

No. 67  
STATE OF MICHIGAN  
**Journal of the Senate**  
95th Legislature  
REGULAR SESSION OF 2009

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Senate Chamber, Lansing, Wednesday, September 9, 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—present

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

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

Pastor Tim Van Loh of Grove Bible Church of St. Johns offered the following invocation:

Dear Heavenly Father, Creator of heaven and earth, we praise You for Your infinite wisdom and almighty power. We need it today as much as we ever have. You do amazing acts of greatness for Your glory and our good. Nothing is too difficult for You. Please use us to work out Your perfect plan here in this place today.

Please forgive us for the many times and many ways that we fail You both when we don't do what we should do and when we do what we shouldn't do. Thank You, Jesus, for dying as our substitute to pay the penalty for those sins. Thank You for rising from the dead giving us hope for life—real life—both now and forevermore.

Father, today we remember the life and honor the death of Private First Class Eric W. Hario. We thank You for his sacrifice for us. Lord, we pray for the protection of our troops as they fight for our freedom abroad so we can be safe here at home.

Lord, today this Senate has many important decisions to make. Please give them wisdom as they debate the merits and demerits of the various issues. Please guide them to the decisions that are best for our state at this time. Thank You for the privilege that You have given these men and women to serve You and us—their constituents.

I ask all these things in the name of Jesus. Amen.

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

### Motions and Communications

Senator Garcia entered the Senate Chamber.

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

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

The following communication was received:  
Public Service Commission

September 1, 2009

The enclosed Report on Status of Power Quality in Michigan, is submitted on behalf of the Michigan Public Service Commission (Commission) in accordance with Section 10p of 2008 PA 286, MCL 460.10p (Act 286), and represents the results of the research conducted by the Commission and its Staff. The report is available on the Commission's Web site under reports and also in Case No. U-15945. The report provides the Commission's findings regarding electric power quality, service reliability and power plant generating cost efficiency and the consequent impact on end-use customers.

The Commission reviewed existing performance measurements for evaluating the service quality, reliability and power plant generating cost efficiency of electric utilities operating in Michigan under the Commission's jurisdiction. Power quality performance measurements in ten states, half in Michigan's geographical region (Illinois, Indiana, Wisconsin, Ohio and Minnesota) and half based on perceived progressive regulation (Delaware, District of Columbia, Utah, California and Pennsylvania) were also investigated. The research indicated that the states had similar performance measurements for power reliability and customer service to those that currently are in place in Michigan, although some other states are using additional performance measurements.

The Commission solicited comments on implementation of the provisions of Act 286 in Case No. U-15895 and U-15901 for power quality disturbances and power plant generating cost efficiency. In Case No. U-15945, the Commission solicited further comments on power quality standards, rules, and distributed a customer questionnaire, which was also available on the Commission's Web site.

The Commission concludes as a result of the investigation no statutory changes are needed at this time. However, the Commission intends to adopt in subsequent orders Staff's recommendation that new additional reporting requirements be established for electric power quality, reliability and power plant generating cost efficiency.

Specifically, Consumers Energy Company and The Detroit Edison Company, who serve a majority of the industrial companies in Michigan, will be required to provide new information in an annual power quality report by April 2, 2010, and for each of the next three years. The annual report will contain data on all primary customer power quality investigations conducted in the past year for end-use customers, derived from their power quality meters, and the outcome of such investigations. At the end of the three year period, Staff will file a report to the Commission regarding new standards and recommend if they should be applied to all electric utilities. The Staff will examine the data to determine if the two companies are meeting IEEE power quality standards.

In addition, three new performance reliability measurements for service quality will be reported by Consumers Energy and The Detroit Edison Company: (1) System Average Interruption Duration Index - SAIDI, (2) System Average Interruption Frequency Index - SAIFI, and (3) Customer Average Interruption Duration Index - CAIDI. Each index will be reported with and without “major events” on a rolling five year average using the industry standard IEEE methodology of calculation. These indices have been proven to show the reliability of electricity in a utility’s power system and will be useful to the Commission in identifying utilities performance trends for each specific utility. The intent of the information is not to benchmark the utilities nationwide or within the state, but to review current performance levels to determine improvement.

The Commission will instruct Staff to add reporting requirements for electric utilities to be filed as part of existing filings to evaluate power plant generating cost efficiency. These requirements will allow the Commission to more closely monitor power plant generating cost efficiency. Based on these reports, the Commission will apprise the Governor and the Legislature of any future developments that may warrant action.

Very truly yours,  
 Orijakor N. Isiogu  
 Chairman

Monica Martinez  
 Commissioner

Steven A. Transeth  
 Commissioner

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, September 2:

**House Bill Nos. 4311 4410 5275**

The Secretary announced the enrollment printing and presentation to the Governor on Friday, August 28, for her approval the following bill:

**Enrolled Senate Bill No. 334 at 3:28 p.m.**

The Secretary announced the enrollment printing and presentation to the Governor on Monday, August 31, for her approval the following bills:

**Enrolled Senate Bill No. 411 at 2:10 p.m.**

**Enrolled Senate Bill No. 412 at 2:12 p.m.**

**Enrolled Senate Bill No. 430 at 2:14 p.m.**

The Secretary announced that the following official bills and joint resolution were printed on Thursday, August 27, and are available at the legislative website:

**Senate Bill Nos. 760 761 762 763 764 765 766 767 768 769 770 771 772**  
**House Bill Nos. 5276 5277 5278 5279 5280 5281 5282 5283 5284**  
**House Joint Resolution AA**

The Secretary announced that the following official bills and joint resolutions were printed on Friday, August 28, and are available at the legislative website:

**Senate Bill Nos. 775 776 777 778 779 780 781 782 783 784 785**  
**Senate Joint Resolutions K L**

The Secretary announced that the following official bills and joint resolution were printed on Thursday, September 3, and are available at the legislative website:

**House Bill Nos. 5285 5286 5287 5288 5289 5290 5291 5292 5293 5294 5295 5296 5297 5298**  
**5299 5300 5301 5302 5303 5304 5305 5306 5307 5308 5309 5310 5311 5312**  
**5313 5314 5315 5316 5317**  
**House Joint Resolution BB**

### Messages from the Governor

The following message from the Governor was received:

Date: August 31, 2009  
Time: 1:50 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 334 (Public Act No. 79), being**

An act 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.

(Filed with the Secretary of State on August 31, 2009, at 2:15 p.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

The following messages from the Governor were received and read:

August 28, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office under Sections 302 and 1102 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.1102:

**Board of Barber Examiners**

Mr. Dennis G. Sullivan of 5023 Shoreline Boulevard, Waterford, Michigan 48329, county of Oakland, is reappointed to represent professionals, for a term expiring September 30, 2013.

Mr. James F. VanDyken of 16322 Prairie Ronde Road, Schoolcraft, Michigan 49087, county of Kalamazoo, is reappointed to represent the general public, for a term expiring September 30, 2013.

August 28, 2009

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following reappointment to office under Section 3 of the Carnival-Amusement Safety Act of 1966, 1966 PA 225, MCL 408.653:

**Carnival-Amusement Safety Board**

Mr. Martin J. Heppler of P.O. Box 281, 8666 East D Avenue, Richland, Michigan 49083, county of Kalamazoo, is reappointed to represent carnival ride operators, for a term expiring July 10, 2013.

August 28, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Sections 16121 and 18103 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.18103:

**Michigan Board of Counseling**

Ms. Mary L. Kelley, Ed.D., of 39617 Dun Rovin Drive, Northville, Michigan 48168, county of Wayne, succeeding Julian Pate III, whose term has expired, is appointed to represent the general public, for a term commencing August 28, 2009 and expiring June 30, 2013.

August 28, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to state office under Section 3b of the Fire Prevention Code, 1941 PA 207, MCL 29.3b:

**State Fire Safety Board**

Mr. James A. Dundas of 9106 Lyniss Drive, Commerce, Michigan 48340, county of Oakland, succeeding Ronald Farr, who has resigned, is appointed to represent organized fire departments in the Lower Peninsula, for a term commencing August 28, 2009 and expiring July 15, 2011.

Mr. David J. Henry, Jr., of 2663 Shadow Pine Drive, Fruitport, Michigan 49415, county of Muskegon, is reappointed to represent owners of adult foster care facilities, for a term expiring July 15, 2013.

Mr. Greg M. Herman of 20495 Villa Grande Circle, Clinton Township, Michigan 48038, county of Macomb, is reappointed to represent the building trades, for a term expiring July 15, 2013.

Mr. William H. Mayes of 625 Burgenstock, Lansing, Michigan 48917, county of Eaton, is reappointed to represent persons who are a member or employed by a statewide association representing school board members or school administrators, for a term expiring July 15, 2013.

Mr. Richard S. Prestage of 9211 North Union Road, St. Louis, Michigan 48880, county of Gratiot, is reappointed to represent the nursing home industry, for a term expiring July 15, 2013.

Mr. John C. Wozniak of 6524 Cannonsburg Road, Belmont, Michigan 49306, county of Kent, is reappointed to represent the flammable liquids industry, for a term expiring July 15, 2013.

August 28, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office under Sections 16121 and 17221 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17221:

**Michigan Board of Nursing**

Mr. Earl G. Auty, CRNA, MS, of 942 Bedford, Grosse Pointe Park, Michigan 48230, county of Wayne, is reappointed to represent nurse anesthetists, for a term expiring June 30, 2013.

Ms. Karen A. Bowman of 2323 Cheltenham Boulevard, Lansing, Michigan 48917, county of Eaton, is reappointed to represent nurse practitioners, for a term expiring June 30, 2013.

Ms. Nina A. Bugbee, R.N., of 7177 Johnson Road, Flushing, Michigan 48433, county of Genesee, is reappointed to represent registered professional nurses with a baccalaureate degree engaged in nursing practice or nursing administration, for a term expiring June 30, 2013.

Ms. Kathleen A. V. Lavery, CNM, of 4521 Sid Drive, Jackson, Michigan 49201, county of Jackson, is reappointed to represent nurse midwives, for a term expiring June 30, 2013.

Ms. Amy M. Perry, R.N., M.S.N., of 2923 Atterberry Drive, Ann Arbor, Michigan 48103, county of Washtenaw, is reappointed to represent registered professional nurses with a baccalaureate degree engaged in nursing practice or nursing administration, for a term expiring June 30, 2013.

August 28, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office under Section 23 of the Michigan Occupational Safety and Health Act, 1974 PA 154, MCL 408.1023:

**Occupational Health Standards Commission**

Mr. Jim B. Cianciolo of 22048 Crestwood Street, Woodhaven, Michigan 48183, county of Wayne, is reappointed to represent labor, for a term expiring August 5, 2012.

Mr. Ricardo L. Longoria of 2527 Blackmore, Saginaw, Michigan 48602, county of Saginaw, is reappointed to represent labor and public employees of the state, for a term expiring August 5, 2012.

Mr. John E. Miller of 2076 S. Nine Mile Road, Kawkawlin, Michigan 48631, county of Bay, is reappointed to represent public employers of the state, for a term expiring August 5, 2012.

August 28, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to state office under Section 2 of 1965 PA 278, MCL 390.712:

**Saginaw Valley State University Board of Control**

Ms. Cathy W. Ferguson of 418 Foxboro Road, Saginaw, Michigan 48603, county of Saginaw, succeeding D. Brian Law, whose term has expired, is appointed to represent the general public, for a term commencing August 28, 2009 and expiring July 21, 2017.

Mr. David R. Gamez of 3137 Midland Road, Saginaw, Michigan 48603, county of Saginaw, is reappointed to represent the general public, for a term expiring July 21, 2017.

September 8, 2009

I respectfully submit to the Senate, pursuant to Section 6, Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office under Section 4 of the Child Abuse and Neglect Prevention Act, 1982 PA 250, MCL 722.604:

**State Child Abuse and Neglect Prevention Board**

Ms. Trisha L. Stein of 4721 Orchard Avenue, Dearborn, Michigan 48126, county of Wayne, succeeding Renee Farhat Loepp, whose term has expired, is appointed to represent the general public, for a term commencing September 8, 2009 and expiring December 19, 2011.

Ms. Cynthia K. Williams of 844 Pebblebrook Lane, East Lansing, Michigan 48823, county of Ingham, succeeding the late Sophie Womack, is appointed to represent the religious community, for a term commencing September 8, 2009 and expiring December 19, 2010.

Mr. Douglas M. Paterson of 2701 Heather, East Lansing, Michigan 48823, county of Ingham, is reappointed to represent the general public, for a term expiring December 19, 2011.

September 8, 2009

Pursuant to Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657, I respectfully submit for consideration and confirmation by the Senate, the following appointment and reappointments to state office:

**Michigan Corn Marketing Program Committee**

Mr. Randall S. Poll of 4406 134th Avenue, Hamilton, Michigan 49419, county of Allegan, succeeding Jay Drozd, whose term has expired, is appointed to represent district 1 growers, for a term commencing September 8, 2009 and expiring on March 5, 2012.

Mr. Carl A. Barth of 57205 Cowling Road, Three Rivers, Michigan 49093, county of St. Joseph, is reappointed to represent district 2 growers, for a term expiring March 5, 2011.

Mr. Clark F. Gerstacker of 2319 North Waldo, Midland, Michigan 48642, county of Midland, is reappointed to represent district 8 growers, for a term expiring on March 5, 2012.

Mr. Brian A. Kreps of 1366 West Stein Road, LaSalle, Michigan 48145, county of Monroe, is reappointed to represent district 4 growers, for a term expiring March 5, 2012.

Sincerely,  
Jennifer M. Granholm  
Governor

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

**Recess**

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

11:04 a.m.

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

During the recess, Senators Brater, Kuipers and Birkholz entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

**Third Reading of Bills**

Senator Cropsey moved that the following bill be placed at the head of the Third Reading of Bills calendar:

**Senate Bill No. 589**

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

**General Orders**

Senator Cropsey 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 Sanborn 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:

**Senate Bill No. 774, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 431 (MCL 208.1431), as amended by 2008 PA 111.

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.

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

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

The following bill was read a third time:

**Senate Bill No. 589, entitled**

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending section 7a (MCL 252.307a), as added by 2006 PA 447.

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. 442**

**Yeas—23**

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

**Nays—13**

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

**Excused—1**

Jansen

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

**Resolutions**

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

**Senate Resolution No. 41**

**Senate Resolution No. 17**

**Senate Concurrent Resolution No. 4**

**Senate Resolution No. 75**

The motion prevailed.

Senator Kahn offered the following concurrent resolution:

**Senate Concurrent Resolution No. 19.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Control of Saginaw Valley State University relative to the Saginaw Valley State University Health Sciences Facility.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Control of Saginaw Valley State University (the "Educational Institution"), the State Administrative Board, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the Educational Institution may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the Health Sciences Facility (the "Facility") is currently owned by the Educational Institution; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State of Michigan (the "State") may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the Educational Institution pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the Educational Institution has been prepared providing for the leasing of the Facility by the Authority to the State and the Educational Institution (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the Saginaw Valley State University Health Sciences Facility shall not exceed \$28,000,000 (the Authority share is \$20,999,900, the State General Fund/General Purpose share is \$100, and the Educational Institution share is \$7,000,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$20,999,900, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the Educational Institution and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$1,440,000 and \$1,883,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease among the State, the Educational Institution, and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Control of Saginaw Valley State University, and the State Budget Director.

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

Senator Cropsey 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 concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

### Introduction and Referral of Bills

Senator Sanborn introduced

**Senate Bill No. 786, entitled**

A bill to amend 1943 PA 148, entitled "An act to provide for the regulation and licensing of proprietary schools in the state; to require surety; to provide for collection and disposition of fees; and to prescribe penalties for the violation of this



act,” by amending sections 1, 1a, 2, 2a, and 2b (MCL 395.101, 395.101a, 395.102, 395.102a, and 395.102b), sections 1, 2, 2a, and 2b as amended and section 1a as added by 1983 PA 60.

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

Senator Switalski introduced

**Senate Bill No. 787, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 507, 511, 517, 519, 521, 531, 532, 549, and 550 (MCL 600.507, 600.511, 600.517, 600.519, 600.521, 600.531, 600.532, 600.549, and 600.550), section 507 as amended by 2006 PA 607, section 517 as amended by 2006 PA 101, section 521 as amended by 2001 PA 256, and sections 549 and 550 as amended by 1990 PA 54, and by adding section 550b.

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

Senators Jelinek, Van Woerkom, Brown and Richardville introduced

**Senate Bill No. 788, entitled**

A bill to amend 1976 IL 1, entitled “A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies,” by amending section 3c (MCL 445.573c), as amended by 1996 PA 384.

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

Senators Jelinek, Van Woerkom, Brown and Richardville introduced

**Senate Bill No. 789, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.532) by adding section 278.

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

Senators Jelinek, Van Woerkom, Brown and Richardville introduced

**Senate Bill No. 790, entitled**

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” (MCL 208.1101 to 208.1601) by adding section 468.

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

Senator Van Woerkom introduced

**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.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Kahn, Barcia, Cropsey, Pappageorge, Jelinek, Richardville and Allen introduced

**Senate Bill No. 792, entitled**

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” (MCL 28.421 to 28.435) by amending the title, as amended by 2000 PA 381, and by adding sections 1b and 36.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Outdoor Recreation.

Senators Barcia, Basham, Cropsey, Jelinek, Kahn, Richardville, Pappageorge and Allen introduced  
**Senate Bill No. 793, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 231a (MCL 750.231a), as amended by 2008 PA 196.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Outdoor Recreation.

Senator Cropsey introduced  
**Senate Bill No. 794, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 1084.

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

Senators Birkholz and Cropsey introduced  
**Senate Bill No. 795, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 322, 625n, 732a, and 904d (MCL 257.303, 257.322, 257.625n, 257.732a, and 257.904d), sections 303, 732a, and 904d as amended by 2008 PA 463, section 322 as amended by 2008 PA 462, and section 625n as amended by 2008 PA 539.

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

Senator Cassis introduced  
**Senate Bill No. 796, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 455 (MCL 208.1455), as added by 2008 PA 77.

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

**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.

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. 4410, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1278a and 1278b (MCL 380.1278a and 380.1278b), section 1278a as amended by 2008 PA 316 and section 1278b as amended by 2007 PA 141.

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 Education.

**House Bill No. 5275, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 434 (MCL 208.1434), as amended by 2009 PA 26.

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 Commerce and Tourism.

The President, Lieutenant Governor Cherry, resumed the Chair.

### Statements

Senators Cropsey, Thomas, George, Clarke, Scott, Cassis, Allen, Basham, Garcia, Prusi, Anderson, Van Woerkom and Cherry asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cropsey's statement is as follows:

When I read media reports about what we do, or listen to news reports, I am always amazed not so much by what is reported as to what oftentimes is not reported. Last month, a notable election was held. A Michigan Senator was elected, but somehow I missed the report in the news. Just in case you missed the news also, here it is.

Our country has an organization called NOBEL/Women, or the National Organization of Black Elected Legislative/Women. This is a nonprofit, nonpartisan organization primarily composed of current and former black women legislators, as well as many appointed officials. NOBEL/Women was established in 1985 as a national organization to increase and promote the presence of black women in government and to be a voice focusing on issues such as health, telecommunications, education, economic development, and financial policies.

During the last week in August, the National Organization of Black Elected Legislative/Women held an election, and our very own Senator Martha G. Scott was elected as vice president.

Senator Scott, congratulations. I know you have your work cut out for you, and best wishes in your endeavors.

Senator Hunter stated that had he been present on August 27 when the votes were taken on the adoption and passage of the following concurrent resolution and bills, he would have voted "yea":

**Senate Concurrent Resolution No. 18**

**Senate Bill No. 597**

**Senate Bill No. 503**

**Senate Bill No. 504**

**Senate Bill No. 505**

**Senate Bill No. 506**

**Senate Bill No. 507**

**Senate Bill No. 508**

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**Senate Bill No. 524**

**Senate Bill No. 525**

**Senate Bill No. 526**

**Senate Bill No. 527**

Senator Thomas' statement is as follows:

I wanted to reflect on how I spent my Labor Day this past year. On Monday, I had the profound privilege and I hope not the sad misfortune of attending the Michigan State Fair. I do hope it wasn't the last Michigan State Fair.

But I was very, very much struck at spending the afternoon in my district at the corner of 8 Mile and Woodward and enjoying a fantastic Michigan State Fair. I was struck as I arrived by an incredibly long line to get in. In fact, I got into the last row of parking on the overflow lot at the Michigan State Fair, and what an exciting treat that was to actually have to wait in line to get into the fair. When I finally did park my car and walked up, I waited for about 20 minutes to actually get into the fair. In that line, there was a microcosm of Michigan—young families, old families, and folks with all types of special needs—everyone there all with a big smile excited about their day at the fair.

The first thing I saw was a bustling midway. It was more than double its size. There were kids screaming with excitement and trepidation of riding a roller coaster for the first time. There were dads throwing baseballs trying to knock down those milk jugs to try and win their little girl that special prize. It was truly a Michigan delight.

I then proceeded to an area with very, very long lines to look at all of the grand prize winners of all of the animals. There was the grand prize hog, the grand prize cow, and the grand prize lamb. That was just a spectacular moment for

me as a city kid to participate and enjoy some of Michigan agriculture. I must say that I didn't want to go home and eat BBQ ribs afterwards after enjoying looking at that grand prize hog sitting there in all of its grandeur.

We moved on over there to the Michigan Coliseum where I saw my first draft horse show. There were hundreds of people who were there in the coliseum just enjoying horses from all over the Midwest with the draft horse teams. I was particularly struck by a woman who looked like she was from a place nowhere near my home. But the way she screamed with delight when the Clydesdale team from Fremont won that draft horse show really warmed my heart. The standing ovation and applause that everyone gave made it a truly spectacular and special Michigan moment.

We then walked over to the Miracle of Life exhibit, and there it was just a show to be seen. You saw city kids who had never seen a chick being born watch with fascination as that shell broke apart and that little chick came to life. You saw a little girl, a little farmer, who was there, who couldn't have been more than eight years old, holding a little baby lamb so that these wonderful little kids could pet them.

I saw, in fact, a father and his young daughter, who couldn't have been more than three, as she reached out and touched that lamb and said, "Oh, Daddy, it's soft." It was an amazing sight to be seen; one that city kids like the ones I represent only get to see once a year at Michigan's fabulous State Fair. It was truly, truly breathtaking.

I actually got a chance to talk to an expert farmer about my garden and why that powdery mildew killed my cucumbers and my squash and what I could do to fix that next year. It was very good advice. In fact, by the time we were done talking, there was a group of my neighbors who had the same mildew and mold in their gardens and we all felt a lot better that we had that conversation with this farmer.

There were long lines at the food. I enjoyed fried Michigan potatoes. I'm sure they were from somewhere near Jim Barcia's home, and they were delicious once I spritzed on a little vinegar and a little Morton Salt onto them. It was great.

We then moved over and saw a circus with a family of carnies. It was a Latin-American family from a generation from about three feet tall to mom and dad who were watching their son climb a stack of chairs twenty feet high with fear and excitement, and it was a thrilling opportunity for all.

I wrapped up my day walking through the Michigan Pocket Park, and it was just as magical as it could be. I saw a little girl catch her first fish there at the DNR Pocket Park, and the pride that her father felt as he helped her pull that fish off of that hook was absolutely tremendous and something that could only happen at the Michigan State Fair.

As I concluded my day, we walked over and I got my ultimate fair memory, an elephant ear. It was a truly unique experience. It was the best and the crispiest, and the folks who were there making it in that stand were a microcosm of Michigan.

I tell you, my friends, it is a sincere tragedy that the Michigan State Fair might be closing, and I hope that we would give all we can.

Senator George's statement is as follows:

I rise to comment on the budget process. Here it is September and we find ourselves still struggling with how to resolve the state's budget issues. I would point out that we have two dual problems. One is we have declining revenue which makes budgeting difficult, but the problem has been compounded because the budgeting process itself has become broken. When I say this, I am referring to the fact that our colleagues in the House have yet to send us a balanced budget.

We do have some budgeting instructions that are found in the State Constitution, Article 4, Section 31. It says, "One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source...the total of which shall not be less than the total of all appropriations made..." And that did not happen in the budget bills that were sent to us from the House. So for the second time in three years, the Senate finds itself in negotiations with a chamber that has yet to produce a balanced budget.

Now I was asked on a radio program this morning what did I think of the Governor's proposals? That was the first I had heard of them. Here it is September. I am on the Appropriations Committee. Why is it that the first time I hear of the administration's ideas is in a radio interview? Where is the House's balanced budget?

The public should demand that the Governor and the House get to work and send us a balanced budget. I am willing to consider their proposals, but they need to be in front of us. They need to send us a budget that identifies all the revenue sources as required in the State Constitution. By not following the intent of our Constitution, they are dragging the problem out and making it worse.

Senator Clarke's statement is as follows:

Tonight, our United States President will make an address to Congress regarding health care reform. Health care reform is an issue that is so important to all of us. What is more precious than being in good health? Even though, having health insurance doesn't mean you are going to have good health. If you don't have enough health insurance, you are likely to be a lot sicker because you postpone those vital health screenings because you can't afford them. If you don't have enough health insurance, you are also likely to be a lot poorer because those mounting health expenses have driven many families into bankruptcy.

Here in Michigan, fewer and fewer people have adequate health insurance coverage. As our citizens lose their jobs through layoffs, they are also losing their employer-sponsored health insurance. Many small businesses now can no longer

afford to offer health insurance as a benefit to their employees, and the part-time and temporary jobs that are available don't provide health insurance coverage. People in Michigan can't afford to buy insurance on their own, especially if they are middle-aged or have a pre-existing health condition.

Now, while health reform is an issue that should be addressed nationally, the individual health insurance market and the market for health insurance that is purchased by small businesses is something that we can address here in Lansing. If Washington doesn't address the issue of health care reform in overhauling our health care system, then we should and we must in Michigan.

Senator Scott's statement is as follows:

First, I would like to thank all my colleagues and especially the Senator from the 33rd District for honoring me this morning on my promotion in the NOBEL/Women. So again, thank you all.

The great anthropologist Margaret Mead said, "Must admit that I personally measure success in terms of the contributions an individual makes to her or his fellow human beings." What contributions will we all make to our constituents during our time here in Lansing? They would like us to make auto insurance more affordable.

We require them to buy this insurance, and yet, we don't require those writing the policy to ensure that the rates are fair and reasonable. We know this is a problem because we hear this from our constituents. We know this is a problem because even the Governor is involved and doing what she can to ensure fair rates. These problems are not a myth. They are real and they affect all of our constituents.

You and I have had successes in the past, and we will have them in the future, but our greatest success can be to give all Michigan citizens fair and affordable auto insurance policies. Join me today in this fight, and please move my bills.

Senator Cassis' statement is as follows:

Two hundred and eighteen days ago—218 days ago—Senate Bill No. 1 passed this chamber on February 3, 2009. This bill that would eliminate the surcharge has been languishing in the House since February 3, 2009, a full 218 days ago.

Let me read the true story of someone affected by this, Mr. Bruce Stein from Waterford, Michigan. He wrote me, "I urge you to repeal the new surcharge after doing taxes and realizing the new cost is worse than the original MBT. This should not have been a tax strapped directly to the backs of small businesses. The original plan at the very least spread the costs out among anyone who spent money by attaching to the sales tax.

I feel that you have done another disservice to the small businesses of this fine state. I do business in Indiana, where the same size and type of business costs me far less to operate with a much more pro-business environment. I'm at an age where it will soon be time to retire. I have the option of closing business or selling them. You have made it far more difficult or near impossible to pass these assets onto my children or to sell. I do feel that the only choice is to close and take what assets I can to a warmer and more friendly environment now, where I am still able to build something for the long term.

I have lived here all my life and I will take my talents along with my children's talents and most of their young friends to a more hospitable location unless you take the proper action to correct these mistakes."

Significantly, there is recognition that the ill-conceived, ill-fated MBT surcharge must go and it must go now. Let's get it done, but not at the expense of allowing our Governor to break her promise to not raise taxes, especially on other small businesses, like increasing the alternative business tax, among others. Remember, we have saved the copy of the *Oakland Press* that on December 6, 2007, declared in a headline, Governor Granholm saying, "I will never raise taxes again," and her reiteration of this in the State of the State Address in 2009, "I won't raise taxes; I won't raise fees."

Importantly, Senate Republicans have proposed their plan that eliminates the surcharge, and it would help Governor Granholm to keep her promise not to raise taxes.

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

The motion did not prevail.

Senator Thomas requested the yeas and nays.

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

The motion did not prevail, a majority of the members not voting therefor, as follows:

#### Roll Call No. 443

#### Yeas—16

Anderson  
Barcia  
Basham  
Brater

Cherry  
Clark-Coleman  
Clarke  
Gleason

Hunter  
Jacobs  
Olshove  
Prusi

Scott  
Switalski  
Thomas  
Whitmer

**Nays—18**

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

**Excused—1**

Jansen

**Not Voting—2**

Garcia                                  McManus

In The Chair: President

Senator Allen's statement is as follows:

I am troubled and concerned, as I am sure my many colleagues are, with the current administration's announcement Tuesday that it is opposing construction of new energy-generating plants in Michigan. The MPSC staff report to the Michigan Department of Environmental Quality said that the construction was not justified for the state-of-the-art plant proposed by the Wolverine Electric Cooperative in Rogers City and the technologically-advanced electric generation station proposed by the Consumers Energy plant in Bay City.

I want to take this time to thank my friend and colleague and the gentleman from the 31st District who also very much expresses his concerns about this issue and will be addressing later.

This announcement came despite the bipartisan legislation passed last year and signed into law calling for conservation, renewable energy, customer choice, and the need for upgrading base load generation for Michigan today and tomorrow. The report to the Granholm Administration came despite the results of the administration's sponsored capacity study a couple of years ago that concluded that base generation is needed to power Michigan's future.

Construction of these two power plants will employ over 2,000 workers primarily from union construction trades and building, resulting in hundreds of new permanent jobs, primarily unions in northern Michigan and the Bay City area. Both projects received overwhelming local support. The Granholm Administration had pulled the plug on these two projects, despite the fact that the Department of Environmental Quality is undergoing their exhaustive air and water quality permit proceedings. Michigan has made a large commitment to future technology, including the use of lithium batteries for automobiles. Let's remember, after 40 miles of driving, these new electric vehicles have to be plugged into outlets powered by generating capacity that needs to be built for Michigan's future.

Consumers Energy's proposal of its new plant is to replace obsolete plants built the 1930s, when Henry Ford and William Durant were starting to build their assembly lines for the new devices called horseless carriages. I believe that the automotive, the computer, the air-conditioned movie theater, and the iPods are here to stay, and we need electric power to use them.

We need to build these plants. Do not turn back the clock to turn off the power.

Senator Basham's statement is as follows:

Former State Representative Gloria Schermesser passed away September 2, and she died of bone cancer. She was born October 5, 1956, one of four daughters of August and Katherine Santodonato. She grew up in Downriver and attended Lincoln Park schools, where she met her husband Michael. The couple, who were married while in their late teens, stayed together 33 years and had three children and five grandchildren.

During her career, Mrs. Schermesser worked as the senior coordinator for Lincoln Park, at the Downriver Community Conference as a counselor, and also as a special projects coordinator for then Wayne County Commissioner Susan Hubbard. Mrs. Schermesser also said when she was first sworn into the State House of Representatives, "Next to giving birth and marrying my husband, this is probably the next best thing."

Mrs. Schermesser served two terms on the Lincoln Park City Council, one as mayor pro tem, before being elected in 1996 as State Representative for the 25th District. The district then covered Allen Park, Ecorse, Lincoln Park, Melvindale, and River Rouge.

During her three-term tenure, Mrs. Schermesser served on many committees, including Transportation; Senior Citizens and Veterans Affairs; Commerce, Labor and Occupational Safety; Marine Affairs and Port Development; and Conservation, Recreation and Environment. In 1997, she was appointed a majority whip in the Michigan House of Representatives.

In 2000, Mrs. Schermesser received a legislative achievement award from the Michigan Municipal League for being the Legislator of the Year for her work in passing Public Act 54, which allows cities and villages to transfer transportation money between major and local street funds.

Her illness came very quickly.

A moment of silence was observed in memory of former State Representative Gloria Schermesser.

Senator Garcia's statement is as follows:

I rise to give my voting intentions for some of the days that I missed. On August 18, I was on duty with the National Guard and I missed the following roll call votes: record Roll Call Nos. 382-394 and I would have voted "yes" on all of them. On August 19, again I was absent because of duty with the National Guard and I missed record Roll Call Nos. 395-406, and I would have voted "yes" on all of them. On August 26, I was gone once again with the National Guard and I missed record Roll Call Nos. 407 and 408, and I would have voted "yes" on both of them.

Senator Prusi's statement is as follows:

Just in response to some comments made earlier under Statements regarding the Governor's budget plan which was in the media recently and basically excoriated for waiting so long to present a plan. I would like to point out the Governor's budget plan was presented in its entirety back in February. Both chambers of the Legislature have been working on various alternatives, and the Governor has been presenting various alternatives to legislative leadership throughout the summer. So just because they were not featured in the media or in the local Lansing press does not mean that the Governor or the administration has not presented budget alternatives that come to a balanced budget that we are constitutionally required to pass within the next several weeks.

I would also like to point out that the budget which was passed out of this chamber by the majority was not totally in balance. I would ask to be spared the pleas for a balanced budget until there is actually a balanced budget put forward by the majority in this chamber.

We are all charged with working toward that balanced budget, working together to find a solution which funds the priorities of the Legislature and the people who sent us to this chamber. I would just like to point out that some of the priorities that this caucus would like to focus on would be to fully fund our Promise grants which we made to the students here in Michigan, rather than removing the money which was promised. Those were promise grants, not maybe we will give you the money if we've got it grants. They were promise grants.

The early childhood investments which have been stripped from the budget is our belief as a caucus that these need to be replaced. The youngest and most vulnerable among us need to be recognized by state government, and the programs which benefit them from one end of this state to the other should be funded, rather than stripped from the budget.

Our local governments provide the police and fire protection, water, sewer, and all of those services which our local governments have provided for our common constituency. We need to take a look at making sure we're not stripping the money which they have come to rely on to fund the police and fire protection here in the state of Michigan.

The economic development money which has been taken out of the budget and the public safety money which has been taken out of the budget, I think that all of these priorities that this caucus stands up for could receive some attention under some of the plans of the Governor's revenue sources without going into each individual one.

But I think that members should put aside their future political aspirations, drop the rhetoric, let's get together, and let's work on a budget plan that meets all of our priorities and at least gets us halfway down the road.

Senator Anderson moved that the previous statement he made be revised and printed in the Journal.

The motion prevailed.

Senator Anderson's statement is as follows:

Two weeks ago during comments, the Senator from Novi used the opportunity to launch another diatribe about how members from our side had broken a deal that no one seems to know anything about. Everyone here knows what that was really all about. It was really a feeble attempt to use her position as chair of the Finance Committee to block action on legislation that will bring thousands of jobs to our state.

Normally, I would dismiss her comments, as we've all grown accustomed to her sky-is-falling proclamations and wild accusations, but this time, she used her position to delay action on a job creation proposal that could bring 4,000 or more jobs to southeast Michigan and to her very own district. I think it is inexcusable and shameful at a time when our people are crying out for this Legislature to help revive our state's economy.

I would hope that the leader of her caucus and her fellow members would rein in her political actions when they—I would ask that the leader of her caucus and her fellow members would rein in those political actions when they delay the important work of this Senate. I call upon the leader on the other side of the aisle to direct her to move these bills to create the jobs our state so desperately needs.

Folks, the clock is ticking for this project. Let's not continue these delays.

Senator Van Woerkom's statement is as follows:

I was happy to hear the report from the Senator of the 4th District regarding the State Fair. I, too, visited on a day when there was a huge crowd. It was Senior Citizens Day. I don't think the Senator from the 4th District quite qualified for that day. There was a big crowd of grandparents there along with their grandchildren learning where food comes from and also riding a few rides and eating ice cream and elephant ears and a number of other things as well.

There were lots of interesting and educational opportunities there. I learned how sheep are sheared, and I also was able to see a lamb who was taking its first steps. I just missed the lamb being born at the Miracle of Life exhibit. There's a huge crowd there every year to see how various animals are born.

The people whom I met there were worried about the State Fair and whether it was the last State Fair in the state of Michigan. I let them know that there was probably little chance that the state will subsidize the fair again next year, but that does not preclude that some other entity may step forward. The fair is important. It's important to the state of Michigan. It's important to agriculture in the state of Michigan. I hope that there's a means that may be found.

I understand a few years ago we had this same concern about the Thanksgiving parade, and in the end, somebody stepped forward and we were able to go on with it. I'm hopeful that the same might be said of the State Fair because I do think that it is a treasure here in the state of Michigan, and it would be a real loss for us as a state if we were not able to have that fair here. I'm hopeful that this was not the last. I'm hopeful that we will be able to find a way to keep that State Fair going.

Senator Cherry's statement is as follows:

I just wanted to take a moment to let all of my colleagues know that this morning former Representative Dick Young passed away. He was a friend of many of ours. I know that there will be statements regarding him at a later date, but I thought it would be important that everybody knew that a leader in this body for so many years is no longer with us today. I just wanted to let everyone know.

### Committee Reports

The Committee on Education reported

#### **Senate Bill No. 636, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 5, 1204a, 1230, 1230a, 1230b, 1230c, 1230d, 1230e, 1233, 1233b, 1246, 1277, 1278, 1280, and 1311 (MCL 380.5, 380.1204a, 380.1230, 380.1230a, 380.1230b, 380.1230c, 380.1230d, 380.1230e, 380.1233, 380.1233b, 380.1246, 380.1277, 380.1278, 380.1280, and 380.1311), section 5 as amended by 2005 PA 61, section 1204a as amended by 1996 PA 159, sections 1230 and 1230a as amended by 2008 PA 583, section 1230b as added by 1996 PA 189, sections 1230c and 1230d as amended and section 1230e as added by 2006 PA 680, section 1233 as amended by 2000 PA 288, section 1233b as amended by 1995 PA 289, section 1246 as amended by 2004 PA 148, section 1277 as amended by 1997 PA 179, section 1278 as amended by 2004 PA 596, section 1280 as amended by 2006 PA 123, and section 1311 as amended 2008 PA 1, and by adding part 6D and section 1701b.

With the recommendation that the bill pass.

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

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom and Cassis

Nays: Senators Whitmer and Gleason

The bill was referred to the Committee of the Whole.

The Committee on Education reported

#### **Senate Bill No. 637, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 6, 8b, 18, 18b, 18c, 20, 31a, 51a, 101, 169, and 169b (MCL 388.1603, 388.1606, 388.1608b, 388.1618, 388.1618b, 388.1618c, 388.1620, 388.1631a, 388.1651a, 388.1701, 388.1769, and 388.1769b), sections 3, 6, 18, 18b, 31a, and 51a as amended by 2008



PA 268, section 8b as amended by 2007 PA 92, section 18c as added by 2000 PA 297, section 20 as amended by 2008 PA 561, section 101 as amended by 2006 PA 342, and sections 169 and 169b as added by 1996 PA 300, and by adding section 9.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom and Cassis

Nays: Senators Whitmer and Gleason

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

The Committee on Education reported

**Senate Bill No. 638, entitled**

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending section 1 of article I and section 1 of article III (MCL 38.71 and 38.91), as amended by 1996 PA 282.

With the recommendation that the bill pass.

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

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom and Cassis

Nays: Senators Whitmer and Gleason

The bill was referred to the Committee of the Whole.

The Committee on Education reported

**Senate Bill No. 639, entitled**

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending sections 1 and 15 (MCL 423.201 and 423.215), section 1 as amended by 1999 PA 204 and section 15 as amended by 1994 PA 112.

With the recommendation that the bill pass.

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

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom and Cassis

Nays: Senators Whitmer and Gleason

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, August 27, 2009, at 2:30 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Van Woerkom, Cassis, Whitmer and Gleason

#### COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture and Bioeconomy submitted the following:

Meeting held on Thursday, August 27, 2009, at 9:00 a.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Gilbert, Birkholz, Gleason and Whitmer

## COMMITTEE ATTENDANCE REPORT

The Committee on Homeland Security and Emerging Technologies submitted the following:

Joint meeting held on Monday, August 31, 2009, at 10:00 a.m., SEMCOG, Ambassador Conference Room, 535 Griswold Street, Suite 300, Detroit

Present: Senators Brown (C), Pappageorge, Hunter, Olshove and Thomas

Excused: Senators Garcia and Richardville

## COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Joint meeting held on Monday, August 31, 2009, at 10:00 a.m., SEMCOG, Ambassador Conference Room, 535 Griswold Street, Suite 300, Detroit

Present: Senators Gilbert (C), Van Woerkom and Basham

Absent: Senators Kahn and Gleason

## COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees Investment Subcommittee submitted the following:

Meeting held on Tuesday, September 1, 2009, at 2:00 p.m., Room 929, South Tower, House Office Building

Present: Senator Clarke

**Scheduled Meetings**

**Agriculture and Bioeconomy** - Thursday, September 10, 9:00 a.m., Room 110, Farnum Building (373-1635)

**Appropriations -****Subcommittee -**

**Capital Outlay** - Thursday, September 10, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**Education** - Thursday, September 10, 2:30 p.m., Room 210, Farnum Building (373-6920)

**Legislative Commission on Government Efficiency** - Thursday, September 24, 9:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

**Legislative Commission on Statutory Mandates** - Thursday, September 17, 9:00 a.m., East Oakland Room, 1st Floor, Conference Center, Oakland County Executive Office Building, 2100 Pontiac Lake Road, Waterford (373-0212)

**Legislative Retirement Board of Trustees** - Thursdays, September 10 and December 3, 2:00 p.m., Room H-252, Capitol Building (373-0575)

**State Drug Treatment Court Advisory Committee** - Tuesday, September 29, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 12:07 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, September 10, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate