

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

Senate Chamber, Lansing, Tuesday, November 10, 2009.

10:00 a.m.

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

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—present
Hardiman—present
Hunter—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present
Nofs—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 Wade Bell of Deeper Life Gospel Center of Redford offered the following invocation:

Gracious and Heavenly Father, we come before You today. We know that You are the fountain of wisdom, and we are asking in Jesus' name that You will provide us with that wisdom for the many things that will be discussed here today. We ask, Lord, that that wisdom will prevail and that peace will be declared here in this moment. Lord, at the end of the day, we declare, O God, that things will be resolved according to Your will.

We ask in Jesus' name that You will look upon every man and every woman who are here today in their respective places. We pray for them and their families. We pray, Lord, for their health.

We pray that Your will would be done here in Jesus' name. Amen.

The President pro tempore, Senator Richardville, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senators Cherry, Kuipers, Allen, Pappageorge, McManus, Kahn and Bishop entered the Senate Chamber.

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

Senator Cropsey moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 605

Senate Bill No. 949

Senate Bill No. 950

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

Senator Cropsey moved that the following bills, now on the order of the order of General Orders, be referred to the Committee on Appropriations:

Senate Bill No. 251, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2010; and to provide for the expenditure of the appropriations.

House Bill No. 4288, entitled

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

The motion prevailed.

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

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, November 5:
House Bill Nos. 4610 4860 5092 5140 5479

The Secretary announced the enrollment printing and presentation to the Governor on Monday, November 9, for her approval the following bill:

Enrolled Senate Bill No. 418 at 3:12 p.m.

The Secretary announced that the following official bills were printed on Thursday, November 5, and are available at the legislative website:

Senate Bill Nos. 966 967

The Secretary announced that the following official bills were printed on Friday, November 6, and are available at the legislative website:

Senate Bill Nos.	968	969	970	971	972	973	974	975	976	977	978	979
House Bill Nos.	5574	5575	5576	5577	5578	5579	5580					

Messages from the Governor

The following messages from the Governor were received and read:

November 6, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to office under Section 2 of 1978 PA 260, MCL 393.352:

Commission for the Blind

Ms. Jo Ann Pilarski of 7765 Metzke Road, Alpena, Michigan 49707, county of Alpena, is reappointed to represent blind persons, for a term expiring September 30, 2012.

November 6, 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 Sections 302 and 902 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.902:

Collection Practices Board

Mr. James S. Gentry of 31943 Red Run, Warren, Michigan 48093, county of Macomb, succeeding Charles Havill, whose term has expired, is appointed to represent professionals, for a term commencing November 6, 2009 and expiring June 30, 2013.

Mr. Mathew D. Cornish of 4367 Kelsey Farm, Commerce, Michigan 48390, county of Oakland, is reappointed to represent the general public, for a term expiring June 30, 2013.

Mr. James P. Hoppin of 2413 Hickory Glen Drive, Bloomfield Hills, Michigan 48304, county of Oakland, is reappointed to represent professionals, expiring June 30, 2013.

November 6, 2009

Pursuant to Section 7111 of the Public Health Code, 1978 PA 368, MCL 333.7111, please be advised of the following appointment and reappointments to office:

Controlled Substances Advisory Commission

Mr. Harry A. Kezelian, DPM, of 619 Overhill, Bloomfield Hills, Michigan 48301, county of Oakland, succeeding Tara L. Scott, whose term has expired, is appointed to represent the Michigan Board of Podiatric Medicine and Surgery, for a term commencing November 6, 2009 and expiring August 30, 2011.

Mr. Charles L. Blanchard of 5718 Wood Valley Drive, Haslett, Michigan 48840, county of Ingham, is reappointed to represent pharmaceutical manufacturers, for a term expiring August 30, 2011.

Ms. Nina A. Bugbee of 7177 Johnson Road, Flushing, Michigan 48433, county of Genesee, is reappointed to represent the Michigan Board of Nursing, for a term expiring August 30, 2011.

Mr. David L. Dull, M.D., of 2109 Hunters Run, N.E., Ada, Michigan 49301, county of Kent, is reappointed to represent the Michigan Board of Medicine, for a term expiring August 30, 2011.

Ms. Sarah M. Elkins of 105 Legato Point, Walled Lake, Michigan 48390, county of Oakland, is reappointed to represent the general public, for a term expiring August 30, 2011.

Ms. Suhair Farida, R.Ph., of 7053 Timberview Trail, West Bloomfield, Michigan 48322, county of Oakland, is reappointed to represent the Michigan Board of Pharmacy, for a term expiring August 30, 2011.

Ms. Rhonda J. Hennessy, D.D.S., of 39488 Village Run Drive, Northville, Michigan 48167, county of Wayne, is reappointed to represent the Michigan Board of Dentistry, for a term expiring August 30, 2011.

Mr. Lawrence A. Letsche, D.V.M., of 6565 North Territorial Road, Plymouth, Michigan 48170, county of Washtenaw, is reappointed to represent the Michigan Board of Veterinary Medicine, for a term expiring August 30, 2011.

Mr. Scott A. Monteith, M.D., of 527 Cobbs Street, Cadillac, Michigan 49601, county of Wexford, is reappointed to represent licensed health care professionals from the field of psychiatry, for a term expiring August 30, 2011.

Ms. Claire E. Saadeh, Pharm.D., of 12629 Paradise Drive, DeWitt, Michigan 48820, county of Clinton, is reappointed to represent pharmacologists, for a term expiring August 30, 2011.

Mr. Douglas P. Vanator, D.O., of 623 Shipherd Street, P.O. Box 398, Olivet, Michigan 49076, county of Eaton, is reappointed to represent the Michigan Board of Osteopathic Medicine and Surgery, for a term expiring August 30, 2011.

November 6, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Sections 16121 and 18221 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.18221:

Michigan Board of Psychology

Ms. Monica P. Navarro of 996 Mountainside, Lake Orion, Michigan 48362, county of Oakland, is reappointed to represent the general public, for a term expiring December 31, 2013.

Sincerely,
Jennifer M. Granholm
Governor

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

By unanimous consent the Senate returned to the order of
Motions and Communications

Senators Clarke, Gleason, Hunter and Barcia entered the Senate Chamber.

Senator Cropsey moved that rule 3.902 be suspended to allow the guests of Senator Nofs admittance to the Senate floor, including the center aisle.

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

Senator Cropsey moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle.

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

The following communication was received and read:
Department of State

November 9, 2009

Please find enclosed the certificate of election of Mike Nofs, elected at the November 3, 2009 special election conducted in Calhoun and Jackson Counties to fill the vacancy in the 19th State Senate District.

The official special election results, certified by the Board of State Canvassers on November 9, 2009, are also enclosed.

Please do not hesitate to contact this office if you have any questions.

Sincerely,
Christopher M. Thomas
Director of Elections

United States of America

THE STATE OF MICHIGAN

DEPARTMENT OF STATE

I, Terri Lynn Land, Secretary of State and Custodian of the Great Seal of the State of Michigan, certify that Mike Nofs was elected to fill the vacancy in the 19th State Senate District for a partial term expiring January 1, 2011, as shown by the November 3, 2009 special election returns certified by the Board of State Canvassers on November 9, 2009.

[SEAL]

November 9, 2009
Terri Lynn Land
Secretary of State

State of Michigan
Certificate of Election

We, the undersigned members of the Board of State Canvassers, have determined from an examination of the returns received by the Secretary of State for November 3, 2009 Special Election conducted in the 19th State Senate District that, Mike Nofs was duly elected State Senator, 19th District for the term ending January 1, 2011.

Norman D. Shinkle, Chairperson
Erane C. Washington-Kendrick, Vice Chairperson
James L. Waters, Member
Jeffrey Timmer, Member

[SEAL]

In witness whereof, I have hereto attached my signature and the Great Seal of the State of Michigan, at Lansing, on November 9, 2009.

Terri Lynn Land
Secretary of State

Oath of Office

A ceremonial swearing-in was conducted for Senator Michael L. Nofs, who took and subscribed to the Constitutional Oath of Office, which was administered by Supreme Court Justice Robert P. Young, Jr., and entered upon the performance of his duties as Senator.

Senators Bishop, Prusi and Nofs asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Bishop's statement is as follows:

At this time, it is my great pleasure to rise and welcome the newest member of this body, Senator Mike Nofs. Welcome, Senator. We and the rest of the Senate family are pleased to be joined by your family and friends in the Gallery who have come to Lansing to support you. Mike, congratulations and welcome, and congratulations and welcome to your staff and extended family members here who are now part of the Senate family. I know they are all proud of you and your hard work and commitment, which really has become symbolic of your life and career in politics and your personal life.

With this election today, Mike Nofs continues his long personal history of public service. He is a law enforcement officer by trade, but he has also held elective office as a Calhoun County commissioner and also as a State Representative here in the Capitol.

On behalf of everyone here in the Michigan Senate, it is my great honor to welcome Senator Mike Nofs. We look forward to working with you.

Senator Prusi's statement is as follows:

On behalf of the Democratic Caucus, I rise to also offer a welcome to the new Senator from the 19th District. All of us come from different parts of the state, and we all have our own unique stories and circumstances of how we got here. But the one thing that we all have in common is that we know how hard it is to run a campaign for office here in the State Senate. The new Senator from Calhoun County worked hard to get here, and the people he now represents gave him their vote of confidence last Tuesday.

You arrive at a very critical time for the state of Michigan—a time when tensions can get very high and a lot of things are at stake here. I hope we can count on you to live up to some of the remarks that you made during the campaign in which you said that you would reach out across the aisle to get things done. We have offered that on numerous occasions and look forward to working with you in a bipartisan fashion as we confront the significant issues that face the people here in the state of Michigan.

As we have all this hard work to do, we need all hands on deck, and we are glad to be back to a full Senate. Congratulations, Mike, and welcome to the Senate.

Senator Nofs' statement is as follows:

Thank you to the chamber for the gracious welcome. I don't have any prepared notes, but this looks like I do for the cameras, so I guess I will use that. I do want to say thank you. It is an honor and a privilege to be in this hallowed

chamber, and I want to thank my mother and my father—who I think is watching—for raising eight kids and twins in the middle. You did a great job, Mom and Dad, and I love you very much. I'm glad you are proud because I am proud to have a mom and dad like you. Thank you so much.

My sister and my godson, Melody Jenner and Ryan, I thank you so much for your support and the rest of the family members who couldn't make it here today. If you don't know, we had eight kids in our family, so there were a lot of them who couldn't get off and come up here, and some of them are out-of-state, including my sons who couldn't make it today. I want to thank them for their support.

Then I have the team, the Nofs Team, that was behind me through this whole campaign. The Minority Leader was gracious in his welcome, and I appreciate that in the fact that it was a tough campaign. I want to thank all the team members who made me very successful and allowed me the opportunity to get here. There are so many of them to mention, I'm not sure I should try to go at it, and I will spare you all. I just want to thank the I Like Mike Nofs Team and appreciate all your efforts and everything you did to get me here. That is something I will treasure the rest of my life and the friendships that have developed.

Majority Leader Bishop, I thank you for your wisdom and counsel during the campaign and everything you did to make me successful. I look forward to working with you and the majority group of Senators. I will try to live up to the standards that all of you have placed so high as being a standing Senator. There are many among you whom I look up to and respect so very much. A lot of you are good friends, and I look forward to the opportunity to serve with you, work with you, and do good policy for Michigan. That also goes to the minority side.

Minority Leader Prusi, Mike, I thank you for all of the friendship that we developed while I was in the House, and I got to know you a little bit and all of the other Senators on the Democratic side who helped me with a lot of legislation when I was in the House. You are very, very gracious. There are some very special friends over there. I look forward to working with you all the time that you are here and I am here. May we do good work for the state of Michigan. I am a firm believer that once the election is over, the real work for the people of the state of Michigan—no matter what party we represent—begins. I hope to live up to that and to my best ability be able to bring good policy to the state of Michigan.

I thank the chamber, all the staff and everyone else I have gotten to know over the years. I really appreciate all the hard work that went into it. There are two special people: Greg Moore, who has been with me for about four years, and Patty Pastor, who has been with me for six years. I thank you so much for your devotion and all your hard work in making this possible, including the good reputation that we have built as a State House member and hopefully look forward to continuing that. Thank you so much for your service. I appreciate it so much.

With that, Mr. President, I will sit down and be quiet because I know that people don't want to listen to me that much. I do thank you, Carol. I thank you for the opportunity and all your help in getting me to this point. Hopefully, I can lean on you some more for some more guidance on how this place runs, and I won't look too bad once I get up here to the microphone. I thank you, Mr. President, everyone in the chamber, and all the guests who are here today. Thank you to everyone who is watching, the press, the sergeants at arms, the support staff, and everyone else who work here in the chamber. I look forward to working with you. I hope I didn't forget anybody.

The following communications were received and read:
Office of the Senate Majority Leader

November 5, 2009

Pursuant to PA 72 of 1990 (MCL 141.1213), I am nominating Mr. Bret Witkowski, 3275 Lincoln Avenue, St. Joseph, MI 49095, for the local financial management review team for the City of Benton Harbor.

If you have any questions, please contact Bill Sullivan in my office. Thank you.

November 5, 2009

Pursuant to PA 120 of 2009, section 30329(d), I am appointing the following individuals to the wetland advisory council:

Mr. Lee Schwartz, 5046 Grieb, Webberville, MI 48892, representing a statewide association of home builders.

Ms. Erin McDonough, 214 E. Riverside Street, Williamston, MI 48895, representing a statewide conservation organization.

Mr. Eric Davis, 901 Britten, Lansing, MI 48910, representing a statewide association of local units of government.

Mr. Randy Gross, 15236 Pinehurst Drive, Lansing, MI 48906, representing a statewide association of manufacturers.

If you have any questions, please contact Bill Sullivan in my office at 373-2417. Thanks.

Sincerely,
Michael D. Bishop
Senate Majority Leader

The communications were referred to the Secretary for record.

The following communication was received and read:
Office of the Auditor General

November 6, 2009

Enclosed is a copy of the following audit report:
Performance audit of the Bridge Inspection Program, Michigan Department of Transportation.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

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

The following communication was received:
Utility Consumer Participation Board

October 3, 2009

In accordance with Public Act 304 of 1982, the attached 2008 Annual Report for the Michigan Utility Consumer Representation Fund (UCRF) is transmitted to the Legislature.

The state's six largest investor-owned utilities who use cost recovery proceedings to recover purchased gas and power supply costs from ratepayers were required, under this Act, to remit a total ratepayer funded assessment of \$1,096,950 in 2008 to provide for fair and adequate representation of Michigan residential energy ratepayers in gas and power supply cost recovery proceedings, reconciliation cases and other related proceedings before the Michigan Public Service Commission. 47.5% (\$521,051) of the revenue is allocated to fund intervenor grants, 47.5% (\$521,051) of the revenue is allocated to the Department of Attorney General, and the remaining 5% (\$54,848) is allocated for administrative costs.

The Utility Board requested an Annual Year (AY) authorization in 2008 of \$950,000 using current and accrued funds in order to provide sufficient revenue to fund qualified intervenor grants. This provided a total of \$902,500 available grant funding and \$47,500 for administrative costs. The same amount was requested for Annual Year (AY) 2009.

In 2008, six new grants (09-01, 09-02, 09-03, 09-04, 09-05, 09-06) in the total amount (with amendments) of \$719,899 were granted against AY 2009 (pending approval of the budget). Work on the four grants approved in 2007 against the AY 2008 authorization continued. These grants included (UCRF 08-01, 08-02, 08-03, and 08-04) in the total amount of \$611,460. Decisions from previous years were still pending in some cases.

Grants are rated based on compliance with statutory requirements and criteria established by the board. In 2008, the cases selected for UCRF funding represent approximately 95% of the residential customers of utilities participating in cost-recovery proceedings or nearly 3 million natural gas customers and 3.5 million electric customers in the state of Michigan. UCRF grant recipients included the Residential Ratepayer Consortium (RRC), Michigan Environmental Council (MEC/PIRGIM), Michigan Community Action Association (MCAAA), and the American Association of Retired Persons (AARP) of Michigan. The membership and scope of these organizations is provided in Appendix 1.

In 2008, UCRF funded intervenors achieved approximately \$1.7 million in direct disallowance for residential customers, were responsible for the withdraw of a request for a rate recovery of approximately \$13 million, influenced a \$11.2 million savings on the sharing of pollution control allowances, and advocated positions in settlements that contributed to significant rate reductions. UCRF funded intervenors also affected planning and purchasing practices that improve outcomes and rates for residential customers over the long-term. The UCRF grant program continues to give a voice to residential customers in this complex utility ratemaking process and provides for more reasonable and fair planning and cost treatment for ratepayers.

The board continued improvements in administration and management of the grant program. In 2008, particular attention was paid to improvements in grantee billing practices and budget amendment review process.

The Attorney General's Office also received UCRF funding to intervene on behalf of the utility ratepayers of Michigan in Act 304 proceedings. The Attorney General's Office will submit its P.A. 304 Annual Report under separate cover.

Sincerely,
Alexander H. Issac
Chair

The communication was referred to the Secretary for record.

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:28 a.m.

12:01 p.m.

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

Senate Bill No. 608, entitled

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

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

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Cropsey moved that when the Senate adjourns today, it stand adjourned until Thursday, November 12, at 10:00 a.m.

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 Stamas 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 without amendment, the following bills:

Senate Bill No. 949, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 387 (MCL 750.387), as amended by 1998 PA 311.

Senate Bill No. 713, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2008 PA 565.

House Bill No. 4161, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7405, 17708, and 17763 (MCL 333.7405, 333.17708, and 333.17763), as amended by 2006 PA 672.

House Bill No. 4650, entitled

A bill to amend 1984 PA 34, entitled "Michigan low income heating assistance and shut-off protection act," (MCL 400.1201 to 400.1217) by adding section 7a.

The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 950, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 286. Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 605, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20135. Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

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

Senate Bill No. 949

Senate Bill No. 950

House Bill No. 4650

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

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

Senate Bill No. 949

Senate Bill No. 950

House Bill No. 4995

Senate Bill No. 791

House Bill No. 4386

House Bill No. 4655

House Bill No. 4658

House Bill No. 4673

House Bill No. 4650

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 949, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 387 (MCL 750.387), as amended by 1998 PA 311.

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. 586

Yeas—34

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

Nays—0

Excused—1

Not Voting—3

Barcia

Jacobs

Switalski

In The Chair: Richardville

The Senate agreed to the title of the bill.

Senator Thomas moved that Senators Barcia and Jacobs be temporarily excused from the balance of today's session. The motion prevailed.

Senator Barcia entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 950, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 286.

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. 587**Yeas—36**

Allen
Anderson
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis

Cherry
Clark-Coleman
Clarke
Cropsey
George
Gilbert
Gleason
Hardiman
Hunter

Jansen
Jelinek
Kahn
Kuipers
McManus
Nofs
Olshove
Pappageorge
Patterson

Prusi
Richardville
Sanborn
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0**Excused—2**

Garcia

Jacobs

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

House Bill No. 4995, entitled

A bill to require all official depictions of the state of Michigan to include both peninsulas of the state.

(This bill was passed on October 29 and the motion to reconsider the vote postponed. See Senate Journal No. 92, p. 2111.)

The question being on the motion to reconsider the vote by which the bill was passed, Senator Cropsey withdrew the motion.

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

The following bill was read a third time:

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 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. 588

Yeas—36

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

Nays—0

Excused—2

Garcia	Jacobs
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Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4386, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts;" (MCL 460.1 to 460.11) by adding section 9h.

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. 589**Yeas—36**

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

Nays—0**Excused—2**

Garcia Jacobs

Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4655, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 9m.

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. 590**Yeas—36**

Allen	Cherry	Jansen	Prusi
Anderson	Clark-Coleman	Jelinek	Richardville
Barcia	Clarke	Kahn	Sanborn
Basham	Cropsey	Kuipers	Scott

Birkholz	George	McManus	Stamas
Bishop	Gilbert	Nofs	Switalski
Brater	Gleason	Olshove	Thomas
Brown	Hardiman	Pappageorge	Van Woerkom
Cassis	Hunter	Patterson	Whitmer

Nays—0**Excused—2**

Garcia	Jacobs
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Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Whitmer's statement is as follows:

I rise today to speak to House Bill No. 4655. You see, the shutoff package is a great culmination of consumer protection laws, which I was pleased to have had a bill in that package; however, my bill was left behind. Now, I bet you are all waiting for me to rail against the petty politics of the Senate Majority Leader by not moving my bill but the rest of the package. I am going to just speak to the merits of this, the identical bill to the Whitmer bill.

I rise today in support of House Bill No. 4655, no matter whose name is on it because it matters to the people of Michigan. This is a simple reporting mechanism for municipally-owned utilities to report to the Public Service Commission when there is a serious injury or death related to a shutoff. In such an event, the Public Service Commission may investigate and may forward their findings to our Attorney General.

This is a responsible piece of public policy. I sponsored this bill because I care about the consequences when utilities start shutting off basic necessities because a vulnerable senior hasn't paid a \$40 bill. I care about people and I fight for people. I'm asking you to do the same by joining me and voting "yes" in support of House Bill No. 4655.

The following bill was read a third time:

House Bill No. 4658, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 9o.

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

1. Amend page 2, line 17, after “(1)” by striking out “**BY NOVEMBER 1, 2009**” and inserting “**WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION**”.

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 591**Yeas—36**

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

Nays—0**Excused—2**

Garcia Jacobs

Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4673, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” (MCL 460.1 to 460.11) by adding section 9q.

The question being on the passage of the bill,

Senator Patterson offered the following amendments:

1. Amend page 3, line 16, after “(H)” by striking out the balance of the subdivision and inserting “**THE ENERGY ASSISTANCE TELEPHONE LINE NUMBER AT THE DEPARTMENT OF HUMAN SERVICES OR AN OPERATING 2-1-1 SYSTEM TELEPHONE NUMBER.**”.

2. Amend page 4, line 12, after “effect” by striking out the balance of the bill and inserting “30 days after the date it is enacted into law.”.

The amendments were adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 592**Yeas—36**

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

Nays—0**Excused—2**

Garcia	Jacobs
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Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4650, entitled

A bill to amend 1984 PA 34, entitled “Michigan low income heating assistance and shut-off protection act,” (MCL 400.1201 to 400.1217) by adding section 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. 593**Yeas—36**

Allen	Cherry	Jansen	Prusi
Anderson	Clark-Coleman	Jelinek	Richardville
Barcia	Clarke	Kahn	Sanborn
Basham	Cropsey	Kuipers	Scott
Birkholz	George	McManus	Stamas
Bishop	Gilbert	Nofs	Switalski
Brater	Gleason	Olshove	Thomas

Brown
Cassis

Hardiman
Hunter

Pappageorge
Patterson

Van Woerkom
Whitmer

Nays—0

Excused—2

Garcia

Jacobs

Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to establish a low income heating assistance and shut-off protection program; to promote conservation of home heating energy; to coordinate weatherization programs; and to prescribe certain duties of certain state agencies,”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Jacobs entered the Senate Chamber.

Senators Patterson, Richardville and Brown introduced

Senate Joint Resolution O, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 28 to article I, to establish the right to life of all human beings from the beginning of their biological development.

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

Senator Gilbert introduced

Senate Bill No. 980, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 698 (MCL 257.698), as amended by 1998 PA 247, and by adding section 682c.

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

Senator Kuipers introduced

Senate Bill No. 981, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 449 and 507 (MCL 380.449 and 380.507), section 449 as amended by 2004 PA 303 and section 507 as amended by 1995 PA 289, and by adding sections 11c, 1280c, and 1280d.

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

Senator Kuipers introduced

Senate Bill No. 982, 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 section 15 (MCL 423.215), as amended by 1994 PA 112.

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

Senator Kuipers introduced

Senate Bill No. 983, 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 121.

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

House Bill No. 4860, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 11, 20j, 20k, 22b, 32d, 74, and 101 (MCL 388.1611, 388.1620j, 388.1620k, 388.1622b, 388.1632d, 388.1674, and 388.1701), sections 11, 22b, 32d, 74, and 101 as amended by 2009 PA 121, section 20j as amended by 2008 PA 561, and section 20k as added by 2003 PA 158, and by adding section 20l.

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. 5092, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 269 (MCL 206.269), as added by 2004 PA 313.

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 Finance.

House Bill No. 5140, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by amending the title, as amended by 2002 PA 554, and by adding section 618a.

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

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

House Bill No. 5479, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 435 (MCL 208.1435), as amended by 2008 PA 448.

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.

Statements

Senators Patterson, Jacobs, Prusi, Basham, Cherry, Whitmer, Cassis and Brater asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Patterson’s statement is as follows:

Another trip down memory lane, 1990 the national debt of this country resulted in \$325 per capita obligation to repay that debt. In 2009, the extent of the national debt results in a per capita obligation for every man, woman, and child of \$38,000. It reminds me of Thomas Jefferson’s commentary: “Democracy will cease to exist when you take away from those willing to work and give to those who are not.”

Senator Jacobs’ statement is as follows:

I was excused to go and meet with about 100 parents and administrators to talk about education funding. I would like to give my voting intentions. I would have voted “yes” on the following bills: Senate Bill Nos. 949 and 950; the immediate effect vote for House Bill No. 4995; Senate Bill No. 791; and House Bill Nos. 4386, 4655, 4658, 4673, and 4650.

Senator Prusi's statement is as follows:

Today marks the 34th anniversary of a very somber and sad occasion here in the Great Lakes State. Thirty-four years ago this evening, the *Edmund Fitzgerald* was lost with 29 sailors aboard in one of the worst gales ever to hit the upper Great Lakes. For those of you who can still recall the words of the song by Gordon Lightfoot, the *Fitzgerald* cleared Superior, Wisconsin, on its last trip on November 9, 1975, with a cargo of 26,000 tons of taconite pellets. For those of you that are unaware of what that is, it is iron ore.

Consigned to Detroit traveling down Lake Superior in company with the *Arthur M. Anderson* of the United States Steel Corporation's Great Lakes fleet, she encountered heavy weather, and in the early evening of November 10, suddenly foundered approximately 17 miles from the entrance of Whitefish Bay. Captain McSorley of the *Fitz* had indicated that he was having difficulty and taking on water. She was listing to port and had two or three ballast pumps working. She launched her radar and damage was noted to ballast tank vent pipes, and he was overheard on the radio saying, "Don't allow nobody on deck."

McSorley said it was the worst storm he had ever seen. All 29 officers and crew, including a Great Lakes Maritime Academy cadet, went down with the ship, which lies broken in two sections in 530 feet of water in Lake Superior.

I just thought I would bring that to the attention of the members, and hopefully, all of us will give a thought to those in our society who do that hard work and risk their lives on the Great Lakes to bring commodities and goods through our economy.

Senator Basham's statement is as follows:

So I agree with the previous speaker, and that means we're going to run my smoke-free workplace bills, I assume. And also I'd like to give the members a quote from Rodney King and that's, "Can't we all just get along?"

Senator Scott 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. 594

Yeas—14

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

Nays—20

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

Excused—1

Garcia

Not Voting—3

Barcia

Hunter

Jansen

In The Chair: Richardville

Senator Thomas moved that Senators Barcia and Hunter be excused from the balance of today's session. The motion prevailed.

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

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

The motion prevailed.

Senator Thomas requested the yeas and nays.

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

The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 595

Yeas—27

Allen	Cherry	Jelinek	Patterson
Anderson	Clarke	Kahn	Richardville
Birkholz	Cropsey	Kuipers	Sanborn
Bishop	George	McManus	Stamas
Brater	Gilbert	Nofs	Van Woerkom
Brown	Gleason	Olshove	Whitmer
Cassis	Hardiman	Pappageorge	

Nays—6

Clark-Coleman	Prusi	Switalski	Thomas
Jacobs	Scott		

Excused—4

Barcia	Garcia	Hunter	Jansen
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Not Voting—1

Basham

In The Chair: Richardville

Protest

Senator Scott, under her constitutional right of protest (Art. 4, Sec. 18), protested against the motion to print in the Journal the statement made by Senator Cropsey and moved that the previous statement she made under Statements be printed as her reasons for voting "no."

The motion prevailed.

Senator Scott's statement is as follows:

It is my birthday and I am glad to be alive. Thank you, Mr. President.

I was absent on October 29 due to illness, and then again absent on November 4 and 5, as I was in Israel for the American Israel Public Affairs Committee African American Leaders Educational Seminar.

On Thursday, when I was ill, on House Bill No. 4995 and Senate Bill Nos. 850, 851, and 680, I would have voted “yes.” On Wednesday, November 4, House Bill Nos. 4793, 4264, and 4709 and Senate Bill No. 563, I would have voted “yes.” On Thursday, November 5, on Senate Bill Nos. 955, 956, and 957, House Bill Nos. 5245, 5246, and 4999, and Senate Bill Nos. 500, 501, and 283, I would have voted “yes” on those also.

Well, I hear that the debate on my insurance reform bill continued in my absence, and I thank my colleagues who spoke up on my behalf when I was not here to speak for myself. I’m sure there are some people who hoped that the defeat of my bill to end territorial rate setting for property insurance and car insurance would also be the end of my daily statements in support of insurance reform. But the Reverend Martin Luther King, Jr., said, “Our lives begin to end the day we become silent about things that matter.” And so here I am and still I rise with my back straight and my feet on the floor. I just never thought that a colleague would be so mean-spirited.

I thank everyone who shared their thoughts during the floor debate on my bill. I especially thank those of you who said that while you did not agree with my proposal, you are open to talking about ways to improve Michigan’s property insurance system and car insurance. It took you a long time to think about it, but I am glad you are doing so now. I intend to take you up on that offer and hope that it is meaningful.

I have dealt with racism all my life, but I never thought I would do that here in the Senate. There is a better way to do things, a way that does not burden our poorest citizens with exorbitant costs for a state-mandated service. My bill may no longer be before this chamber, but the need for insurance reform in Michigan has not gone away. So let’s get to work.

Senator Cropsey’s statement is as follows:

Many individuals from the educational community are here today, and they are expressing their views on K-12 funding. As these voices are heard, it is important to remember the journey which has led us to this point.

After a long and difficult process, leaders of both chambers forged a bipartisan, bicameral agreement for the 2010 budget. We in the Senate approved all of the budget bills—a balanced budget that did not raise taxes. The Senate also sent several pieces of legislation to the House which would bring in additional revenue to the state. It wasn’t easy, but many tough decisions had to be made.

Much of the difficult work is behind us. We passed a budget which included only a 2.3 percent cut to the per-pupil foundation allowance. The basic job was done. The 2010 budget was in place, but then the House and the Governor snatched defeat from the jaws of victory. Instead of approving the revenue-generating legislation, the House balked. Rather than move these sensible bills, the Democratic-controlled House has failed to consider them. Instead, the House members are focusing on legislation that sounds good but has no funding source or plan which foolishly raids the federal stimulus money which was set aside for next year when it will be needed even more.

Both of these moves may sound good, but they are shortsighted and dangerous. Instead of having the budget completed and moving forward, the House and the Governor have thrown the state, especially our schools, into turmoil.

It didn’t have to be this way. The Governor’s latest budget vetoes were unnecessary. The cuts were hers and hers alone. She wants to make the cuts so painful and so unfair that the public and the Legislature will give in to her demands for a tax increase.

Senate Republicans know that Michigan families and job providers are struggling to make ends meet, and they cannot afford another tax increase. We’ve been there and we’ve done that. Raising taxes was the Governor’s solution in 2007. Her tax increases did not solve the problem. The Governor seems to have a deaf ear when it comes to making state government live within its means.

The Senate Republicans are listening to the public. We stood up for Michigan families and job providers by passing a balanced budget without raising taxes. We remain committed to structural budget reforms, not piecemeal tax increases and one-time fixes.

Now it is time for the House to get the job done. The House needs to move the revenue measures, and the Governor needs to abandon the tax-and-spend philosophy which has made matters even worse. It’s time for responsible leadership. It’s time to respect taxpayers. I hope everyone gathering here today will urge the House to act quickly and move this important legislation.

Senator Cherry’s statement is as follows:

We had a very eloquent speech by the Senator from the 36th District, and I believe that it is important that we continue to speak our minds and have our statements printed in the Journal. That is why I voted to have both statements in the Journal because it is important that we all are able to express our ideas. Even though I believed that the Senate Majority Floor Leader’s statement impugned the motives of the Governor and Senate Democrats, I still felt that it needed to be in the Journal just like the statement from Senator Scott.

I believe it is important that all statements be put in the Journal. Neither one of those statements, I believe—while they did talk about people’s motives—were not so negative that they should not have both been put in the Journal. I hope that we can rise above this kind of petty politics we have been seeing in the past few weeks, and we could at least assure that when people speak their minds, they actually get to print it too.

Senator Whitmer's statement is as follows:

Like my colleague from Genesee County, I voted in favor of printing both statements in the Journal today because I think that it is every Senator's right to have their statement printing in the Journal. It is our constitutional right.

Tomorrow is Veterans Day, and we are going to acknowledge people who have fought for our country, fought for our constitutional rights. A good friend who is a wise, old attorney told me one time, and I think it was a great stroke of wisdom: The Constitution is to be used as a shield to protect people's rights, not as a sword to take down some people's rights and not others. It is to protect all people's rights. When you use it as a weapon to take away the rights of some and protect only the rights of few, you jeopardize the rights of all of us.

It is extremely disheartening when you pick and choose whose comments of this body that you are going to print in the Journal. That is not what Statements is for. Yes, statements are some of our only ability to have our positions heard in this body, particularly those of us who are in the minority—those who cannot call committee meetings or pick and choose who is there to testify and who can't choreograph those meetings.

Statements is our only avenue to make known on behalf of our constituency what the priorities are and what we are here to fight for. Every single one of us here was elected by a constituency. We have a duty to fight on behalf of those constituents. So when you pick and choose whose statements you are going to print, and you hide behind the Constitution and take some rights away from some of us and use it to give rights to others, it is a misuse of the Constitution and does a disservice to the people who fought to protect us—the people we are supposed to be honoring tomorrow.

So I ask that you think again before you use these tactics. It is an abuse of power, and it is why so many people have lost faith in their government. It is why so many people here who serve in our government have lost faith and are frustrated and fed up.

Senator Cassis' statement is as follows:

I rise on a different topic this afternoon. Today, as we are well aware, hundreds and hundreds of persons are supporting public education. Our kids in K-12 education have come to a rally at the Capitol. They are meeting in our offices, even as we are here in the Senate doing the people's work. As a former educator myself and a Senator representing six school districts, I met with all the southeastern Oakland County superintendents and several representatives of the area last Friday. At that time, I said that I was ready to meet with them and go to the Governor of this state and plead the issue that is before us.

My Majority Leader tried valiantly to put together a meeting with the Governor to this end. The Governor's reply was: "I can't do it Tuesday; can't do it Wednesday." Then I realized that I had asked the wrong question, and I have since posed it, and we have not heard back an answer. That question is: Governor, will you find in your schedule over the next ten days time for us to come and meet with you?

I want to point out that the Senate did pass a bipartisan school aid budget protecting all school districts in this state. It was the Governor who undid that. My own school board in Novi passed a resolution last Thursday night, but they removed a statement in that resolution which indicated that they would like us as legislators to find resources to solve this budget issue with the school aid fund. A potential problem—I'm not sure that we have one. They removed that language because, as we all know, when we are very honest, "revenues" is code word for "tax increases."

Let me make it clear. I stand ready at any time to meet with my constituents and the Governor. I have reached out. The Majority Leader has reached out. Governor, please, tear down this wall, and meet with our constituents.

Senator Brater's statement is as follows:

I feel it incumbent upon myself as a representative of the 18th Senate District to speak up this afternoon about things that have just transpired on this floor during this statements period today. My good colleague from the 2nd District obviously touched a nerve when she used the term "racism" on this floor. It seems like a word that cannot be uttered. It cannot even be printed in our Senate Journal, but I think that we need to examine why are we so sensitive about this word.

The fact is I had the honor some years ago of serving on the Governor's Land Use Council. We were looking at patterns of land use in the state of Michigan and how to, among other things, reinvest in our cities. One of the things we were told by one of the experts which addressed our commission was that the Detroit metropolitan area is the most racially-segregated region of the entire United States of America.

We are never going to get beyond the issues which divide cities and suburbs until we face that fact. Until we do some of the things which we recommended years ago that we've overlooked for years and the very hard work that was done by that council, bipartisan council—people from environmental interests, business interests—we came together and thought we made some good recommendations. The recommendations would be good for all of us to see the state of Michigan prosper and move forward because as our cities go, the fate of our cities is the fate of this state as a whole. It's vibrant cities which make young people want to come to a state to live in an area. All of the things which go with those are quality of life issues—transit, good housing opportunities. Those are the things which bring economic prosperity to a state.

We really need to reinvest in our cities. We need to get to a point where we are not going to have these disparities between people who live in the cities and in the suburbs; that we aren't going to separate ourselves by race based on socioeconomic issues which tend to divide us at this point. Reinvesting in education is a theme that is on our minds today.

I think all of these things are related, and until we work together in a bipartisan manner, as the good Senator from the 36th District stated, I think we won't get very far. So I certainly want to commit myself in the 13 months we have left to working across the aisle and working together to bring prosperity for all of the people of the state of Michigan.

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 934, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81101 (MCL 324.81101), as amended by 2004 PA 587.

With the recommendation that the bill pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:
Meeting held on Wednesday, November 4, 2009, at 1:30 p.m., Room 110, Farnum Building
Present: Senators Birkholz (C), Van Woerkom, Basham and Gleason
Excused: Senator Patterson

The Committee on Health Policy reported

Senate Bill No. 605, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20135.

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.

Thomas M. George
Chairperson

To Report Out:

Yeas: Senators George, Allen, Sanborn, Clarke 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 Health Policy submitted the following:
Meeting held on Wednesday, November 4, 2009, at 3:07 p.m., Senate Hearing Room, Ground Floor, Boji Tower
Present: Senators George (C), Allen, Sanborn, Clarke and Gleason
Excused: Senators Patterson and Jacobs

The Committee on Senior Citizens and Veterans Affairs reported

Senate Bill No. 949, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 387 (MCL 750.387), as amended by 1998 PA 311.

With the recommendation that the bill pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Pappageorge, Olshove and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Senior Citizens and Veterans Affairs reported

Senate Bill No. 950, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 286.

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.

Jason E. Allen

Chairperson

To Report Out:

Yeas: Senators Allen, Pappageorge, Olshove and Basham

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 Senior Citizens and Veterans Affairs submitted the following:

Meeting held on Tuesday, November 10, 2009, at 8:30 a.m., Room 100, Farnum Building

Present: Senators Allen (C), Pappageorge, Olshove and Basham

Excused: Senator Garcia

COMMITTEE ATTENDANCE REPORT

The Committee on Energy Policy and Public Utilities submitted the following:

Meeting held on Thursday, November 5, 2009, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Brown, Birkholz, Kuipers, Richardville, Olshove and Clarke

Absent: Senator Thomas

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, November 5, 2009, at 2:30 p.m., Room 210, Farnum Building

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

Excused: Senators Cassis and Whitmer

Scheduled Meetings**Appropriations -****Subcommittees -****Capital Outlay** - Thursday, November 12, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)**Human Services Department** - Thursday, November 12, 1:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)**Education** - Thursday, November 12, 2:30 p.m., Room 210, Farnum Building (373-6920)**Families and Human Services** - Thursday, November 12, 8:30 a.m., Room 100, Farnum Building (373-0797)**Hunting, Fishing and Outdoor Recreation** - Thursday, November 12, 1:00 p.m., Room 100, Farnum Building (373-1777)

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

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

Natural Resources and Environmental Affairs - Thursday, November 12, 9:00 a.m., Room 110, Farnum Building (373-3447)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 1:38 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, November 12, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate