

No. 69
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Tuesday, September 15, 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—excused
George—present
Gilbert—present
Gleason—excused
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—present
Stamas—present
Switalski—present
Thomas—excused
Van Woerkom—present
Whitmer—present

Pastor Tim Holzerland of The Lutheran Church of the Shepherd King of West Bloomfield Township offered the following invocation:

O Heavenly Father, in the Bible Esther was a woman who had political courage, and she was told that she had come to this position for such a time as this. Help us, O Lord, to recognize our positions and our time in state history.

Truly this is time to finish our work for the future of Michigan. Therefore, strengthen and especially encourage our leaders during these difficult days. Give wisdom and, above all, perseverance as they diligently work to preserve the beauty of this great state and the quality of life for all of us who proudly call Michigan our home.

In Jesus' name, we pray. Amen.

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

Motions and Communications

Senators Barcia and Kuipers entered the Senate Chamber.

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

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

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

The following communication was received:
Department of Community Health

August 25, 2009

Enclosed is a copy of the Bureau of Health Professions annual report required by Public Act 368 of 1978 [MCL 333.16143(2)] and Public Act 79 of 1993 [MCL 333.16241(8)]. The data contained in the report covers the time period of October 1, 2007 through September 30, 2008.

If you need additional copies of the report, please contact Angela Awrey at 517-373-8068.

Sincerely,
Janet Olszewski
Director

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 Thursday, September 10:
House Bill Nos. 4704 5102 5245 5246 5298 5299 5311

The Secretary announced that the following official bills and joint resolutions were printed on Thursday, September 10, and are available at the legislative website:

Senate Bill Nos. 786 787 788 789 790 791 792 793 794 795 796
House Bill Nos. 5318 5319 5320 5321 5322 5323 5324 5325 5326 5327 5328
House Joint Resolutions CC DD

The Secretary announced that the following official bills and joint resolutions were printed on Friday, September 11, and are available at the legislative website:

Senate Bill Nos. 797 798 799 800 801
House Bill Nos. 5329 5330 5331 5332 5333 5334 5335 5336 5337 5338 5339 5340 5341 5342
5343 5344 5345 5346 5347 5348 5349 5350 5351 5352 5353 5354 5355
House Joint Resolutions EE FF

Messages from the Governor

The following messages from the Governor were received:

Date: September 10, 2009
Time: 10:10 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 411 (Public Act No. 87), being

An act to establish duties and obligations of nonprofit, charitable institutions in the management and use of funds held for charitable purposes; and to repeal acts and parts of acts.

(Filed with the Secretary of State on September 10, 2009, at 10:46 a.m.)

Date: September 10, 2009
Time: 10:12 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 412 (Public Act No. 88), being

An act to amend 1982 PA 162, entitled “An act to revise, consolidate, and classify the laws relating to the organization and regulation of certain nonprofit corporations; to prescribe their duties, rights, powers, immunities, and liabilities; to provide for the authorization of foreign nonprofit corporations within this state; to impose certain duties on certain state departments; to prescribe fees; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts,” by amending sections 124, 261, 501, and 541 (MCL 450.2124, 450.2261, 450.2501, and 450.2541), section 124 as amended by 2002 PA 33 and section 541 as amended by 1987 PA 170.

(Filed with the Secretary of State on September 10, 2009, at 10:48 a.m.)

Date: September 10, 2009
Time: 10:14 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 430 (Public Act No. 89), being

An act to amend 1950 (Ex Sess) PA 23, entitled “An act to empower and direct the Michigan aeronautics commission to adopt airport approach plans for publicly owned airports within this state; to empower the Michigan aeronautics commission, municipalities, and other political subdivisions to promulgate, adopt, establish, administer, and enforce airport zoning regulations limiting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of publicly owned airports, and to acquire, by purchase, grant, condemnation, or otherwise, air rights and other interests in land; to provide for the establishment of zoning commissions, administrative agencies, and boards of appeals to administer the provisions of this act, and to provide for their organization and procedure and appeals therefrom; and to provide penalties and remedies for violations of this act or ordinances or regulations made under the authority herein conferred; to provide for reciprocity with adjoining states maintaining and operating airports; and to repeal any inconsistent act or parts of acts,” (MCL 259.431 to 259.465) by adding section 24a.

(Filed with the Secretary of State on September 10, 2009, at 10:50 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following messages from the Governor were received and read:

September 14, 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 13 of the Michigan Early Stage Venture Investment Act of 2003, 2003 PA 296, MCL 125.2243:

Michigan Early Stage Venture Investment Corporation

Mr. Gerard W. Boylan of 1405 Mayfield Drive, Royal Oak, Michigan 48067, county of Oakland, succeeding Douglass Diggs, whose term has expired, is appointed to represent the general public, for a term commencing September 14, 2009 and expiring June 13, 2011.

Mr. Dennis S. Bernard of 843 Suffield Avenue, Birmingham, Michigan 48009, county of Oakland, is reappointed to represent persons recommended by the Majority Leader of the Senate, for a term expiring June 13, 2012.

Mr. Charles P. Rothstein of 5002 Lake Bluff Road, West Bloomfield, Michigan 48323, county of Oakland, is reappointed to represent the general public, for a term expiring June 13, 2012.

September 14, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office under Executive Order 2003-18, MCL 445.2011:

Workers' Compensation Appellate Commission

Mr. Murray A. Gorchow of 5532 Abington Road, West Bloomfield, Michigan 48322, county of Oakland, succeeding Granner Ries, who is being appointed to another slot, is appointed for a term commencing October 1, 2009 and expiring September 30, 2013.

Mr. Granner S. Ries of 41454 Lore Drive, Clinton Township, Michigan 48038, county of Macomb, succeeding Martha Gasparovich, who has resigned, is appointed for a term commencing September 14, 2009 and expiring September 30, 2010.

Mr. Gregory A. Przybylo of 4281 Farm Meadows Court, Okemos, Michigan 48864, county of Ingham, is reappointed for a term expiring September 30, 2013.

Sincerely,
Jennifer M. Granholm
Governor

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

Messages from the House

Senate Bill No. 219, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 201 (MCL 208.1201), as amended by 2008 PA 168.

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.

Senate Bill No. 428, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending sections 2, 3, 12, and 12a (MCL 125.2152, 125.2153, 125.2162, and 125.2162a), section 2 as amended by 2007 PA 200, sections 3 and 12 as amended by 2000 PA 248, and section 12a as amended by 2008 PA 105, and by adding section 12c.

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

Resolutions

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

Senate Resolution No. 81

The resolution consent calendar was adopted.

Senator George offered the following resolution:

Senate Resolution No. 81.

A resolution to recognize September 2009 as Infant Safe Sleep Month.

Whereas, The infant mortality rate is a prime indicator of the community's overall health; and

Whereas, The Michigan Senate is greatly concerned about the incidence of infant mortality and the devastating impact on Michigan families; and

Whereas, The infant mortality rate in Michigan is higher than that of the United States; and

Whereas, Sleep-related infant deaths and SIDS have a considerable impact on the infant mortality rate in Michigan; and

Whereas, Infant Safe Sleep efforts have provided education and information for infant caregivers and continue to address the disparity in infant mortality rates; and

Whereas, Safe sleep practice is an important intervention for ensuring the safety and survival of infants; and

Whereas, Infant Safe Sleep Month will raise awareness and promote the Infant Safe Sleep initiatives throughout the state; and

Whereas, The Michigan Senate recognizes the Infant Safe Sleep objectives as worthy ones and encourages the fight against infant mortality in the promise of a better tomorrow for Michigan babies; now, therefore, be it

Resolved by the Senate, That we hereby recognize September 2009 as Infant Safe Sleep Month; and be it further

Resolved, That a copy of this resolution be transmitted to Tomorrow’s Child with our highest esteem.

Senators Anderson, Birkholz, Brater, Cherry, Clarke, Hunter, Jacobs, Olshove, Pappageorge, Richardville, Scott and Switalski were named co-sponsors of the resolution.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senators George, Bishop, Richardville and Kahn entered the Senate Chamber.

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

Senate Bill No. 2

Senate Bill No. 340

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 2, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” (MCL 125.2001 to 125.2094) by amending the title, as amended by 2005 PA 255, and by adding chapter 7A.

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. 453

Yeas—21

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

Nays—13

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

Excused—3

Garcia	Gleason	Thomas
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Sanborn's statement is as follows:

I appreciate the comments of the Senator from the 14th District. My learned colleague points out that it reads like a job description of what he could be doing, but it actually reads as a job description of what he should be doing but is not. My good friend from the 4th District raised in committee that if only I would give this additional time, perhaps the MEDC would work with me and maybe ask the Governor to sign this bill.

So we gave them the entire summer. My staff set up multiple appointments with the MEDC, only to have them cancel. Later, I found that they were instructed by the administration not to allow the ombudsman to meet with me—me, the chairman of the economic development committee. Can you imagine the business ombudsman refusing to meet with the chair of the economic development committee?

If this is the way that their ombudsman is going to conduct business with the chairman of economic development, can you imagine the arrogance of how he would treat job providers in the state of Michigan? This is why it is necessary for us to have Senate Bill No. 2 passed and signed into law.

The following bill was read a third time:

Senate Bill No. 340, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding sections 79e, 79f, and 79g.

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. 454**Yeas—20**

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

Nays—14

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

Excused—3

Garcia	Gleason	Thomas
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Jacobs, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 2 and 340 and moved that the statement she made during the discussion of Senate Bill No. 2 be printed as her reasons for voting “no.”

The motion prevailed.

Senator Jacobs’ statement is as follows:

Let me just say at the outset that I think the idea of having a small business ombudsman is a great idea. It is important to have an individual or team of individuals who can address business issues and mediate solutions that help both businesses and state agencies move forward in a coordinated fashion. That is why I am fully supportive of the Michigan business ombudsman created as a part of Michigan Business One-Stop program that Governor Granholm unveiled last month.

However, I cannot support the bills before us today because they are duplicative of the work this ombudsman is already doing. During committee testimony, a representative from the MEDC said that the bills read like a job description of what the current ombudsman is doing. If there is some feeling the current ombudsman is not doing his or her job, let’s go in and fix that, but we don’t have to create a duplicate bill to do it.

Now I am also concerned about the cost of these bills, which the Senate Fiscal Agency estimates will range between one-half million dollars to \$1 million annually. At a time when the Senate is approving budgets that slash vital programs to the most vulnerable and needy citizens of our state, there is no need for us to spend additional funds on a new program when one already exists. That is exactly what these bills are doing.

I ask my colleagues to vote against these bills.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Kuipers introduced

Senate Bill No. 802, entitled

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending sections 6 and 7 (MCL 38.1306 and 38.1307), as amended by 1995 PA 272.

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

Senators Kahn, Thomas and Pappageorge introduced

Senate Bill No. 803, 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 bill was read a first and second time by title and referred to the Committee on Finance.

Senators Kahn, Thomas and Pappageorge introduced

Senate Bill No. 804, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 30c (MCL 211.30c), as amended by 1996 PA 476.

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

Senators Kahn, Thomas and Pappageorge introduced

Senate Bill No. 805, entitled

A bill to amend 1973 PA 186, entitled “Tax tribunal act,” by amending section 55 (MCL 205.755).

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

Senators Kahn, Thomas and Pappageorge introduced

Senate Bill No. 806, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 30 (MCL 211.30), as amended by 2003 PA 194.

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

Senators McManus, Birkholz, Stamas, Van Woerkom, Cropsey, Jelinek, Patterson, Pappageorge, Kahn, Richardville, George, Kuipers, Sanborn, Gilbert, Allen, Barcia and Hardiman introduced

Senate Bill No. 807, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 301, 501, 503, 508, 510, 1101, 1301, 2521, 3101, 3131, 3132, 3133, 3301, 5201, 5402, 5703, 5705, 6306, 8307a, 8707, 8801, 9101, 11503, 11701, 11715d, 12101, 14301, 14501, 14701, 14721, 14802, 14804, 14810, 16901, 16903, 16903a, 16908a, 17203, 17301, 17327, 19601, 19701, 20101, 20104a, 20503, 21101, 21501, 21502, 21506, 21515, 21521, 21522, 21541, 21542, 21551, 21561, 21562, 30101, 30301, 30321, 31701, 32501, 32513, 32601, 32701, 32801, 32803, 33911, 33924, 33929, 35301, 40107c, 41303, 61501, 62501, 63101, 63201, 63502, 76111, 79501, 79504, 79505, and 79506 (MCL 324.301, 324.501, 324.503, 324.508, 324.510, 324.1101, 324.1301, 324.2521, 324.3101, 324.3131, 324.3132, 324.3133, 324.3301, 324.5201, 324.5402, 324.5703, 324.5705, 324.6306, 324.8307a, 324.8707, 324.8801, 324.9101, 324.11503, 324.11701, 324.11715d, 324.12101, 324.14301, 324.14501, 324.14701, 324.14721, 324.14802, 324.14804, 324.14810, 324.16901, 324.16903, 324.16903a, 324.16908a, 324.17203, 324.17301, 324.17327, 324.19601, 324.19701, 324.20101, 324.20104a, 324.20503, 324.21101, 324.21501, 324.21502, 324.21506, 324.21515, 324.21521, 324.21522, 324.21541, 324.21542, 324.21551, 324.21561, 324.21562, 324.30101, 324.30301, 324.30321, 324.31701, 324.32501, 324.32513, 324.32601, 324.32701, 324.32801, 324.32803, 324.33911, 324.33924, 324.33929, 324.35301, 324.40107c, 324.41303, 324.61501, 324.62501, 324.63101, 324.63201, 324.63502, 324.76111, 324.79501, 324.79504, 324.79505, and 324.79506), sections 301 and 503 as amended by 2004 PA 587, section 1301 as amended by 2008 PA 18, section 2521 as amended by 2005 PA 313, section 3101 as amended by 2006 PA 97, sections 3131, 3132, and 3133 as added by 1997 PA 29, section 3301 as added by 2004 PA 246, section 5201 as amended by 2005 PA 257, section 5402 as added by 1997 PA 26, section 6306 as amended by 1996 PA 564, section 8307a as added by 2002 PA 418, section 8707 as amended by 2000 PA 100, section 8801 as added by 1998 PA 287, section 9101 as amended by 2005 PA 55, section 11503 as amended by 2007 PA 212, section 11701 as amended by 2005 PA 199, section 11715d as added by 2004 PA 381, section 12101 as amended by 2008 PA 8, section 14301 as amended by 1998 PA 289, section 14501 as amended by 2007 PA 174, section 14701 as amended by 2004 PA 562, section 14721 as added by 2004 PA 526, sections 14802 and 14804 as amended by 1997 PA 133, section 14810 as added by 1996 PA 132, section 16901 as amended by 2006 PA 520, section 16903 as amended by 2006 PA 522, sections 16903a and 16908a as added by 1997 PA 17, section 17203 as added by 2002 PA 578, sections 17301 and 17327 as added by 2008 PA 394, section 19601 as added by 1998 PA 288, section 19701 as added by 2002 PA 397, section 20101 as amended section 20104a as added by 1996 PA 383, section 20503 as added by 2004 PA 229, section 21502 as amended by 2006 PA 318, section 21506 as amended by 2004 PA 390, section 21515 as amended by 1996 PA 181, sections 21561 and 21562 as added by 2006 PA 322, section 30101 as amended by 2006 PA 275, sections 30301 and 32501 as amended by 2003 PA 14, section 30321 as amended by 1996 PA 530, section 31701 as added by 2003 PA 177, section 32513 as amended by 2008 PA 276, section 32601 as added by 2000 PA 278, section 32701 as amended by 2008 PA 179, sections 32801 and 32803 as amended by 2008 PA 189, sections 33911, 33924, and 33929 as amended by 2006 PA 496, section 35301 as amended by 1995 PA 262, section 40107c as added by 2007 PA 47, section 41303 as amended by 2009 PA 52, section 61501 as amended by 1998 PA 303, section 62501 as amended by 1998 PA 467, section 63101 as amended section 63201 as added by 2004 PA 449, section 63502 as amended by 2001 PA 78, section 76111 as amended by 2001 PA 75, and sections 79501, 79504, 79505, and 79506 as added by 1998 PA 285, and by adding sections 501b, 501c, and 501d; 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 Appropriations.

Senators Cassis and McManus introduced

Senate Bill No. 808, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending section 7107 (MCL 289.7107).

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

Senators Richardville and McManus introduced

Senate Bill No. 809, entitled

A bill to amend 2003 PA 258, entitled "Land bank fast track act," by amending sections 7, 9, and 10 (MCL 124.757, 124.759, and 124.760).

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

Senators Jelinek and McManus introduced

Senate Bill No. 810, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 9, 34d, 78g, and 78m (MCL 211.9, 211.34d, 211.78g, and 211.78m), section 9 as amended by 2008 PA 337, section 34d as amended by 2007 PA 31, section 78g as amended by 2003 PA 263, and section 78m as amended by 2006 PA 498.

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

Senators Kuipers and McManus introduced

Senate Bill No. 811, entitled

A bill to amend 1998 PA 381, entitled "Michigan agricultural processing act," by amending sections 2 and 4 (MCL 289.822 and 289.824), section 2 as amended by 2005 PA 282 and section 4 as amended by 2005 PA 283.

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

Senators George and McManus introduced

Senate Bill No. 812, entitled

A bill to amend 2008 PA 398, entitled "Michigan supply chain management development commission act," by amending section 3 (MCL 125.1893).

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

Senators Gilbert and McManus introduced

Senate Bill No. 813, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811i (MCL 257.811i), as amended by 2006 PA 562.

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

Senators Stamas and McManus introduced

Senate Bill No. 814, entitled

A bill to amend 1996 PA 101, entitled "Property rights preservation act," by amending section 4 (MCL 24.424).

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

Senators Sanborn and McManus introduced

Senate Bill No. 815, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending section 26 (MCL 78.26), as amended by 1995 PA 211.

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

Senators Van Woerkom and McManus introduced

Senate Bill No. 816, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 423 (MCL 280.423), as amended by 1996 PA 552.

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

Senators Patterson and McManus introduced

Senate Bill No. 817, entitled

A bill to amend 2008 PA 94, entitled "Water resource improvement tax increment finance authority act," by amending section 10 (MCL 125.1780).

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

Senators Hardiman and McManus introduced

Senate Bill No. 818, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 437 (MCL 208.1437), as amended by 2008 PA 578.

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

Senators Birkholz and McManus introduced

Senate Bill No. 819, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending sections 5, 6, and 17 (MCL 125.2305, 125.2306, and 125.2317), as amended by 2006 PA 328.

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

Senators Pappageorge and McManus introduced

Senate Bill No. 820, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 8a (MCL 124.508a), as amended by 2005 PA 69.

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

Senators Allen and McManus introduced

Senate Bill No. 821, entitled

A bill to amend 2000 PA 322, entitled "Julian-Stille value-added act," by amending section 3 (MCL 285.303).

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

Senators Cropsey and McManus introduced

Senate Bill No. 822, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 204 (MCL 259.204), as amended by 2006 PA 193.

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

Senators Kahn and McManus introduced

Senate Bill No. 823, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by amending sections 2b and 2d (MCL 21.142b and 21.142d), section 2b as amended by 1996 PA 31 and section 2d as added by 2000 PA 280.

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

Senators Barcia and McManus introduced

Senate Bill No. 824, entitled

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending the title and section 2 (MCL 325.1002), as amended by 1998 PA 56.

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

Senator Allen introduced

Senate Bill No. 825, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 640 (MCL 500.640), as amended by 1992 PA 182.

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

House Bill No. 4704, entitled

A bill to amend 1905 PA 299, entitled "An act to provide for changing and determining the names of divorced women," by amending the title and section 1 (MCL 552.391).

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 Judiciary.

House Bill No. 5102, entitled

A bill to allow certain active duty service members to terminate contracts with wireless telecommunications providers; to provide for the rights and responsibilities of the parties to those terminated contracts; to provide for the powers and duties of certain state officials; to prescribe civil sanctions and provide remedies; and to provide for the disposition of civil fines.

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 Senior Citizens and Veterans Affairs.

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 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 Senior Citizens and Veterans Affairs.

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.

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 Senior Citizens and Veterans Affairs.

House Bill No. 5298, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1148 (MCL 380.1148).

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. 5299, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 6 (MCL 388.1606), as amended by 2009 PA 73.

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. 5311, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34a (MCL 791.234a), as amended by 2008 PA 158.

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 Judiciary.

Statements

Senators Cassis, Scott, George, Prusi, Pappageorge, Birkholz and Whitmer asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cassis' statement is as follows:

I would like to offer a statement in memoriam. It was November 12, 1996, one of the most important days in my life and the life of another woman—one Republican and one Democrat. Gloria Schermesser and I were sworn into the House of Representatives that day; Speaker Hillegonds was presiding; bound forever by the awesome ceremony we were about to participate in.

We were full of hope, full of excitement that day. What laid before us was six years of service to the good people of Michigan, an opportunity few will ever have or be able to see. It's awesome. We used our time well and remained friends.

As Pastor Holzerland said earlier in his invocation, in the words of Esther in the Bible, she had political courage and she was told, "You have come to this position for such a time as this." And so, each and every one of us has come for such a time as this.

Today, I offer a celebration of Gloria's life and her service to her community, region, and state. We also offer condolences to her family and children. We will long remember her vibrant personality and accomplishments. Let her memory be eternal. Thank You, God, for Gloria Schermesser.

Senator Scott's statement is as follows:

I, too, served with Gloria Schermesser and send my condolences to her family.

When writing about his life, Nelson Mandela said, "I wanted to serve my people...this is what motivated me." Serving the people who have repeatedly elected me is also what motivates me. These people tell me again and again that one thing that I can do for them is to continue fighting for fair auto insurance rates. That is why I stand up here day after day after day to remind everyone that we need to address this issue.

I am motivated by the pleas for reform that I hear from people from all walks of life and from all across Michigan. I am motivated by the unfairness these people experience largely because of their address. If you have a bad driving record, if you miss your scheduled car insurance payments, then it's reasonable to think that you would pay more. But if you have a good driving record and you pay your insurance regularly and on time, then your rates should be reasonable.

But that's not what is happening for too many Michigan citizens. And so once again I am motivated to stand here today and say move my bills.

Senator George's statement is as follows:

I have some comments regarding the budget process, and I note that in the press the Speaker is now proposing that conference committees consider proceeding and using as targets basically the Senate-passed targets. I am wondering if this is an admission that all the work they have done to date has been flawed.

They have passed budgets to us that have been unrealistic because they neither propose cuts nor new revenue sources necessary to balance next year's budget. They have been working for nine months just stating their budgets, and they are overdue. This is the second time in three years that the House has been unable to do its job. Instead of coming forth with their own proposal that is balanced, they have been spending nine months campaigning against ours.

They have ignored the constitutional requirement, Article 4, Section 31, that says appropriation bills passed by the Legislature shall contain an itemized schedule of estimated revenue sources, the total of which shall not be less than all of the appropriations made. They have ignored this provision repeatedly, even though it is in our Constitution.

So today, I am introducing a concurrent resolution which, if adopted, would implement the intent of our Constitution by holding each chamber separately to the requirement that they pass a balanced budget resolution based on the May Revenue Estimating Conference that identifies revenue sources for all of the proposed appropriations. Not only do we need a balanced budget, but we need to fix the budgeting process and implement the intent of the State Constitution.

It's time for the House to deliver its baby. It's nine months and it's overdue.

Senator Jansen stated that had he been present on September 9 when the vote was taken on the passage of the following bill, he would have voted "yea":

Senate Bill No. 589

Senator Jansen stated that had he been present on September 10 when the vote was taken on the adoption of the following resolution, he would have voted "yea":

Senate Resolution No. 77

Senator Jansen stated that had he been present on September 10 when the votes were taken on the adoption of the amendments offered by Senators Jacobs, Whitmer, Cherry and Gleason to the following bill, he would have voted "nay":

Senate Bill No. 773

Senator Jansen stated that had he been present on September 10 when the votes were taken on the passage of the following bills, he would have voted "yea":

Senate Bill No. 774

Senate Bill No. 773

Senate Bill No. 777

House Bill No. 4523

Senator Prusi's statement is as follows:

It is unfortunate that my colleague from the 12th District, the Majority Leader, is in the back with the press because the statement I am about to make would be aimed basically at the Majority Leader, and I would hope that the press would have been here to cover it. I want to reiterate something about the budget as well and reiterate some comments I made last week under Statements about the priorities of the Senate Democratic Caucus.

There are a lot of media reports floating around about a so-called budget deal that moves closer and closer to the Senate numbers, and I just want to reiterate on behalf of this caucus that we stood up in May, June, and July when we were doing the budget and talked about our priorities of making sure the Promise grants were funded; making sure that our investments in early childhood were funded; that local government revenue sharing that provide police and fire protection for our communities was funded; and that Medicaid cuts proposed under the majority's budget had to be reversed.

Those priorities still stand with this caucus regardless of any deal cut in the back room with the promise of some magical revenue appearing after the budget is put to bed. This caucus will not support those cuts that were proposed earlier this year. We have demonstrated that time and time again. If the final budget does contain those cuts, this caucus will not stand behind that budget because we are willing to make difficult cuts, tough decisions, and are willing to work with all sides to get to a resolution of these issues so critical to Michigan as we allocate the state's budget. But we will not be left out of the process, and we will not support a budget that does not contain priorities that have been demonstrated and discussed by this caucus throughout the intervening months.

So, Mr. President, I would like my remarks printed in the Journal because those are the issues that this caucus stands for. I have been instructed by my caucus to make sure that all parties involved understand that we will not be left out of this process. We will not stand back and allow these investments in Michigan's future to be decimated by the budget that was passed by the majority several months ago.

Senator Pappageorge's statement is as follows:

With regard to the remarks from the Minority Leader, I welcome the fact that your views differ. However, what we need to do here is be upfront, and if you want the priorities that you spoke of, I would expect to see publicly the revenues that you expect to raise so that the budget will remain balanced. I certainly, under any circumstances, would not want to cut you or anyone else out of the process, but we are at the point now that it can't be that we need more revenue and that is it. We have to see some bills proposed, and so I would hope soon that would happen.

Senator Birkholz's statement is as follows:

We have joining us in the Gallery today—there they are—some good friends of ours from our districts and some very good friends for the state of Michigan—Eric Henning, Randy Thayer, and Alicia Boler-Davis. We are here to say thank you very much to Randy Thayer, who is the retiring plant manager from the Delta Township GM Plant, and hello to Alicia Boler-Davis, who is the new incoming plant manager for the Delta Township Plant. So if Senator Whitmer and I may mention a couple of things about each of them.

Randy Thayer started his career with General Motors in 1973 as a college co-op student in Lansing, so he is one of mid-Michigan's own. He served as the Lansing Car Assembly assistant manager from 1993-1996; Lansing Metal Center plant manager from 2002-2003; and at our wonderful Lansing Delta Township Assembly plant manager since 2003. He served as both the Delta Township manager and the manager for all of the Lansing operations beginning in 2008 until today.

He is soon retiring and turning over the reigns of the Delta Township Plant and the Lansing plants to Alicia Boler-Davis. I am going to have my good colleague from Lansing talk about her.

Senator Whitmer's statement is as follows:

We are very excited to welcome Alicia Boler-Davis to the community. Alicia is coming to us from Texas, and she is the new plant manager for GM Lansing Operations. While we have so much change going on around the country, one of the things that we know is what is going on here in Lansing is exciting. Alicia is going to take the reigns and have the cars coming off the line here in Lansing, continuing the strong production here in our home town.

She served as the plant manager in the Arlington, Texas, Assembly Plant from October 2007 to the current time. She served as the assistant plant manager at the Pontiac Assembly, GM's Midsize/Luxury Car Division in Warren, Detroit, and Hamtramck. So she is not new to Michigan. She has been with GM since 1994.

She has two kids, ages four and seven, and a husband who will be joining her here in Michigan. I am hoping East Lansing at Donnelly Elementary School, personally, but wherever she lands, we know that she will have a great school, a great opportunity. We are welcoming her to mid-Michigan, so welcome.

Randy, congratulations. Alicia, welcome. I ask my colleagues to congratulate them both.

Committee Reports

The Committee on Education reported

Senate Bill No. 634, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1280c.

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, Cassis, Whitmer and Gleason

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, September 10, 2009, at 2:30 p.m., Room 210, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, September 10, 2009, at 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators McManus (C), Jelinek, Brown, Cropsey, Hardiman, Pappageorge, Switalski, Cherry, Clark-Coleman and Scott

COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees submitted the following:

Meeting held on Thursday, September 10, 2009, at 2:00 p.m., Room H-252, Capitol Building

Present: Senator McManus

Excused: Senator Clarke

Scheduled Meetings

Energy Policy and Public Utilities - Thursday, September 17, 1:00 p.m., Room 210, Farnum Building (373-7350)

Finance - Thursday, September 17, 11:00 a.m., Room 110, Farnum Building (373-1758)

Health Policy - Wednesday, September 16, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

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 - Thursday, December 3, 2:00 p.m., Room H-252, Capitol Building (373-0575)

Natural Resources and Environmental Affairs - Wednesday, September 16, 1:00 p.m., Room 110, Farnum Building (373-3447)

Senior Citizens and Veterans Affairs - Wednesday, September 16, 9:00 a.m., Room 100, Farnum Building (373-2413)

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 10:46 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, September 16, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

