections 11, 14, 15, 16, and 16a (MCL 207.561, 207.564, 207.565, 207.566, and 207.566a), section 11 as amended by 2007 PA 195, section 14 as amended by 2008 PA 457, section 15 as amended by 2008 PA 170, section 16 as amended by 1982 PA 417, and section 16a as amended by 2008 PA 306.

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. 580**

**Yeas—33**

Allen	Clark-Coleman	Jacobs	Patterson
Anderson	Clarke	Jansen	Prusi
Barcia	Garcia	Jelinek	Richardville
Basham	George	Kahn	Sanborn
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Switalski
Brater	Hardiman	Olshove	Van Woerkom
Brown	Hunter	Pappageorge	Whitmer
Cherry			

**Nays—1**

Cassis

**Excused—3**

Cropsey

Scott

Thomas

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

**Protest**

Senator Cassis, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 500 and 501.

Senator Cassis’ statement is as follows:

I rise for an explanation on my “no” vote on Senate Bill Nos. 500 and 501. As written, these bills represent an expansion of Public Act No. 198 to buildings and properties in usable condition, those that do not need large-scale upgrades. This changes the original intent of Public Act No. 198, which allowed property tax abatements for obsolete properties. Vacant properties in good condition, in my estimation, will come back. Let the market determine the when.

My concerns focus on the fiscal impact as written by the Senate Fiscal Agency, and I quote: “The bills would reduce State and local tax revenue by an unknown amount that would depend on the number of properties affected and the specific characteristics of those properties. Local property taxes on affected properties would be reduced by approximately 50% while the impact on the State Education Tax revenue would depend on whether 0, 3 or 6 mills of the State Education Tax were abated.”

Now more than ever, I think we have to be very cautious, very cautious about tax abatements, tax credits, refundable credits, and the like because of the state of revenue in Michigan, which is causing such tremendous, tremendous budget stress.

The following bill was read a third time:

**Senate Bill No. 283, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 27 (MCL 211.27), as amended by 2003 PA 274.

The question being on the passage of the bill,  
Senator Jelinek offered the following substitute:  
Substitute (S-1).

The substitute was adopted, 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. 581**

**Yeas—34**

Allen	Cherry	Jacobs	Patterson
Anderson	Clark-Coleman	Jansen	Prusi
Barcia	Clarke	Jelinek	Richardville
Basham	Garcia	Kahn	Sanborn
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Olshove	Van Woerkom
Brown	Hardiman	Pappageorge	Whitmer
Cassis	Hunter		

**Nays—0**

**Excused—3**

Cropsey	Scott	Thomas
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4999, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 722 (MCL 257.722), as amended by 2008 PA 579.

The question being on the passage of the bill,

Senator Basham offered the following amendment:

1. Amend page 6, following line 3, by inserting:

**“(F) A REQUIREMENT THAT THE PUBLIC UTILITY AND ITS SUBCONTRACTOR ARE RESPONSIBLE FOR ALL ACTIVITIES UNDERTAKEN PURSUANT TO THE SEASONAL TRUCK PERMIT. THE PUBLIC UTILITY AND ITS SUBCONTRACTOR SHALL FURNISH EVIDENCE OF INSURANCE COVERAGE SATISFACTORY TO THE COUNTY ROAD COMMISSION WITH ITS APPLICATION FOR A SEASONAL TRUCK PERMIT THAT ESTABLISHES THAT THE PUBLIC UTILITY AND ITS SUBCONTRACTOR CARRY ADEQUATE INSURANCE COVERAGE TO AFFORD PROTECTION AGAINST ALL CLAIMS FOR DAMAGE TO PUBLIC OR PRIVATE PROPERTY AND INJURIES TO PERSONS, ARISING OUT OF THE UTILITY WORK IN AN AMOUNT OF AT LEAST \$1,000,000.00.**

**(G) A REQUIREMENT THAT, NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE PUBLIC UTILITY SHALL RESTORE, AT THE PUBLIC UTILITY’S EXPENSE, ALL PUBLIC AND PRIVATE PROPERTY DAMAGED ARISING OUT OF ACTS OR OMISSIONS BY THE PUBLIC UTILITY AND THE EMPLOYEES AND AGENTS OF THE PUBLIC UTILITY TO A CONDITION EQUAL TO THAT EXISTING BEFORE THE DAMAGE WAS DONE. IF A COUNTY ROAD COMMISSION ESTABLISHES THAT A PUBLIC UTILITY HAS NEGLECTED TO MAKE THAT RESTORATION, THE COUNTY ROAD COMMISSION MAY, AFTER 48 HOURS’ WRITTEN NOTICE TO THE PUBLIC UTILITY, MAKE THE RESTORATION AND CHARGE THE COST OF THAT RESTORATION TO THE PUBLIC UTILITY.”.**

The amendment was not adopted, a majority of the members serving not 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. 582**

**Yeas—28**

Allen	Clarke	Jansen	Patterson
Anderson	Garcia	Jelinek	Prusi
Barcia	George	Kahn	Richardville
Birkholz	Gilbert	Kuipers	Sanborn
Bishop	Gleason	McManus	Stamas
Brown	Hardiman	Olshove	Van Woerkom
Cassis	Hunter	Pappageorge	Whitmer

**Nays—6**

Basham	Cherry	Jacobs	Switalski
Brater	Clark-Coleman		

**Excused—3**

Cropsey	Scott	Thomas
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**Not Voting—0**

In The Chair: President

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 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 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;”.

The Senate agreed to the full title.

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

The motion prevailed.

Senator Basham’s statement is as follows:

My amendment is needed because this bill proposes to change the state law to require that county road commissions issue permits to utilities’ subcontractors for routine maintenance work, thereby exempting them from Michigan’s frost laws. This privilege is currently only allowed to the utilities themselves. If we do choose to extend this to the subcontractors, additional provisions are needed to protect our roads.

My amendment, therefore, would clarify that the subcontractors doing work for the utility companies maintain a minimum of \$1 million in liability insurance coverage. While I believe that most of the major utilities already require this of their subcontractors, this amendment would ensure that they all do. In addition, the amendment holds the utility accountable for any damage done to the roads by their subcontractors while the frost laws are in effect.

My amendment clarifies the utilities’ responsibility which is no different than a road construction contract or a home-improvement contract. This amendment provides due process by requiring that the road commission prove there is damage to the road. If there is proof, then it is the responsibility of the public utility to reimburse the road commission for the damage.

The Michigan Townships Association, MITA and CRAM all support this amendment. I believe the two provisions I am recommending are very reasonable and with their adoption we can all confidently support this bill.

The following bill was read a third time:

**Senate Bill No. 957, entitled**

A bill to amend 1997 PA 70, entitled “Compulsive gaming prevention act,” by amending sections 4 and 5 (MCL 432.254 and 432.255).

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. 583**

**Yeas—25**

Allen	George	Jelinek	Patterson
Barcia	Gilbert	Kahn	Richardville
Birkholz	Gleason	Kuipers	Sanborn
Bishop	Hardiman	McManus	Stamas
Brown	Jacobs	Olshove	Switalski
Cassis	Jansen	Pappageorge	Van Woerkom
Garcia			

**Nays—9**

Anderson	Cherry	Clarke	Prusi
Basham	Clark-Coleman	Hunter	Whitmer
Brater			

**Excused—3**

Cropsey

Scott

Thomas

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

**General Orders**

Senator Brown 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 Cherry, designated Senator Cherry as Chairperson.

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

**House Bill No. 4311, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

Substitute (S-4).

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

1. Amend page 11, line 8, by striking out "450,000" and inserting "496,500".
2. Amend page 11, line 9, by striking out "833,100" and inserting "1,019,100".
3. Amend page 11, line 10, by striking out "71,200" and inserting "56,800".
4. Amend page 11, line 11, by striking out "590,000" and inserting "416,700".
5. Amend page 11, line 12, by striking out "1,088,000" and inserting "769,400".
6. Amend page 11, line 13, by striking out "492,500" and inserting "348,300".
7. Amend page 11, line 14, by striking out "21,900" and inserting "15,500".
8. Amend page 11, line 15, by striking out "75,400" and inserting "53,300".
9. Amend page 11, line 16, by striking out "499,400" and inserting "1,032,000".
10. Amend page 11, line 17, by striking out "504,800" and inserting "356,900".
11. Amend page 11, line 18, by striking out "425,700" and inserting "500,000".
12. Amend page 11, line 22, by striking out "5,052,000" and inserting "5,064,500".
13. Amend page 11, line 26, by striking out "30.0" and inserting "10.0".
14. Amend page 11, line 26, by striking out "1,800,000" and inserting "1,785,000".
15. Amend page 12, line 3, by striking out "1,800,000" and inserting "1,785,000" and adjusting the subtotals, totals, and section 1201 accordingly.

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.

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

Senator Brown 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. 4311**

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

The following bill was read a third time:

**House Bill No. 4311, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2009 and the fiscal year ending September 30, 2010; and to provide for the expenditure of the appropriations.

The question being on the passage of the bill,  
Senator Prusi offered the following amendments:

1. Amend page 12, line 26, by striking out all of subsection (3) and inserting:

**“(3) COMMUNITY MENTAL HEALTH/SUBSTANCE ABUSE SERVICES**

**PROGRAMS**

Community mental health non-Medicaid services .....	\$	38,000,000
GROSS APPROPRIATION .....	\$	38,000,000

Appropriated from:

State general fund/general purpose .....	\$	38,000,000
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**(4) PUBLIC HEALTH ADMINISTRATION**

Minority health grants and contracts .....	\$	355,000
GROSS APPROPRIATION .....	\$	355,000

Appropriated from:

Special revenue funds:

Total other state restricted revenues .....		355,000
State general fund/general purpose .....	\$	0

**(5) LOCAL HEALTH ADMINISTRATION AND GRANTS**

Medicaid outreach cost reimbursement to local health departments .....	\$	109,000
GROSS APPROPRIATION .....	\$	109,000

Appropriated from:

Special revenue funds:

Total other state restricted revenues .....		109,000
State general fund/general purpose .....	\$	0

**(6) CHRONIC DISEASE AND INJURY PREVENTION AND HEALTH**

**PROMOTION**

Alzheimer’s information network .....	\$	275,500
Cancer prevention and control program .....		816,300
Chronic disease prevention .....		1,000,100
Diabetes and kidney program .....		1,394,200
Michigan Parkinson’s foundation .....		47,500
Morris Hood Wayne State University diabetes outreach .....		380,000
Physical fitness, nutrition, and health .....		665,000
Smoking prevention program .....		905,600
Tobacco tax collection and enforcement .....		579,500
GROSS APPROPRIATION .....	\$	6,063,700

Appropriated from:

Special revenue funds:

Total other state restricted revenues .....		6,063,700
State general fund/general purpose .....	\$	0

**(7) FAMILY, MATERNAL, AND CHILDREN’S HEALTH SERVICES**

Childhood lead program .....	\$	950,000
Dental programs .....		142,500
Family planning local agreements .....		387,700
Local MCH services .....		233,800
Pregnancy prevention program .....		3,256,500
Prenatal care outreach and service delivery support .....		855,000
School health and education programs .....		75,000
Special projects .....		190,000
GROSS APPROPRIATION .....	\$	6,090,500

Appropriated from:

Special revenue funds:

Total other state restricted revenues .....		6,090,500
State general fund/general purpose .....	\$	0

**(8) OFFICE OF SERVICES TO THE AGING**

Nutrition services .....	\$	158,700
GROSS APPROPRIATION .....	\$	158,700

Appropriated from:

Special revenue funds:

Total other state restricted revenues .....		158,700
State general fund/general purpose .....	\$	0

**(9) MEDICAL SERVICES**

Hospital services and therapy .....	\$	31,635,000
Physician services.....		20,721,700
Pharmaceutical services.....		4,040,900
Transportation.....		10,169,200
Auxiliary medical services .....		7,682,900
Dental services .....		19,558,000
Ambulance services.....		945,400
Long-term care services .....		81,766,900
Health plan services .....		198,613,100
Subtotal basic medical services program .....		<u>375,133,100</u>
Special Medicaid reimbursement.....		285,000
Subtotal special medical services payments.....		<u>285,000</u>
GROSS APPROPRIATION .....	\$	<u>375,418,100</u>
Appropriated from:		
Federal revenues:		
Total other federal revenues .....		235,705,200
Federal - FMAP stimulus .....		36,788,400
Special revenue funds:		
Total other state restricted revenues .....		(12,031,500)
State general fund/general purpose .....	\$	114,956,000

**Sec. 153a. DEPARTMENT OF EDUCATION**

Per-pupil grants to districts and public school academies .....	\$	159,127,300
GROSS APPROPRIATION .....	\$	<u>159,127,300</u>
Appropriated from:		
Special revenue funds:		
School aid fund .....		12,800,000
State general fund/general purpose .....	\$	146,327,300

2. Amend page 14, following line 2, by inserting:

**“Sec. 154a. HIGHER EDUCATION**

**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION .....	\$	140,000,000
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....		0
ADJUSTED GROSS APPROPRIATION .....	\$	140,000,000
Federal revenues:		
Total federal revenues.....		0
Special revenue funds:		
Total local revenues.....		0
Total private revenues.....		0
Total other state restricted revenues .....		140,000,000
State general fund/general purpose .....	\$	0

**(2) GRANTS AND FINANCIAL AID**

Michigan promise grant program .....	\$	140,000,000
GROSS APPROPRIATION .....	\$	<u>140,000,000</u>
Appropriated from:		
Michigan merit award trust fund.....		140,000,000
State general fund/general purpose .....	\$	0

**Sec. 154b. DEPARTMENT OF HUMAN SERVICES**

**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION .....	\$	16,505,300
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....		0
ADJUSTED GROSS APPROPRIATION .....	\$	0
Federal revenues:		
Federal - FMAP Stimulus .....		0
Federal - food assistance administration (ARRA) .....		0
Total federal revenues.....		0

Special revenue funds:	
Total private revenues.....	\$ 0
Total local revenues.....	0
Total other state restricted revenues.....	0
State general fund/general purpose.....	\$ 16,505,300
<b>(2) ADULT AND FAMILY SERVICES</b>	
Employment and training support services.....	\$ 2,000,000
<b>GROSS APPROPRIATION.....</b>	<b>\$ 2,000,000</b>
Appropriated from:	
Interdepartmental grant revenues:	
<b>ADJUSTED GROSS APPROPRIATION.....</b>	<b>\$ 2,000,000</b>
Federal revenues:	
Total federal revenues.....	0
Special revenue funds:	
State general fund/general purpose.....	\$ 2,000,000
<b>(3) PUBLIC ASSISTANCE</b>	
Family independence program.....	\$ 0
Regulated day care services.....	(4,616,100)
Unregulated day care services.....	19,121,400
<b>GROSS APPROPRIATION.....</b>	<b>\$ 14,505,300</b>
Appropriated from:	
Federal revenues:	
Federal supplemental nutrition assistance revenues (ARRA).....	0
Child care and development block grant (ARRA).....	0
Total federal revenues.....	0
Special revenue funds:	
Child support collections.....	0
Supplemental security income recoveries.....	0
Public assistance recoupment revenue.....	0
State general fund/general purpose.....	\$ 14,505,300
3. Amend page 14, following line 25, by inserting:	
<b>“(3) REVENUE SHARING</b>	
Statutory state general revenue sharing grants.....	50,388,200
County revenue sharing.....	4,687,100
<b>GROSS APPROPRIATION.....</b>	<b>\$ 55,075,300</b>
Appropriated from:	
Special revenue funds:	
Sales tax.....	55,075,300
State general fund/general purpose.....	\$ 0”

and adjusting the subtotals, totals, and section 1201 accordingly.

4. Amend page 19, following line 21, by inserting:

**“DEPARTMENT OF EDUCATION**

Sec. 1350. From the amount allocated in part 1 for per-pupil grants to districts and public school academies, the department of education shall pay to each district and public school academy in this state an amount equal to \$100.00 multiplied by the district’s or public school academy’s 2009-2010 pupils in membership. For the purposes of this section, “district”, “public school academy”, and “pupils in membership” mean those terms as defined in the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772.”.

5. Amend page 20, following line 13, by inserting:

“Sec. 1503. (1) The funds appropriated in part 1 for constitutional revenue sharing shall be distributed by the department to cities, villages, and townships, as required under section 10 of article IX of the state constitution of 1963. Revenue collected in accordance with section 10 of article IX of the state constitution of 1963 in excess of the amount appropriated in part 1 for constitutional revenue sharing is appropriated for distribution to cities, villages, and townships, on a population basis as required under section 10 of article IX of the state constitution of 1963. The appropriation in part 1 for statutory state general revenue sharing grants to cities, villages, and townships shall be reduced by an amount equal to any additional constitutional revenue sharing appropriations authorized in this section.

(2) The funds appropriated in part 1 for statutory revenue sharing shall be distributed to cities, villages, and townships so that the combined distribution, under section 10 of article IX of the state constitution of 1963, and statutory revenue sharing, under this subsection, shall be the lesser of 95%, or the percentage determined under this subsection, of the

total combined distribution under section 10 of article IX of the state constitution of 1963 and the statutory distribution received under section 950(2) of PA 127 of 2007 for the 2007-2008 state fiscal year. The percentage under this subsection shall be determined by dividing the sum of all payments under section 10 of article IX of the state constitution of 1963 for the 2009-2010 state fiscal year and \$364,558,100.00 by \$986,695,000.00.

(3) If the amount appropriated in part 1 for statutory revenue sharing is insufficient to fund the distributions calculated in subsection (2), additional statutory revenue sharing shall be automatically appropriated.

Sec. 1504. (1) Each county eligible to receive a distribution pursuant to the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.901 to 141.921, during state fiscal year 2008-2009 is appropriated a prorated payment equal to the amount by which 95.0% of the sum of subdivisions (a) and (b) exceed the revenue credited to the county's revenue sharing reserve fund pursuant to section 44a of the general property tax act, 1893 PA 206, MCL 211.44a, less the total of all amounts authorized to be expended from the revenue sharing reserve fund through September 30, 2009:

(a) The amount distributed to the county for the 2008-2009 state fiscal year pursuant to the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.901 to 141.921, and section 955 of 2008 PA 261.

(b) If the county was authorized to make an expenditure from its revenue sharing reserve fund during the 2008-2009 state fiscal year, the amount the county was authorized to expend during the 2008-2009 state fiscal year from the county's revenue sharing reserve fund, pursuant to section 44a of the general property tax act, 1893 PA 206, MCL 211.44a less any amount from subsection 1(a).

(2) The department of treasury shall annually certify to the state budget director the amount each county is authorized to expend from its revenue sharing reserve fund.

**REPEALERS**

Sec. 1601. (1) Section 675 of 2009 PA 129 is repealed.

(2) Section 950 of 2009 PA 128 is repealed.

(3) Section 955 of 2009 PA 128 is repealed.”.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Prusi requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 584**

**Yeas—14**

Anderson	Cherry	Hunter	Prusi
Barcia	Clark-Coleman	Jacobs	Switalski
Basham	Clarke	Olshove	Whitmer
Brater	Gleason		

**Nays—20**

Allen	Garcia	Jelinek	Patterson
Birkholz	George	Kahn	Richardville
Bishop	Gilbert	Kuipers	Sanborn
Brown	Hardiman	McManus	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom

**Excused—3**

Cropsey	Scott	Thomas
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**Not Voting—0**

### Protests

Senators Jelinek, Hardiman, Kahn, Pappageorge and Richardville, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Prusi to House Bill No. 4311.

Senator Jelinek's statement, in which Senators Hardiman, Kahn, Pappageorge and Richardville concurred, is as follows:

I would like to go on record as making a mistake in my previous comments when I said that this would be \$500 million in proposed tax increases. Actually, it is over \$800 million that we were talking about, so I would like to explain that there is no way today that we are prepared to provide over \$800 million in new tax revenues to put all of these plans back into place. So we can't afford it, and that is my "no" vote explanation.

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. 585

#### Yeas—32

Allen	Cassis	Hardiman	Olshove
Anderson	Cherry	Hunter	Pappageorge
Barcia	Clark-Coleman	Jacobs	Prusi
Basham	Clarke	Jansen	Richardville
Birkholz	Garcia	Jelinek	Stamas
Bishop	George	Kahn	Switalski
Brater	Gilbert	Kuipers	Van Woerkom
Brown	Gleason	McManus	Whitmer

#### Nays—2

Patterson	Sanborn
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#### Excused—3

Cropsey	Scott	Thomas
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#### Not Voting—0

In The Chair: Richardville

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.  
The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

#### Resolutions

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

**Senate Resolution No. 41**

**Senate Resolution No. 75**

**Senate Resolution No. 88**

The motion prevailed.

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

**Senate Resolution No. 94**

**Senate Resolution No. 95**

The resolution consent calendar was adopted.

Senators Brown and George offered the following resolution:

**Senate Resolution No. 94.**

A resolution commemorating the Michigan History Foundation's Jingle Ball on November 21, 2009.

Whereas, Over the past ten years, the Michigan History Foundation has celebrated history educators from across the state for their excellence in teaching Michigan history; and

Whereas, An annual fundraising event began in 2000 when the Michigan History Foundation created Odyssey (renamed Jingle Ball) to raise funds for Michigan history education programs and to award Michigan's outstanding teachers; and

Whereas, In conjunction with the Lansing's Silver Bells in the City, the Michigan History Foundation Jingle Ball will be celebrated on Saturday, November 21, at the Michigan Historical Museum from 7-11 p.m.; and

Whereas, Michigan's outstanding history teachers will be honored, and one of our state's jewels, the Michigan Historical Museum, will be showcased; and

Whereas, This event will allow citizens across the state to participate in providing the much-needed financial support to collect, preserve, and interpret our state's past; and

Whereas, The Jingle Ball event serves to support the Michigan History Education Fund (MHEF); and

Whereas, Michigan history education helps children and adults to learn and to appreciate the different backgrounds and circumstances of the people of this great state; and

Whereas, We ask the members of the Michigan Senate and the Governor of Michigan to join with members of the Michigan History Foundation in embracing this event with our support; and

Whereas, We urge all the citizens of Michigan to join in supporting the Michigan History Education Fund to help maintain its historical programs and activities; now, therefore, be it

Resolved by the Senate, That we hereby recognize the Michigan History Foundation's Jingle Ball on November 21, 2009; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of the Senate, the Governor of Michigan, the Michigan History Foundation, and the Mayor of Lansing.

Senators Anderson, Cherry, Clarke, Gleason, Pappageorge and Richardville were named co-sponsors of the resolution.

Senators Whitmer, Birkholz, Gleason, Cherry, Barcia, Stamas, Gilbert, Garcia, Cropsey and Kahn offered the following resolution:

**Senate Resolution No. 95.**

A resolution honoring the C.S. Mott Foundation for its investment in Michigan through the Moving Ideas to Market initiative.

Whereas, The C.S. Mott Foundation was founded in 1926 by Charles Stewart Mott from Flint, Michigan; and

Whereas, The Prima Civitas Foundation is a nonprofit economic and community development collaborative that serves the state of Michigan as it reinvents its economic base in the 21st century; and

Whereas, In November of 2008, the C.S. Mott Foundation awarded the Prima Civitas Foundation a one-year grant called Moving Ideas to Market; and

Whereas, Moving Ideas to Market empowered three action teams, comprised of numerous volunteers from across the state, to collaborate on strategies that improve the commercialization and entrepreneurship culture in Michigan; and

Whereas, The following organizations are currently engaged in the Moving Ideas to Market initiative: Central Michigan University, Corporation for a Skilled Workforce, Clinton County Economic Alliance, DeWitt High School, Generation E Institute, Great Lakes Entrepreneur's Quest, ITEC-Lansing, Junior Achievement of Mid Michigan, Kettering University, Lansing Community College, Lansing Economic Area Partnership, Madle Marketing, LLC, Michigan 4-H Foundation, Michigan Department of Education Office of Career and Technical Education, Michigan Education Association, Michigan Small Business and Technology Development Center, Michigan State University, Michigan State University Extension, Michigan Virtual University, Michigan Universities Commercialization Initiative, Thumb Area Michigan Works!, Middle Michigan Development Corporation, Midland Tomorrow, Mid-Michigan Innovation Center, Saginaw County Business and Education Partnership, Saginaw Valley State University, University of Michigan-Flint, and White Brothers Music; and

Whereas, The Moving Ideas to Market grant has had a tremendous and lasting impact on the mid-Michigan region and the entire state of Michigan; now, therefore, be it

Resolved by the Senate, That the state of Michigan applauds the C.S. Mott Foundation for its continued efforts throughout our state; and be it further

Resolved, That the members of this legislative body hereby thank the C.S. Mott Foundation for their investment in Michigan through the Moving Ideas to Market initiative.

Senators Anderson, Basham, Clark-Coleman, Clarke, Pappageorge and Richardville were named co-sponsors of the resolution.

Senator Cassis offered the following resolution:

**Senate Resolution No. 93.**

A resolution to proclaim November 9-13, 2009, as School Psychology Week in Michigan.

Whereas, Children have a natural desire and propensity to learn and the inalienable right to an education, and it is imperative that society invest in education to adequately support the needs of children and youth; and

Whereas, Children's mental health is closely linked to their successful learning and development. Schools must apply sound psychological principles to instruction and learning; cultivate children's intellectual, social, and emotional development; meet the needs of culturally-diverse student populations; and promote prevention and early intervention; and

Whereas, Schools must ensure a safe, healthy learning environment for all children and be able to recognize and respond to their emotional and psychological needs, including those caused by personal or societal crises; and

Whereas, Appropriate prevention and early intervention strategies and adequate support services minimize negative outcomes, such as academic failure, social and emotional difficulties, behavioral problems, bullying and school violence, mental health problems, suicide, and dropping out; and

Whereas, School psychologists are specially trained to help parents and educators identify and reduce risk factors; create effective, caring schools; access helpful community resources; and implement research-driven prevention and intervention strategies to foster healthy child development and academic success; and

Whereas, School psychologists deliver needed mental health services and academic supports in the natural context of school where children are comfortable and familiar. It is appropriate that the Michigan Legislature recognize the importance and vital role that school psychologists play in the personal and academic development of Michigan's children; and

Whereas, The Michigan Association of School Psychologists have lent their expertise to state policymakers on issues important to children and families, such as parental involvement in education, the appropriate use of psychotropic medications, the prevention of bullying, and access to special education services; now, therefore, be it

Resolved by the Senate, That we hereby proclaim November 9-13, 2009, as School Psychology Week in Michigan and commend observance to all our citizens; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Association of School Psychologists.

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

Senator Brown moved that the rule be suspended.

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

The resolution was adopted.

Senators Anderson, Basham, Cherry, Clarke, Gleason, Kuipers, Pappageorge and Richardville were named co-sponsors of the resolution.

Senator Gleason offered the following resolution:

**Senate Resolution No. 96.**

A resolution to urge the Congress of the United States to enact and put into immediate effect a Humphrey-Hawkins Full Employment Act.

Whereas, The Humphrey-Hawkins Full Employment and Balanced Growth Act of 1978 was enacted to address the high unemployment and inflation that threatened the financial and social fabric of our nation in the late 1970s. This measure was designed to utilize all of the tools of the federal government had in its power to promote full employment and check inflation; and

Whereas, Indeed, amid a severe worldwide economic downturn, our nation and the state of Michigan, in particular, have been buffeted by an economic tsunami that in many respects is much worse than that of the recession of the 1970s. In fact, in the 18 months prior to the peak in Michigan unemployment in the early 1980s, Michigan's unemployment rate increased 5 percent. In the last 18 months, however, our unemployment rate has increased by 8 percent to 15.3 percent. This amounts to 500,000 lost jobs and amply demonstrates why our state has lost jobs for 25 consecutive months and has had the nation's highest unemployment rate for 27 of the past 28 months. Moreover, nearly half of these lost jobs have been in the manufacturing and construction industries that traditionally pay some of the state's highest wages. The situation is even worse in many of our metropolitan areas, such as the cities of Detroit and Flint, where the unemployment rate is currently at 28.9 percent and 29.9 percent, respectively; and

Whereas, Clearly, our economy is at a point where legislation such as the Humphrey-Hawkins Full Employment Act is desperately needed today. Federal assistance in retraining many of the highly-skilled unemployed into careers of the future and public works efforts designed to put more people back on a payroll are essential components in righting our economic ship. The power of the federal government to promote economic growth, balance the budget, and bring justice to our trade policies is critical to the financial reinvigoration of the Great Lakes State; now, therefore, be it

Resolved by the Senate, That we hereby urge the Congress of the United States to enact and put into effect a Humphrey-Hawkins Full Employment Act; 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.

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

Senator Brown 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 Brown moved that the resolution be referred to the Committee on Commerce and Tourism.

The motion prevailed.

Senators Anderson, Cherry, Clark-Coleman and Clarke were named co-sponsors of the resolution.

By unanimous consent the Senate returned to the order of

### **Introduction and Referral of Bills**

Senators Allen, George, Birkholz, Van Woerkom and Jansen introduced

#### **Senate Bill No. 978, entitled**

A bill to amend 2003 PA 260, entitled "Tax reverted clean title act," by amending sections 2 and 3 (MCL 211.1022 and 211.1023).

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

Senators George, Birkholz, Van Woerkom, Jansen and Allen introduced

#### **Senate Bill No. 979, entitled**

A bill to amend 2003 PA 258, entitled "Land bank fast track act," by amending sections 3, 4, and 23 (MCL 124.753, 124.754, and 124.773).

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

### **Statements**

Senator McManus stated that had she been present on October 29, when the votes were taken on the passage of the following bills, she would have voted "yea":

**House Bill No. 4995**

**Senate Bill No. 680**

**Senate Bill No. 850**

**Senate Bill No. 851**

Senator McManus stated that had she been present on October 29, when the vote was taken on the adoption of the substitute to the following bill, she would have voted "nay":

**Senate Bill No. 851**

Senator McManus stated that had she been present on November 4, when the votes were taken on the passage of the following bills, she would have voted "yea":

**Senate Bill No. 563**

**House Bill No. 4793**

**House Bill No. 4709**

**House Bill No. 4264**

Senators Patterson, Kahn and Hardiman asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Patterson's statement is as follows:

I stand here today speaking as a fiscal conservative, not a Republican. I noticed in *MIRS* yesterday a paragraph titled "House dives into stimulus to ease school cut." Some of you may have noticed that I have been something of a continuous rant. On this occasion, I will continue with regard to a recent report from Eco-Trend Investment Trading, which observes

that the real money supply twelve-month moving average is in a steep rising trend. In fact, despite having a flood of U.S. currency issued upon the extreme debt incurrence, the twelve-month moving average is currently 8.3 percent above its year-ago average, which was in itself steep. And thus, it is the fastest rate of year-over-year growth and money supply since 1973. Some of you might not remember 1973. For those who do, you will recall that it was a precursor to some of the greatest hyperinflation that has occurred in the past half century.

As we decide to spend more and more money by borrowing and spending federalist dollars that do not exist, we are jeopardizing our children's children's futures.

Senator Kahn's statement is as follows:

I rise to speak on Senate Bill No. 501 and to thank the chamber for the passage of this bill which amends the 1974 plant rehabilitation and industrial development districts act. That act was established to provide incentives for businesses to make new investments in Michigan. With those investments comes opportunity and jobs.

The abatements encourage the building of new plants, expansion of existing plants, and the renovation of aging plants and also the addition of new machinery and equipment that is, hopefully, built in Michigan. Under current law, these abatements cannot be used if the building is currently usable, or a new tenant can occupy the building without any large-scale upgrade or change. As we know, with the failure of so many businesses, there are a lot of buildings that could be used to house new opportunities, new businesses, and new hope for our people.

By expanding state law as Senate Bill Nos. 500 and 501 do, to include facilities that are not obsolete and not necessarily in need of renovation, we provide local governments a tool to attract job providers. This proposal, therefore, would give local governments one more economic development tool to use at their discretion. Local governments are the ones who would provide the tax exemptions for the buildings that are usable though currently vacant, and local governments could be part of the equation in bringing more jobs and opportunities to our people. Senate Bill No. 501 includes, as well, provisions concerning existing facilities in the industrial facilities tax and administrative fees.

So I thank the chamber for the passage of both bills, and I am eager to see them taken up in the House and to ultimately be signed into law.

Senator Hardiman's statement is as follows:

A friend of all those in Grand Rapids has just passed away, the Reverend Lyman Starling Parks. This is a tribute to a memorial for the Reverend Lyman Parks, the first and to date the only African-American mayor to hold office in Grand Rapids, Michigan.

"Whereas, The citizens of the greater Grand Rapids area were saddened to learn of the passing of Reverend Lyman Starling Parks, a man who served his community with honor, integrity, and perseverance, most notably as Grand Rapids first African-American mayor elected in November 1971; and

Whereas, A native of Princeton, Indiana, born in 1917, he attended Indiana State Teachers College, Wilburforce College, and Payne Theological Seminary. He was called into the ministry in 1939. While serving as pastor at Wayman Chapel A.M.E. Church in Kokomo, Indiana, he met his future wife, Cleo Imogene Sweat. Between 1945 and 1957, Lyman and Cleo had nine children; and

Whereas, The growing Parks family moved to Ann Arbor, Michigan, so Parks could serve as pastor for Bethel A.M.E. He found his interest and became active in civic affairs. He served on the City Planning Commission, breaking the restrictive covenants that prevented blacks from buying real estate in certain areas of the city and opened the segregated theaters to black patrons; and

Whereas, In 1963, Parks was a founding member and the first president of Theta Zeta Lambda Chapter of Alpha Phi Alpha Fraternity. In 1964, he relocated to serve as pastor at St. John A.M.E. in River Rouge, Michigan. Then his ministry led him to Grand Rapids; and

Whereas, In 1968, he began his pursuit of elected office with his election to Third Ward Commissioner in Grand Rapids, Michigan, as the first African American to serve on the Grand Rapids City Commission. Upon the resignation of the city's previous mayor, Reverend Lyman Parks was appointed the mayor of Grand Rapids. In November 1971, he maintained the position with election by the people, beating out several candidates. After serving as mayor until 1976, Parks continued working for the city and serving as pastor of First Community A.M.E. Church until 1986 when he retired from the city; and

Whereas, Among his many accomplishments as an elected official and community leader, Parks remained a devoted man of God and retired from sixty-one years of service in the ministry in the year 2000. Throughout his career, Parks had the courage and steadfast will to break down barriers and make himself an equal in a society that was slow to accept him. He devoted himself to the people of his community, his friends, and most importantly, his family."

I offer this expression of highest tribute to honor the memory of Reverend Lyman Starling Parks, the first and to date only African-American mayor to hold office in Grand Rapids. I just wanted to say this on a personal note. When I became the mayor of Kentwood some years ago, I would run into Mayor Parks in a restaurant or somewhere in the community, and he would always stop and say to his wife Cleo, "Look, that's the Mayor." He was very proud. He was an incredible man, he did great things, and he served his community well. I offer these remarks in his memory.

A moment of silence was observed in memory of the former mayor of Grand Rapids, Reverend Lyman Starling Parks.

**Committee Reports****COMMITTEE ATTENDANCE REPORT**

The Committee on Senior Citizens and Veterans Affairs submitted the following:  
Meeting held on Wednesday, November 4, 2009, at 9:00 a.m., Room 100, Farnum Building  
Present: Senators Allen (C), Pappageorge, Garcia and Olshove  
Excused: Senator Basham

**Scheduled Meetings**

**Appropriations** - Tuesday, November 10, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Subcommittees -**

**Capital Outlay** - Thursday, November 12, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**Community Health Department** - Tuesday, November 10, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**Hunting, Fishing and Outdoor Recreation** - Thursday, November 12, 1:00 p.m., Room 100, Farnum Building (373-1777)

**Legislative Commission on Statutory Mandates** - Monday, November 16, 9:00 a.m., Waterford Room, 1st Floor, Oakland County Executive Office Building, 2100 North Pontiac Lake Road, Waterford (373-0212)

**Legislative Retirement Board of Trustees** - Thursday, December 3, 2:00 p.m., Room H-252, Capitol Building (373-0575)

Senator Brown moved that the Senate adjourn.  
The motion prevailed, the time being 12:35 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, November 10, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

