

**No. 28**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**95th Legislature**  
**REGULAR SESSION OF 2009**

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Senate Chamber, Lansing, Thursday, April 2, 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—present  
George—present  
Gilbert—present  
Gleason—present  
Hardiman—present  
Hunter—present  
Jacobs—present  
Jansen—present  
Jelinek—present  
Kahn—present  
Kuipers—present  
McManus—present

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

Senator James A. Barcia of the 31st District offered the following invocation:

Heavenly Father, we pray that Your Spirit will guide us as we work to improve the lives of all those who have entrusted us to serve on their behalf. We ask that You never let us forget the needs of the disadvantaged and the disenfranchised. We thank You for allowing each and every one of us the opportunity to be a public servant.

We have many difficult issues to confront in our state. Grant us wisdom as we do our work, and we pray that our decisions are grounded in the principles of justice and compassion.

Lord, as we begin today, we thank You for Your many blessings. We pray these things in Your 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 Allen and Pappageorge entered the Senate Chamber.

The following communications were received and read:  
Office of the Auditor General

March 31, 2009

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Education Trust (MET) Plans B and C, a discretely presented component unit of the State of Michigan, for the period October 1, 2006 through September 30, 2008.

March 31, 2009

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Education Trust (MET) Plan D, a discretely presented component unit of the State of Michigan, for the period October 1, 2006 through September 30, 2008.

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

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

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. 385**

**House Bill No. 4258**

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

Senator Cropsey moved that the Committee on Government Operations and Reform be discharged from further consideration of the following appointments:

#### **Northern Michigan University Board of Control**

Ms. L. Garnet Lewis, Ph.D., of 9599 Carter Road, Freeland, Michigan 48623, county of Saginaw, succeeding Mary C. Lukens, whose term has expired, appointed for a term commencing February 13, 2009 and expiring December 31, 2016.

Ms. H. Sook Wilkinson, Ph.D., of 708 Parkman Drive, Bloomfield Hills, Michigan 48304, county of Oakland, succeeding Samuel S. Benedict, who has resigned, appointed for a term commencing February 13, 2009 and expiring December 31, 2016.

#### **Western Michigan University Board of Control**

Mr. James F. Hettlinger of 1712 North Darling Lane, Fennville, Michigan 49408, county of Allegan, succeeding Daniel Pero, whose term has expired, appointed for a term commencing February 19, 2009 and expiring December 31, 2016.

Ms. Mary A. Asmonga-Knapp of 105 Central Street, Battle Creek, Michigan 49017, county of Calhoun, succeeding Sarah DeNooyer, whose term has expired, appointed for a term commencing March 6, 2009 and expiring December 31, 2016.

The motion prevailed, a majority of the members serving voting therefor, and the appointments were placed on the order of Messages from the Governor.

Senator Cropsey moved that the Committee on Finance be discharged from further consideration of the following bill:

**House Bill No. 4496, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 501 (MCL 208.1501).

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Cropsey moved that the rule be suspended and that the following bill, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

**House Bill No. 4496**

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

Senator Thomas moved that the Committee on Government Operations and Reform be discharged from further consideration of the following resolution:

**Senate Resolution No. 15.**

A resolution to amend the Standing Rules of the Senate.

On which motion Senator Jacobs moved that the previous question be ordered.

The motion prevailed.

The question being on the motion to discharge the Committee on Government Operations and Reform from further consideration of the resolution,

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 serving not voting therefor, as follows:

**Roll Call No. 100**

**Yeas—16**

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

**Nays—21**

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

**Excused—0**

**Not Voting—0**

### Protest

Senator Cropsey, under his constitutional right of protest (Art. 4 Sec. 18), protested against the motion to discharge the Committee on Government Operations and Reform from further consideration of Senate Resolution No. 15 and moved that the statement he made during the discussion of the motion be printed as his reasons for voting “no.”

The motion prevailed.

Senator Cropsey’s statement is as follows:

I urge the body not to discharge the committee. To try to inject blatant political partisanship into the serious deliberations that are going on at this time is absolutely unconscionable. The maker of the motion and the speaker to this motion ought to be ashamed of themselves for trying to do such blatant political partisanship acts. I am just appalled and offended that this would even come up at this time.

If the previous speaker wants to cut her staff and deny her people their representation, fine; then that is her right to do so. She can go back and she can fire them all. As for me, I am going to make sure that my staff is going to be doing what needs to be done in order to best represent the people of this state and the people in the four counties that I represent.

I take offense at the way this was done. I take offense that this partisan move is being made when we are all trying to come together and say what is best for the people of this state. This is nothing more than blatant political partisanship, and it’s most extreme and at its worst.

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:

This chamber is about to recess for two weeks, so it is urgent that we take some action before we leave town. I’m rising to speak to the urgency and the necessity of the discharge motion on Senate Resolution No. 15. Now just last week, I saw a lot of people in this chamber patting themselves on the back saying we took a pay cut. The truth is, we didn’t take a pay cut; we forced a pay cut on the next Legislature.

It is urgent that we balance our budget. It is urgent that we tell the people of the state of Michigan that we get it. We are not here in some ivory tower. We understand the pain that people are feeling. It is urgent that we act now. Is \$3 million a lot of money in a \$42 billion budget? No. It is symbolic, but in times of crisis, symbols matter. It is time for the Legislature to take action. It is urgent that we take action, and that is why this discharge is necessary today.

Senate Resolution No. 15 is immediate. It can cut \$3 million out of the Senate budget today. How do you do that? Well, you treat all legislators equally. I know that is a unique thing in this chamber, but if you are a Republican, it is time for you to clinch your belt a little tighter and serve the same number of constituents that we Democrats represent.

I am explaining to the chamber the urgency here. It is urgent that we show the people of Michigan that we get it. When they see us leave for two weeks, they are going to say, “They are on vacation? Are you kidding me?” It is urgent that we show we have done something to balance the budget. It is urgent that we act. It is urgent that we treat all people in the state of Michigan equally. It is urgent that you cut your budgets by \$100,000 and serve your constituents on the same budgets we do. It is urgent that we put this information on the website, so that people can see that there really is transparency in government. They don’t just talk about it; they are going to do it. It is urgent that we do this immediately, which is what this resolution accomplishes and why it is so important that we discharge this today. I ask for your support.

### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:17 a.m.

11:45 a.m.

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

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, April 1:  
**House Bill Nos. 4199 4426 4427 4429 4471 4579 4722**

The Secretary announced that the following official bills were printed on Wednesday, April 1, and are available at the legislative website:

<b>Senate Bill Nos.</b>	<b>413</b>	<b>414</b>	<b>415</b>	<b>416</b>	<b>417</b>	<b>418</b>													
<b>House Bill Nos.</b>	<b>4723</b>	<b>4724</b>	<b>4725</b>	<b>4726</b>	<b>4727</b>	<b>4728</b>	<b>4729</b>	<b>4730</b>	<b>4731</b>	<b>4732</b>	<b>4733</b>	<b>4734</b>	<b>4735</b>	<b>4736</b>					
	<b>4737</b>	<b>4738</b>	<b>4739</b>	<b>4740</b>	<b>4741</b>	<b>4742</b>	<b>4743</b>	<b>4744</b>	<b>4745</b>	<b>4746</b>	<b>4747</b>	<b>4748</b>	<b>4749</b>						

### Messages from the Governor

#### Northern Michigan University Board of Control

Ms. L. Garnet Lewis, Ph.D., of 9599 Carter Road, Freeland, Michigan 48623, county of Saginaw, succeeding Mary C. Lukens, whose term has expired, appointed for a term commencing February 13, 2009 and expiring December 31, 2016.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

#### Roll Call No. 101

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

#### Northern Michigan University Board of Control

Ms. H. Sook Wilkinson, Ph.D., of 708 Parkman Drive, Bloomfield Hills, Michigan 48304, county of Oakland, succeeding Samuel S. Benedict, who has resigned, appointed for a term commencing February 13, 2009 and expiring December 31, 2016.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

#### Roll Call No. 102

Yeas—37

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

Cassis  
Cherry

Hunter

Patterson

Whitmer

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

**Western Michigan University Board of Control**

Mr. James F. Hettinger of 1712 North Darling Lane, Fennville, Michigan 49408, county of Allegan, succeeding Daniel Pero, whose term has expired, appointed for a term commencing February 19, 2009 and expiring December 31, 2016.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

**Roll Call No. 103**

**Yeas—37**

Allen  
Anderson  
Barcia  
Basham  
Birkholz  
Bishop  
Brater  
Brown  
Cassis  
Cherry

Clark-Coleman  
Clarke  
Cropsey  
Garcia  
George  
Gilbert  
Gleason  
Hardiman  
Hunter

Jacobs  
Jansen  
Jelinek  
Kahn  
Kuipers  
McManus  
Olshove  
Pappageorge  
Patterson

Prusi  
Richardville  
Sanborn  
Scott  
Stamas  
Switalski  
Thomas  
Van Woerkom  
Whitmer

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

**Western Michigan University Board of Control**

Ms. Mary A. Asmonga-Knapp of 105 Central Street, Battle Creek, Michigan 49017, county of Calhoun, succeeding Sarah DeNooyer, whose term has expired, appointed for a term commencing March 6, 2009 and expiring December 31, 2016.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

**Roll Call No. 104****Yeas—37**

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

**Nays—0****Excused—0****Not Voting—0**

In The Chair: Richardville

By unanimous consent the Senate proceeded to the order of

**General Orders**

Senator Cropsey moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Sanborn as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

**Senate Bill No. 383, entitled**

A bill to amend 1846 RS 81, entitled "Of fraudulent conveyances and contracts, relative to goods, chattels, and things in action," by amending section 1 (MCL 566.131).

**Senate Bill No. 384, entitled**

A bill to amend 1846 RS 63, entitled "Of uses and trusts," (MCL 555.1 to 555.27) by adding section 28.

**Senate Bill No. 386, entitled**

A bill to amend 1967 PA 224, entitled "Powers of appointment act of 1967," by amending section 13 (MCL 556.123).

**Senate Bill No. 387, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1103, 1104, 1105, 1106, 1107, 1201, 1209, 1210, 1212, 1214, 1308, 1403, 1507, 2501, 2504, 2511, 2519, 2705, 2722, 2901, 2904, 2907, 3104, 3403, 3703, 3705, 3713, 3715, 3801, 3803, 3805, 3914, 3915, 5407, 5421, 6101, 7101, 7102, 7103, 7104, 7105, 7201, 7202, 7203, 7204, 7205, 7206, 7207, 7301, 7302, 7303, 7304, 7305, 7401, 7402, 7403, 7404, 7405, 7406, 7407, 7410, 7501, 7502, 7503, 7504, 7505, 7506, 7507, and 7508 (MCL 700.1103, 700.1104, 700.1105, 700.1106, 700.1107, 700.1201, 700.1209, 700.1210, 700.1212, 700.1214, 700.1308, 700.1403, 700.1507, 700.2501, 700.2504, 700.2511, 700.2519, 700.2705, 700.2722, 700.2901, 700.2904, 700.2907, 700.3104, 700.3403, 700.3703, 700.3705, 700.3713, 700.3715, 700.3801, 700.3803, 700.3805, 700.3914, 700.3915, 700.5407, 700.5421, 700.6101, 700.7101, 700.7102, 700.7103, 700.7104, 700.7105, 700.7201, 700.7202, 700.7203, 700.7204, 700.7205, 700.7206, 700.7207, 700.7301, 700.7302, 700.7303, 700.7304, 700.7305, 700.7401, 700.7402, 700.7403, 700.7404, 700.7405, 700.7406, 700.7407,

700.7410, 700.7501, 700.7502, 700.7503, 700.7504, 700.7505, 700.7506, 700.7507, and 700.7508), sections 1103 and 7503 as amended by 2000 PA 177, section 1104 as amended by 2006 PA 299, sections 1105, 3803, 7303, and 7406 as amended and section 7410 as added by 2004 PA 314, section 1106 as amended by 2004 PA 532, sections 1107, 1214, 2504, 7206, 7501, and 7507 as amended by 2000 PA 54, sections 2519, 3715, 7401, 7502, and 7508 as amended by 2005 PA 204, section 3705 as amended by 2004 PA 481, and section 3805 as amended by 2007 PA 73, by amending the heading of article VII and the headings of parts 1, 2, 3, 4, and 5 of article VII, by adding sections 7107, 7108, 7109, 7110, 7111, 7112, 7113, 7208, 7209, 7210, 7211, 7411, 7412, 7413, 7414, 7415, 7416, 7417, 8201, 8202, 8204, and 8206, and by adding parts 6, 7, 8, and 9 to article VII; and to repeal acts and parts of acts.

**House Bill No. 4159, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 115g, 115i, and 115j (MCL 400.115g, 400.115i, and 400.115j), section 115g as amended by 2004 PA 193 and sections 115i and 115j as amended by 2002 PA 648.

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:

**House Bill No. 4453, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending the title and section 3204 (MCL 600.3204), the title as amended by 1999 PA 239 and section 3204 as amended by 2004 PA 186, and by adding section 3205.

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:

**House Bill No. 4454, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 3205a and 3205b.

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:

**House Bill No. 4455, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 3205c, 3205d, and 3205e; and to repeal acts and parts of acts.

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. 385, entitled**

A bill to amend 1998 PA 434, entitled "Uniform fraudulent transfer act," by amending section 1 (MCL 566.31).

Substitute (S-3).

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:

**House Bill No. 4496, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 501 (MCL 208.1501).

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:

**House Bill No. 4453**  
**House Bill No. 4454**  
**House Bill No. 4455**  
**Senate Bill No. 383**  
**Senate Bill No. 384**  
**Senate Bill No. 385**  
**Senate Bill No. 386**  
**Senate Bill No. 387**  
**House Bill No. 4159**  
**House Bill No. 4496**

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:

**House Bill No. 4453**  
**House Bill No. 4454**  
**House Bill No. 4455**  
**Senate Bill No. 383**  
**Senate Bill No. 384**  
**Senate Bill No. 385**  
**Senate Bill No. 386**  
**Senate Bill No. 387**  
**House Bill No. 4045**  
**House Bill No. 4159**  
**House Bill No. 4496**

The motion prevailed.

The Assistant President pro tempore, Senator Sanborn, assumed the Chair.

The following bill was read a third time:

**House Bill No. 4453, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending the title and section 3204 (MCL 600.3204), the title as amended by 1999 PA 239 and section 3204 as amended by 2004 PA 186, and by adding section 3205.

The question being on the passage of the bill,

Senator Brater offered the following amendment:

1. Amend page 3, following line 26, by inserting:

**"(E) IF THE PARTY FORECLOSING THE MORTGAGE BY ADVERTISEMENT IS NOT THE ORIGINAL MORTGAGEE AND THE MORTGAGOR HAS REQUESTED A MEETING UNDER SECTION 3205B WITH THE PERSON DESIGNATED UNDER SECTION 3205A(1)(C), THE PERSON DESIGNATED UNDER SECTION 3205A(1)(C) HAS NOT PRODUCED THE DOCUMENTS NECESSARY TO SHOW THE ASSIGNMENT OF THE MORTGAGE TO THE PARTY FORECLOSING THE MORTGAGE."** and relettering the remaining subdivision.

The question being on the adoption of the amendment,

Senator Brater requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 105**

**Yeas—16**

Anderson  
Barcia

Cherry  
Clark-Coleman

Hunter  
Jacobs

Scott  
Switalski

Basham  
Brater

Clarke  
Gleason

Olshove  
Prusi

Thomas  
Whitmer

**Nays—21**

Allen  
Birkholz  
Bishop  
Brown  
Cassis  
Cropsey

Garcia  
George  
Gilbert  
Hardiman  
Jansen

Jelinek  
Kahn  
Kuipers  
McManus  
Pappageorge

Patterson  
Richardville  
Sanborn  
Stamas  
Van Woerkom

**Excused—0**

**Not Voting—0**

In The Chair: Sanborn

Senator Olshove offered the following amendment:

1. Amend page 4, following line 2, by inserting:

**“(F) CALCULATIONS UNDER SECTION 3205C(1) SHOW THAT THE MORTGAGOR IS ELIGIBLE FOR A LOAN MODIFICATION WITHOUT ANY EXCEPTION BEING MADE.”.**

The question being on the adoption of the amendment,

Senator Olshove requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 106**

**Yeas—17**

Anderson  
Barcia  
Basham  
Brater  
Cherry

Clark-Coleman  
Clarke  
Garcia  
Gleason

Hunter  
Jacobs  
Olshove  
Prusi

Scott  
Switalski  
Thomas  
Whitmer

**Nays—20**

Allen  
Birkholz  
Bishop  
Brown  
Cassis

Cropsey  
George  
Gilbert  
Hardiman  
Jansen

Jelinek  
Kahn  
Kuipers  
McManus  
Pappageorge

Patterson  
Richardville  
Sanborn  
Stamas  
Van Woerkom

**Excused—0**

**Not Voting—0**

In The Chair: Sanborn

Senator Clarke offered the following substitute:  
Substitute (S-3).

The question being on the adoption of the substitute,  
Senator Clarke requested the yeas and nays.

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

The substitute was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 107****Yeas—16**

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

**Nays—21**

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

**Excused—0****Not Voting—0**

In The Chair: Sanborn

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. 108****Yeas—29**

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

**Nays—8**

Brater	Clarke	Olshove	Scott
Cherry	Gleason	Prusi	Thomas

**Excused—0**

**Not Voting—0**

In The Chair: Sanborn

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

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

Senators Clarke, Richardville, Hunter, Gleason 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 Clarke’s first statement is as follows:

I offer this bill to help save the housing market in the state of Michigan and the U.S. economy. My substitute will provide for a moratorium on certain mortgage foreclosures for a period of up to two years. This issue is so important that I do ask for a record roll call vote. My amendment would allow a judge to have the authority to look at each mortgage foreclosure on a case-by-case basis. This does not provide a blanket moratorium on all foreclosures. It also does not relinquish the borrower from the duty to pay on that mortgage. What it does provide, though, is to those homeowners and borrowers who deserve more time, who need more time, who could actually stay in their homes and maintain their property to make some type of mortgage payment and to give them that time to do so.

Why should we? Why should we help someone who may not have been responsible in taking out a loan on their home? First of all, the foreclosure crisis is affecting all of us, not just the borrower’s family, but those of us who want to retire. Our 401(k)s now have been decimated because of the foreclosure crisis. Those of us who want to move out of our homes can’t do so because our housing values have plummeted because of the foreclosure crisis. There are families right now who may not have the money to pay off their mortgage. They are in foreclosure but have thousands of dollars to give the lender. The lender won’t accept it. They deserve a chance to stay in their home—to protect our property values, to protect our retirement savings, and also so our families won’t have to end up in homeless shelters when they could stay in their home.

The foreclosure crisis is bigger than just the homeowner who is behind on their mortgage payments. It is affecting all of us. I am offering this amendment now, but the one regret I have as a legislator in all my time I have served in this chamber is that I wasn’t able to convince this body to take action a year ago when we could have saved homes from going into default. We could have saved 401(k)s and housing values from plummeting. I wasn’t able to convince you back then that it was a state of emergency because even I didn’t see the type of crisis we would be facing in this state and worldwide because of our failure to act in this body; our failure to have the courage to resist special-interest lobbying and for a change look out for the interest of the individual, not the large corporations who are benefiting right now from loans totaling billions of dollars of our kids and grandkids—tax dollars.

This amendment would not involve a bailout using our tax dollars. Nor would it involve a mandate to reduce mortgage payments. My amendment would require a judge to get involved with the foreclosure process. It would bring the borrower and the lender together so that they could voluntarily work something out.

This is prudent, it is cost effective, and it is reasonable. Many of our homeowners right now need this time to save their homes, to save our housing values, to save our retirement savings, and to save this economy. I urge you to vote “yea.”

Senator Clarke’s second statement is as follows:

This amendment is modeled on what this Legislature enacted during the 1930s, and half of the states, the majority of the states in this Union, did so to remedy the Great Depression. The one problem back in the 1930s was that the Legislature took too long to act. They adopted this moratorium after we went into a depression. I am asking you to adopt this now to avoid more damage to our economy. The question is this: How many more people have to lose their retirement savings

before we take action? How many more homeowners must lose the value of their houses before we take action? How many more families need to end up in homeless shelters before we take some reasonable action to give those responsible homeowners who can afford to stay in their home a few more months to catch up on their mortgage payments?

I think that is far more reasonable than risking billions of tax dollars to bail out financial institutions that helped cause this problem. I urge your support.

Senator Richardville's first statement is as follows:

Let me start by saying that I respect the previous speaker's passion about this problem. It is a crisis in Michigan, and the committee has done a lot of things over the last couple of years with his support and with the support in a bipartisan and bicameral way. However, there is a disagreement as to how we could best solve the problem when it comes to this piece, the judicial foreclosure piece. In this case, we would be adding not only an extra step, but be punitive in nature to the industry as well as to those trying to get loans. It is expensive, it is ineffective, and it would increase costs to everyone. I do ask for the defeat of this amendment.

Senator Hunter's statement is as follows:

The substitutes to House Bill Nos. 4453-4455 that were adopted under General Orders strip out the judicial foreclosure provisions in the foreclosure process. Again, the threat of a judicial foreclosure and the possibility of a judge rewriting the terms of the mortgage is the hammer that will strongly encourage the banks to actually modify the loans of borrowers where appropriate and reasonable. Again, I feel that stripping out this provision significantly weakens the bill package.

However, while I have my own reservations about this bill package in its current form, I will vote in the affirmative in furtherance of the legislative process on this bill and the two that follow. I am confident that we, along with our colleagues in the House, will be able to reach an appropriate compromise that equally protects the lenders and the borrowers, as we all endeavor to provide the relief that so many citizens in our great state need during this current foreclosure crisis.

Senator Clarke's third statement is as follows:

I want to address the specific provisions in this three-bill package. This package has been characterized as providing a 90-day mediation period. This characterization is just as deceptive as the subprime predatory loans that helped cause the foreclosure crisis. These bills, like predatory loans, sound good, but when you read the fine print, they are terrible. These bills, I believe, will not only not add anything to help the borrower escape foreclosure, but if we adopt these bills, they could be used by a lender to actually speed up and accelerate the foreclosure process.

Here is why I say this. These bills do require a lender to send out a letter that is drafted by the Michigan Housing Development Authority that contains a list of housing counselors, lawyer referral services, and local legal aid organizations. That is commendable, but in order for the borrower to get the benefit of this 90-day period before the foreclosure process starts, that borrower must respond within 14 days after the lender mails the letter to the borrower. You know what? The borrower may not even get the letter in time. On top of that, the housing counselor has 10 days to send a notice in writing to the lender that the borrower wants to negotiate. Now, you know, by that time, you really have 60 days left if the borrower and housing counselor can even meet that timetable. Even if they meet it, if the lender asks the borrower for all the documents needed to modify the loan, and if the borrower can't come up with the documents, guess what? There is no 90-day period.

This is a sham. What these bills provide is they provide a lender with a timetable that will be unattainable for many borrowers, thereby, giving the lender a reason to start the foreclosure process earlier than they typically do now because the lender can say, if these bills are enacted into law, "We gave the borrower 14 days and we never heard from him. We were waiting for the housing counselor to send us a letter, but they didn't. We asked the borrower to send us all of the documentation, but they couldn't. Therefore, we followed the letter of the law. Let's put the ad in the legal news and start foreclosure right now." They can do that.

Let's assume that the lender does have this time, which I say is about 60 days at the most. What is it time for? Is it time to mediate? There is no requirement in here that the parties must mediate. There is no requirement that the lender must even negotiate. There is nothing in the bills that even says that the lender must offer good faith effort to negotiate. The only thing that these bills provide is that the lender must meet with the borrower. What does that do? That provides nothing.

Do you see what these bill are? It is typical Lansing legislation. We introduce it because it sounds good to the public. It appears like we are offering people relief from foreclosure, but actually we are not doing anything. As a matter of fact, we are creating false hope when there is no relief that exists under these bills.

The provisions that I criticized are the provisions in the House version. The Senate banking committee further weakened those provisions down by eliminating the judicial foreclosure requirement, which could have provided some type of incentive for a lender to agree to modify a loan when a borrower fully complies with the FDIC loan modification workout requirements. The Senate version that is before us weakens down a bill that provides very little and could actually undermine borrowers' rights in the foreclosure process.

I appreciate you giving me time to speak on this. I do want to say, again, the foreclosure crisis is the heart of our economic problems in this country. We must address these problems effectively. I've gone through these bills, and on the record I showed you and explained to you that these bills don't do what they say that they do. They don't provide any real help. They put so many requirements in here and timetables that many borrowers won't be able to comply with this. Even if they do, all they get is a meeting. You see, right now borrowers typically wait 120 days before they start the foreclosure process. This bill effectively only provides maybe 60 days and provides a good reason for a lender to start the foreclosure process a lot earlier, maybe many months earlier. These bills are damaging to the rights that borrowers have. I urge you not to adopt them. They are shams. They create a false hope of relief from foreclosure when none exists in these bills.

Senator Richardville's second statement is as follows:

I would first like to thank the minority vice chair for his recent comments just a few minutes ago and the fact that we do have some disagreement, but in general, these bills are moving along in a process and which we think are going to be very good and very helpful to the public, especially those who are going through a very difficult situation with the potential of foreclosure in front of them.

I do have to take issue with, although there was a lot said by the most recent previous speaker, I would have to take exception to the fact that it was mentioned that these bills were introduced so that it could just sound good to the public. It's been a bipartisan effort so far, and all three of these bills were introduced by members of the Democrat Party in the House who, I believe, have a good heart toward trying to really solve this problem. It doesn't have anything to do with sounding good. We've got solid testimony that people are in support of this, and we think it's going to help people to stay in their homes who can afford to stay in their homes.

The main goal of this legislation is to require lending institutions to send a written notice to borrowers before foreclosing and provide 90 days for the two parties to develop an agreeable solution for the mortgage. We will continue to seek solutions which help families, but we must also maintain an efficient and effective mortgage foreclosure process so that costs do not increase for everyone else, including the very people, Mr. President, whom we're trying to help.

As the chair of the Banking and Financial Institutions Committee, we have been working on this issue and others to address the crisis which faces the people from Michigan. This is another step in a series of Senate reforms which were approved in the last session to help address the challenges within the housing market. We established registration requirements for loan officers, passed legislation prohibiting appraiser coercion, and passed the Save the Dream package which helps more homeowners to qualify for affordable loans.

Mr. President and colleagues, I ask for your support for all three bills.

Senator Gleason's statement is as follows:

I rise in objection to this legislation as well, and as the chairman of the committee had mentioned that this was a bipartisan effort, it might have intended to be that way, but I don't think it ended up that way.

Nearly 70 years ago, John F. Kennedy wrote one of his books about *Why England Slept*. That was the title of it, *Why England Slept*, leading up to World War II. There were those who just said they would turn their heads the other way regardless of the atrocities that were happening to certain ethnic groups and the dividing up, and actually, the taking over of certain countries and lands.

My remarks are intended to inform the Senate that the question today is why this chamber sleeps when record numbers of Michiganians are losing their homes. I have a particular concern about the component when we notify by mail those who have lost their homes or those who are in the stage of losing their homes. Here's the trouble with that. I believe we're leaving the most needful of the support behind. When we say that we are going to send a letter, we give them two weeks to mail and receive a letter. Consider this: The most needy will have weeks or months prior to the letter even being sent like maybe some of our older citizens and probably to a more frequent level, the younger families in the state; maybe because of the economic crisis and maybe because they can't afford the mortgage payment; maybe they left their home where the letter is directed to because they couldn't pay their water bill, or they couldn't pay their heating bill, so they moved in with another family member. That is not a very serious attempt to send a letter through the mail to somebody who maybe had moved out of the residence because their water or heat was shut off. Every single one of us have received inquiries about how they can get their water and their heat turned back on this past winter. So many family members have moved in with others or with friends. How do they get that letter of notification to meet their obligations to get through this process and save their homes?

Once again, the question is why England slept or why this chamber slept when numbers of foreclosures are on the books today.

Senator Clarke's fourth statement, in which Senator Scott concurred, is as follows:

I do realize that many lawmakers who supported this package of bills had good intentions. I also acknowledge the fact that this Legislature has taken action to penalize financial institutions and financial officers who may not have acted appropriately. I also recognize the fact that the Legislature has taken action with the intent of preventing these problems from occurring in the future.



The fact is that there are people on the verge of losing their homes right now, and they need help right now. There are people in foreclosure right now and have the money to pay the lender, but the lender won't accept it. There are people who have had their homes sold by the sheriff right now but still have the means to make some type of mortgage payment on an interim basis and pay their taxes. They need help now, not in the future.

These bills do not provide that type of relief from foreclosure right now. They are shams, and they should not be represented as providing relief to families because they don't.

Senator Brater's first statement is as follows:

I offer an amendment which will greatly enhance the effectiveness of this bill. What it does is establish a fund so that homeowners who are in foreclosure can have access to legal assistance and representation. I am acquainted with some attorneys who either on a pro-bono or greatly-reduced-fee basis are reaching out to homeowners in foreclosure or are in threat of foreclosure to represent them in the foreclosure proceedings process. Unfortunately, people who are in that situation don't generally have funds to pay an attorney for fees that are incurred in this process.

What I am proposing here is that we establish a fund if there is a sale of a foreclosed property that the lender who benefited from that sale would take 1 percent of the proceeds from the winning bid and place it in a fund which would then create a legal fund for funding legal representation for borrowers who are in need of representation to protect them in the foreclosure process. I ask for your support of this amendment.

Senator Brater's second statement is as follows:

I regret the terminology that was used to describe these amendments. They are based on consultation with experts in the field. The bills don't get to the point of preventing foreclosure, but they only ask people to come together for mediation. It is kind of a Catch-22 situation. All we are trying to do is protect the homeowner here and make sure that any lender that tries to foreclose on their home actually has the right to do so.

Senator Brater's third statement is as follows:

I rise to correct the record. In his remarks earlier in this debate, the Senator from the 17th District stated that this is a bipartisan package because it is the same package of bills that came over from the House. These are not the bills that came over from the House. The bills that came over from the House had real teeth that would get bankers to the table to negotiate in good faith, including the threat of judicial foreclosure based on a filter laid out by the FDIC requirements of whether a loan should be eligible for that procedure.

These bills that we are voting on today are just a feel-good measure to say if you feel like it, you can get together with your banker and have a little chat. But that is where it is going to end unless the banker chooses to do otherwise. It is totally in the lender's discretion at this point, and that is the current law. This bill does nothing to change that.

The following bill was read a third time:

**House Bill No. 4454, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 3205a and 3205b.

The question being on the passage of the bill,

Senator Clarke offered the following amendment:

1. Amend page 2, following line 19, by inserting:

**"(G) THAT IF THE BORROWER AND THE PERSON DESIGNATED UNDER SUBDIVISION (C) DO NOT AGREE TO MODIFY THE MORTGAGE LOAN BUT IT IS DETERMINED THAT THE BORROWER MEETS CRITERIA FOR A MODIFICATION UNDER THE FDIC WORKOUT PROGRAM, THE FORECLOSURE OF THE MORTGAGE WILL PROCEED BEFORE A JUDGE INSTEAD OF BY ADVERTISEMENT."** and relettering the remaining subdivision.

The question being on the adoption of the amendment,

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Thomas requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 109**

**Yeas—16**

Anderson  
Barcia

Cherry  
Clark-Coleman

Hunter  
Jacobs

Scott  
Switalski

Basham  
Brater

Clarke  
Gleason

Olshove  
Prusi

Thomas  
Whitmer

**Nays—21**

Allen  
Birkholz  
Bishop  
Brown  
Cassis  
Cropsey

Garcia  
George  
Gilbert  
Hardiman  
Jansen

Jelinek  
Kahn  
Kuipers  
McManus  
Pappageorge

Patterson  
Richardville  
Sanborn  
Stamas  
Van Woerkom

**Excused—0**

**Not Voting—0**

In The Chair: Sanborn

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. 110**

**Yeas—28**

Allen  
Anderson  
Barcia  
Basham  
Birkholz  
Bishop  
Brown

Cassis  
Clark-Coleman  
Cropsey  
George  
Gilbert  
Hardiman  
Hunter

Jacobs  
Jansen  
Jelinek  
Kahn  
Kuipers  
McManus  
Pappageorge

Patterson  
Richardville  
Sanborn  
Stamas  
Switalski  
Van Woerkom  
Whitmer

**Nays—9**

Brater  
Cherry  
Clarke

Garcia  
Gleason

Olshove  
Prusi

Scott  
Thomas

**Excused—0**

**Not Voting—0**

In The Chair: Sanborn

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



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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4455, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding sections 3205c, 3205d, and 3205e; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Brater offered the following amendment:

1. Amend page 2, following line 7, by inserting:

**“SEC. 3205F. (1) SUBJECT TO SUBSECTION (7), AFTER A SALE UNDER THIS CHAPTER OF PROPERTY DESCRIBED IN SECTION 3205A, THE PARTY FORECLOSING THE MORTGAGE SHALL PAY 1% OF THE AMOUNT BID FOR THE PROPERTY TO THE HOMEOWNER’S MORTGAGE ASSISTANCE FUND CREATED IN THIS SECTION.**

**(2) THE HOMEOWNER’S MORTGAGE ASSISTANCE FUND IS CREATED WITHIN THE STATE TREASURY.**

**(3) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.**

**(4) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.**

**(5) THE DEPARTMENT OF TREASURY IS THE ADMINISTRATOR OF THE FUND FOR AUDITING PURPOSES.**

**(6) THE DEPARTMENT OF TREASURY SHALL EXPEND MONEY FROM THE FUND, UPON APPROPRIATION, ONLY TO THE MICHIGAN STATE BAR FOUNDATION TO BE USED TO FUND ADVOCACY SERVICES RELATED TO HOUSING AND MORTGAGE FORECLOSURE PROVIDED BY THE LEGAL SERVICES ASSOCIATION OF MICHIGAN.**

**(7) SUBSECTION (1) DOES NOT APPLY TO A SALE UNDER THIS CHAPTER MADE AFTER 2 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.”.**

The question being on the adoption of the amendment,

Senator Brater requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 111**

**Yeas—16**

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

**Nays—21**

Allen	Garcia	Jelinek	Patterson
Birkholz	George	Kahn	Richardville
Bishop	Gilbert	Kuipers	Sanborn
Brown	Hardiman	McManus	Stamas

Cassis  
Cropsey

Jansen

Pappageorge

Van Woerkom

**Excused—0**

**Not Voting—0**

In The Chair: Sanborn

Senator Brater offered the following amendment:

1. Amend page 2, following line 7, by inserting:

**“SEC. 3281. EITHER OF THE FOLLOWING IS A COMPLETE DEFENSE TO AN ACTION FOR A DEFICIENCY JUDGMENT BROUGHT AGAINST A MORTGAGOR FOLLOWING A SALE OF PROPERTY UNDER THIS CHAPTER:**

**(A) THAT THE MORTGAGOR AND THE MORTGAGE HOLDER, THE MORTGAGE SERVICER, OR A DESIGNATED AGENT FOR THE MORTGAGE HOLDER OR MORTGAGE SERVICER ENTERED INTO A WRITTEN AGREEMENT TO MODIFY THE MORTGAGE UNDER SECTION 3205B BEFORE THE FORECLOSURE PROCEEDINGS WERE COMMENCED.**

**(B) THAT AN AGREEMENT TO MODIFY THE MORTGAGE WAS NOT REACHED UNDER SECTION 3205B BUT THAT CALCULATIONS UNDER SECTION 3205C SHOWED THAT THE MORTGAGOR WAS ELIGIBLE FOR A MODIFICATION OF THE MORTGAGE UNDER THE FDIC WORKOUT PROGRAM WITHOUT AN EXCEPTION.”.**

The question being on the adoption of the amendment,

Senator Thomas requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 112**

**Yeas—16**

Anderson  
Barcia  
Basham  
Brater

Cherry  
Clark-Coleman  
Clarke  
Gleason

Hunter  
Jacobs  
Olshove  
Prusi

Scott  
Switalski  
Thomas  
Whitmer

**Nays—21**

Allen  
Birkholz  
Bishop  
Brown  
Cassis  
Cropsey

Garcia  
George  
Gilbert  
Hardiman  
Jansen

Jelinek  
Kahn  
Kuipers  
McManus  
Pappageorge

Patterson  
Richardville  
Sanborn  
Stamas  
Van Woerkom

**Excused—0**

**Not Voting—0**

In The Chair: Sanborn

Senator Hunter offered the following amendments:

1. Amend page 1, line 1, after “**3205C.**” by inserting “(1)”.
2. Amend page 1, following line 8, by inserting:

“(2) IF THE RESULTS OF THE CALCULATION UNDER SUBSECTION (1) ARE THAT THE BORROWER IS ELIGIBLE FOR A MODIFICATION, THE MORTGAGE HOLDER OR MORTGAGE SERVICER SHALL NOT FORECLOSE THE MORTGAGE UNDER THIS CHAPTER BUT MAY PROCEED UNDER CHAPTER 31. IF THE RESULTS OF THE CALCULATION UNDER SUBSECTION (1) ARE THAT THE BORROWER IS NOT ELIGIBLE FOR A MODIFICATION WITHOUT AN EXCEPTION, THE MORTGAGE HOLDER OR MORTGAGE LENDER MAY FORECLOSE THE MORTGAGE UNDER THIS CHAPTER.

(3) IF A MORTGAGE HOLDER OR MORTGAGE SERVICER BEGINS FORECLOSURE PROCEEDINGS UNDER THIS CHAPTER IN VIOLATION OF THIS SECTION, THE BORROWER MAY FILE AN ACTION IN THE CIRCUIT COURT FOR THE COUNTY WHERE THE MORTGAGED PROPERTY IS SITUATED TO CONVERT THE FORECLOSURE PROCEEDING TO A JUDICIAL FORECLOSURE. IF A BORROWER FILES AN ACTION UNDER THIS SECTION AND THE COURT DETERMINES THAT THE BORROWER PARTICIPATED IN THE PROCESS UNDER SECTION 3205B, A MODIFICATION AGREEMENT WAS NOT REACHED, AND THE BORROWER IS ELIGIBLE FOR MODIFICATION UNDER THE FDIC WORKOUT PROGRAM, THE COURT SHALL ENJOIN FORECLOSURE OF THE MORTGAGE BY ADVERTISEMENT AND ORDER THAT THE FORECLOSURE PROCEED UNDER CHAPTER 31.”.

The question being on the adoption of the amendment,

Senator Hunter requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 113**

**Yeas—16**

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

**Nays—21**

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

**Excused—0**

**Not Voting—0**

In The Chair: Sanborn

Senator Clarke offered the following substitute:

Substitute (S-3).

The question being on the adoption of the substitute,

Senator Clarke requested the yeas and nays.

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

The substitute was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 114****Yeas—16**

Anderson  
Barcia  
Basham  
Brater

Cherry  
Clark-Coleman  
Clarke  
Gleason

Hunter  
Jacobs  
Olshove  
Prusi

Scott  
Switalski  
Thomas  
Whitmer

**Nays—21**

Allen  
Birkholz  
Bishop  
Brown  
Cassis  
Cropsey

Garcia  
George  
Gilbert  
Hardiman  
Jansen

Jelinek  
Kahn  
Kuipers  
McManus  
Pappageorge

Patterson  
Richardville  
Sanborn  
Stamas  
Van Woerkom

**Excused—0****Not Voting—0**

In The Chair: Sanborn

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. 115****Yeas—30**

Allen  
Anderson  
Barcia  
Basham  
Birkholz  
Bishop  
Brown  
Cassis

Clark-Coleman  
Cropsey  
Garcia  
George  
Gilbert  
Gleason  
Hardiman  
Hunter

Jacobs  
Jansen  
Jelinek  
Kahn  
Kuipers  
McManus  
Pappageorge

Patterson  
Richardville  
Sanborn  
Stamas  
Switalski  
Van Woerkom  
Whitmer

**Nays—7**

Brater  
Cherry

Clarke  
Olshove

Prusi  
Scott

Thomas

**Excused—0****Not Voting—0**

In The Chair: Sanborn

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

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

### Protest

Senator Scott, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill Nos. 4453, 4454, and 4455 and moved that the statement made by Senator Clarke during the discussion of House Bill No. 4453 be printed as her reasons for voting “no.”

The motion prevailed.

Senator Clarke’s fourth statement, in which Senator Scott concurred, is as follows:

I do realize that many lawmakers who supported this package of bills had good intentions. I also acknowledge the fact that this Legislature has taken action to penalize financial institutions and financial officers who may not have acted appropriately. I also recognize the fact that the Legislature has taken action with the intent of preventing these problems from occurring in the future.

The fact is that there are people on the verge of losing their homes right now, and they need help right now. There are people in foreclosure right now and have the money to pay the lender, but the lender won’t accept it. There are people who have had their homes sold by the sheriff right now but still have the means to make some type of mortgage payment on an interim basis and pay their taxes. They need help now, not in the future.

These bills do not provide that type of relief from foreclosure right now. They are shams, and they should not be represented as providing relief to families because they don’t.

Senator Brater asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Brater’s first statement is as follows:

I offer an amendment which will greatly enhance the effectiveness of this bill. What it does is establish a fund so that homeowners who are in foreclosure can have access to legal assistance and representation. I am acquainted with some attorneys who either on a pro-bono or greatly-reduced-fee basis are reaching out to homeowners in foreclosure or are in threat of foreclosure to represent them in the foreclosure proceedings process. Unfortunately, people who are in that situation don’t generally have funds to pay an attorney for fees that are incurred in this process.

What I am proposing here is that we establish a fund if there is a sale of a foreclosed property that the lender who benefited from that sale would take 1 percent of the proceeds from the winning bid and place it in a fund which would then create a legal fund for funding legal representation for borrowers who are in need of representation to protect them in the foreclosure process. I ask for your support of this amendment.

Senator Brater’s second statement is as follows:

This is an amendment to address an adversely unfair and unreasonable situation which is occurring when a borrower has approached a lender to renegotiate a loan, and then the lender chooses not to renegotiate and chooses to foreclose. They then, believe it or not, turn around and sue the homeowner when they can’t sell the home for the amount that is necessary to recoup the cost of the mortgage. They are actually suing the borrower for the difference, believe it or not.

I am asking in this amendment that this proceeding be prohibited and that borrowers who are, against their will, foreclosed upon and made a good faith effort to renegotiate a loan cannot be sued for the difference between the value of the mortgage and the home price recouped at foreclosure sales.

The following bill was read a third time:

#### **Senate Bill No. 383, entitled**

A bill to amend 1846 RS 81, entitled “Of fraudulent conveyances and contracts, relative to goods, chattels, and things in action,” by amending section 1 (MCL 566.131).

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. 116****Yeas—37**

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

**Nays—0****Excused—0****Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 384, entitled**

A bill to amend 1846 RS 63, entitled "Of uses and trusts," (MCL 555.1 to 555.27) by adding section 28.

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. 117****Yeas—37**

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

**Nays—0****Excused—0****Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 385, entitled**

A bill to amend 1998 PA 434, entitled "Uniform fraudulent transfer act," by amending section 1 (MCL 566.31).

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. 118**

**Yeas—37**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 386, entitled**

A bill to amend 1967 PA 224, entitled "Powers of appointment act of 1967," by amending section 13 (MCL 556.123).

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. 119**

**Yeas—37**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 387, entitled**

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” by amending sections 1103, 1104, 1105, 1106, 1107, 1201, 1209, 1210, 1212, 1214, 1308, 1403, 1507, 2501, 2504, 2511, 2519, 2705, 2722, 2901, 2904, 2907, 3104, 3403, 3703, 3705, 3713, 3715, 3801, 3803, 3805, 3914, 3915, 5407, 5421, 6101, 7101, 7102, 7103, 7104, 7105, 7201, 7202, 7203, 7204, 7205, 7206, 7207, 7301, 7302, 7303, 7304, 7305, 7401, 7402, 7403, 7404, 7405, 7406, 7407, 7410, 7501, 7502, 7503, 7504, 7505, 7506, 7507, and 7508 (MCL 700.1103, 700.1104, 700.1105, 700.1106, 700.1107, 700.1201, 700.1209, 700.1210, 700.1212, 700.1214, 700.1308, 700.1403, 700.1507, 700.2501, 700.2504, 700.2511, 700.2519, 700.2705, 700.2722, 700.2901, 700.2904, 700.2907, 700.3104, 700.3403, 700.3703, 700.3705, 700.3713, 700.3715, 700.3801, 700.3803, 700.3805, 700.3914, 700.3915, 700.5407, 700.5421, 700.6101, 700.7101, 700.7102, 700.7103, 700.7104, 700.7105, 700.7201, 700.7202, 700.7203, 700.7204, 700.7205, 700.7206, 700.7207, 700.7301, 700.7302, 700.7303, 700.7304, 700.7305, 700.7401, 700.7402, 700.7403, 700.7404, 700.7405, 700.7406, 700.7407, 700.7410, 700.7501, 700.7502, 700.7503, 700.7504, 700.7505, 700.7506, 700.7507, and 700.7508), sections 1103 and 7503 as amended by 2000 PA 177, section 1104 as amended by 2006 PA 299, sections 1105, 3803, 7303, and 7406 as amended and section 7410 as added by 2004 PA 314, section 1106 as amended by 2004 PA 532, sections 1107, 1214, 2504, 7206, 7501, and 7507 as amended by 2000 PA 54, sections 2519, 3715, 7401, 7502, and 7508 as amended by 2005 PA 204, section 3705 as amended by 2004 PA 481, and section 3805 as amended by 2007 PA 73, by amending the heading of article VII and the headings of parts 1, 2, 3, 4, and 5 of article VII, by adding sections 7107, 7108, 7109, 7110, 7111, 7112, 7113, 7208, 7209, 7210, 7211, 7411, 7412, 7413, 7414, 7415, 7416, 7417, 8201, 8202, 8204, and 8206, and by adding parts 6, 7, 8, and 9 to article VII; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

**Roll Call No. 120**

**Yeas—37**

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

**Nays—0**

**Excused—0**



**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4045, entitled**

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 4 (MCL 207.774), as amended by 2008 PA 284.

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. 121****Yeas—37**

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

**Nays—0****Excused—0****Not Voting—0**

In The Chair: Sanborn

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

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

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

“An act to provide for the development and rehabilitation of residential housing; to provide for the creation of neighborhood enterprise zones; to provide for obtaining neighborhood enterprise zone certificates for a period of time and to prescribe the contents of the certificates; to provide for the exemption of certain taxes; to provide for the levy and collection of a specific tax on the owner of certain facilities; and to prescribe the powers and duties of certain officers of the state and local governmental units.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4159, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending sections 115g, 115i, and 115j (MCL 400.115g, 400.115i, and 400.115j), section 115g as amended by 2004 PA 193 and sections 115i and 115j as amended by 2002 PA 648.

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. 122****Yeas—37**

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

**Nays—0****Excused—0****Not Voting—0**

In The Chair: Sanborn

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 protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4496, entitled**

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 501 (MCL 208.1501).

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. 123****Yeas—37**

Allen	Clark-Coleman	Jacobs	Prusi
Anderson	Clarke	Jansen	Richardville
Barcia	Cropsey	Jelinek	Sanborn
Basham	Garcia	Kahn	Scott
Birkholz	George	Kuipers	Stamas

Bishop  
Brater  
Brown  
Cassis  
Cherry

Gilbert  
Gleason  
Hardiman  
Hunter

McManus  
Olshove  
Pappageorge  
Patterson

Switalski  
Thomas  
Van Woerkom  
Whitmer

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Sanborn

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 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 meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations.”

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

**Messages from the House**

**Senate Bill No. 98, entitled**

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 501 (MCL 208.1501).

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 124**

**Yeas—37**

Allen  
Anderson  
Barcia  
Basham  
Birkholz  
Bishop  
Brater  
Brown  
Cassis  
Cherry

Clark-Coleman  
Clarke  
Cropsey  
Garcia  
George  
Gilbert  
Gleason  
Hardiman  
Hunter

Jacobs  
Jansen  
Jelinek  
Kahn  
Kuipers  
McManus  
Olshove  
Pappageorge  
Patterson

Prusi  
Richardville  
Sanborn  
Scott  
Stamas  
Switalski  
Thomas  
Van Woerkom  
Whitmer

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Sanborn

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. 188, entitled**

A bill to amend 1966 PA 189, entitled “An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts,” by amending sections 1, 2, and 4 (MCL 780.651, 780.652, and 780.654), section 1 as amended by 2003 PA 185 and section 4 as amended by 2002 PA 112.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1966 PA 189, entitled “An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts,” by amending sections 1 and 4 (MCL 780.651 and 780.654), section 1 as amended by 2003 PA 185 and section 4 as amended by 2002 PA 112.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 125**

**Yeas—35**

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

**Nays—2**

Clark-Coleman                      Scott

**Excused—0**

**Not Voting—0**

In The Chair: Sanborn

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 as amended.  
 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  
**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 Assistant President pro tempore, Senator Sanborn, designated Senator Jansen as Chairperson.

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

**House Bill No. 4258, entitled**

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

Substitute (S-1).

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

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

Senator Cropsey moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

**House Bill No. 4258**

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

The following bill was read a third time:

**House Bill No. 4258, entitled**

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

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. 126**

**Yeas—36**

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

**Nays—1**

Patterson

**Excused—0****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.

**Protest**

Senator Patterson, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4258 and moved that the statements made by Senators George and Cropsey during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator George’s statement, in which Senator Patterson concurred, is as follows:

I’m also going to vote in favor of House Bill No. 4258, but I want to point out a couple of features of the federal stimulus package which I think we should examine in a little more detail. The first is how these monies are distributed between the states. You will recall that the entire stimulus package is \$787 billion. We have 300 million residents in the United States and that amounts to about \$2,500 per capita. We’re all borrowing \$2,500 per person and we’re donating to the stimulus. Then it’s being redistributed. What is Michigan getting back? Well, we’re getting back \$18.5 billion. That’s about \$1,850 per person. We’re borrowing \$2,500 per person and we’re getting \$1,800 back. We’re a donor state. The \$18.5 billion represents 2.3 percent of the \$787 billion, whereas we’re 3 percent of the nation’s population. So we’re a donor state to the stimulus package.

The Governor has said that Michigan will have lost 750,000 jobs by the end of 2010. The country as a whole will have lost 4 million. So we account for about 20 percent of the jobs lost nationwide. If the stimulus package was really directed at the source of the problem, we would be getting 20 percent of the package. That would be eight times more than we are actually receiving. Consider the response to Hurricane Katrina. The levee repair was focused on where the problem was—the Gulf Region. It wasn’t spread around the country. There was no levee repair in the Great Lakes.

You’ll recall that in February we passed Senate Resolution No. 6, where we asked our state’s federal delegation to try and link the stimulus package to the unemployment rates of the states, which would have given us our fair share. But did that happen? No. Either our U.S. Senators didn’t hear us, or they were simply unsuccessful in getting our state its fair share.

Now let’s look at the actual program. There are 36 separate funding formulas in this bill under consideration—36. How are they linked to the collapse of the auto industry? If we were designing this, how might we have done it? Well, let’s look at some of the things we have done. We’ve dedicated research dollars for our universities. We’ve dedicated research dollars for advance battery work and high-tech work and other auto-related research in our 21st Century Jobs Fund. We’ve created tax incentives for businesses and for auto industry research, such as our advanced battery package. We’ve created tax incentives for brownfield redevelopment. Perhaps if the federal government might have followed that lead, it might have created incentives for refitting antiquated or idle manufacturing facilities, or perhaps created tax incentives or grants for the purchase of new equipment.

But, no, that didn’t happen. What do we actually get in these 36 programs? Well, we have grants for crime assistance, for victims’ assistance, and compensation grants. We have grants for senior citizen nutrition services, for school lunch equipment. We have independent living grants. We have a grant for the Michigan Commission for the Blind. We have pollution prevention grants. We have grants for leaking underground storage tank cleanup. We have grants related to water pollution and drinking water. We have some arts and culture grants. There’s a grant for the Stop Violence Against Women program. There’s a program to expand the federal Americorp volunteers. There’s funding for federal anti-drug initiatives and weatherization assistance.

So that’s all fine and good, colleagues. Those are all, perhaps, fine programs, but what do they have to do with the remedying of Michigan’s economic woes? They do not help fix the auto industry or our state’s beleaguered economy. They do not help retool our automotive plants nor employ displaced auto workers. They do not address the root cause of Michigan’s problems.

So our troubled state receives neither its fair share, nor is the share that it is receiving directed at the source of its problem. So I am voting for the package, colleagues, but I'm disappointed that, unfortunately, it is misdirected and will not fix Michigan's economy.

Senator Cropsey's statement, in which Senator Patterson concurred, is as follows:

I agree wholeheartedly with the previous Senator from the 20th District. One of the things for which I have had a major concern, if this stimulus package goes through, was to make sure that it really goes to people who are really in need or that it stimulates the economy. There was an amendment that was put on that said that this was not supposed to be used for political organizing. There is also a good amendment on transparency on this. Now, if for some reason the administration seems to funnel money to ACORN or to the Triangle Foundation or any one of the other extreme liberal organizations that I believe are trying to, in many cases, subvert our election process and subvert our way of life here, it should come to this body's attention. It should come to the attention to the people of the state of Michigan.

With that in mind, I will be voting for this. Just because I am voting for this bill does not mean that I think it has been good policy on what Washington, D.C., has done. We are put in an interesting situation of having \$1 trillion go onto our debt that our children and grandchildren will be paying for. The question becomes does Michigan, because Congress is foisting this upon us and foisting this debt upon us, then say no we are not going to be taking the money that we are going to be paying for? So we really have no choice.

I just want everybody to know that I think it has been tragic what Washington, D.C., has done; that they think they can spend themselves out of a recession. That has never been true before. I doubt if it will be true this time. If they are going to be throwing money around, then Michigan needs to take its share because we and our children and grandchildren will be paying for the excesses that are going on in Washington, D.C., at this time.

Senators George and Cropsey asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator George's statement, in which Senators Cropsey and Pappageorge concurred, is as follows:

I'm also going to vote in favor of House Bill No. 4258, but I want to point out a couple of features of the federal stimulus package which I think we should examine in a little more detail. The first is how these monies are distributed between the states. You will recall that the entire stimulus package is \$787 billion. We have 300 million residents in the United States and that amounts to about \$2,500 per capita. We're all borrowing \$2,500 per person and we're donating to the stimulus. Then it's being redistributed. What is Michigan getting back? Well, we're getting back \$18.5 billion. That's about \$1,850 per person. We're borrowing \$2,500 per person and we're getting \$1,800 back. We're a donor state. The \$18.5 billion represents 2.3 percent of the \$787 billion, whereas we're 3 percent of the nation's population. So we're a donor state to the stimulus package.

The Governor has said that Michigan will have lost 750,000 jobs by the end of 2010. The country as a whole will have lost 4 million. So we account for about 20 percent of the jobs lost nationwide. If the stimulus package was really directed at the source of the problem, we would be getting 20 percent of the package. That would be eight times more than we are actually receiving. Consider the response to Hurricane Katrina. The levee repair was focused on where the problem was—the Gulf Region. It wasn't spread around the country. There was no levee repair in the Great Lakes.

You'll recall that in February we passed Senate Resolution No. 6, where we asked our state's federal delegation to try and link the stimulus package to the unemployment rates of the states, which would have given us our fair share. But did that happen? No. Either our U.S. Senators didn't hear us, or they were simply unsuccessful in getting our state its fair share.

Now let's look at the actual program. There are 36 separate funding formulas in this bill under consideration—36. How are they linked to the collapse of the auto industry? If we were designing this, how might we have done it? Well, let's look at some of the things we have done. We've dedicated research dollars for our universities. We've dedicated research dollars for advance battery work and high-tech work and other auto-related research in our 21st Century Jobs Fund. We've created tax incentives for businesses and for auto industry research, such as our advanced battery package. We've created tax incentives for brownfield redevelopment. Perhaps if the federal government might have followed that lead, it might have created incentives for refitting antiquated or idle manufacturing facilities, or perhaps created tax incentives or grants for the purchase of new equipment.

But, no, that didn't happen. What do we actually get in these 36 programs? Well, we have grants for crime assistance, for victims' assistance, and compensation grants. We have grants for senior citizen nutrition services, for school lunch equipment. We have independent living grants. We have a grant for the Michigan Commission for the Blind. We have pollution prevention grants. We have grants for leaking underground storage tank cleanup. We have grants related to water pollution and drinking water. We have some arts and culture grants. There's a grant for the Stop Violence Against Women program. There's a program to expand the federal Americorp volunteers. There's funding for federal anti-drug initiatives and weatherization assistance.



So that's all fine and good, colleagues. Those are all, perhaps, fine programs, but what do they have to do with the remedying of Michigan's economic woes? They do not help fix the auto industry or our state's beleaguered economy. They do not help retool our automotive plants nor employ displaced auto workers. They do not address the root cause of Michigan's problems.

So our troubled state receives neither its fair share, nor is the share that it is receiving directed at the source of its problem. So I am voting for the package, colleagues, but I'm disappointed that, unfortunately, it is misdirected and will not fix Michigan's economy.

Senator Cropsey's statement is as follows:

I agree wholeheartedly with the previous Senator from the 20th District. One of the things for which I have had a major concern, if this stimulus package goes through, was to make sure that it really goes to people who are really in need or that it stimulates the economy. There was an amendment that was put on that said that this was not supposed to be used for political organizing. There is also a good amendment on transparency on this. Now, if for some reason the administration seems to funnel money to ACORN or to the Triangle Foundation or any one of the other extreme liberal organizations that I believe are trying to, in many cases, subvert our election process and subvert our way of life here, it should come to this body's attention. It should come to the attention to the people of the state of Michigan.

With that in mind, I will be voting for this. Just because I am voting for this bill does not mean that I think it has been good policy on what Washington, D.C., has done. We are put in an interesting situation of having \$1 trillion go onto our debt that our children and grandchildren will be paying for. The question becomes does Michigan, because Congress is foisting this upon us and foisting this debt upon us, then say no we are not going to be taking the money that we are going to be paying for? So we really have no choice.

I just want everybody to know that I think it has been tragic what Washington, D.C., has done; that they think they can spend themselves out of a recession. That has never been true before. I doubt if it will be true this time. If they are going to be throwing money around, then Michigan needs to take its share because we and our children and grandchildren will be paying for the excesses that are going on in Washington, D.C., at this time.

By unanimous consent the Senate proceeded to the order of

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

Senators Clarke and Hunter introduced

##### **Senate Bill No. 429, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520m (MCL 750.520m), as amended by 2008 PA 380.

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

Senators Van Woerkom, Barcia, Stamas and Gilbert introduced

##### **Senate Bill No. 430, entitled**

A bill to amend 1950 (Ex Sess) PA 23, entitled "Airport zoning act," (MCL 259.431 to 259.465) by adding section 24a.

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

Senator Kuipers introduced

##### **Senate Bill No. 431, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 39 (MCL 24.239), as amended by 2004 PA 23.

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

Senators Clarke, Patterson, Kuipers, Thomas, Scott and Clark-Coleman introduced

##### **Senate Bill No. 432, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 513 (MCL 436.1513), as amended by 2007 PA 11.

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



Senators Sanborn and Gilbert introduced

**Senate Bill No. 433, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 724 (MCL 257.724), as amended by 2005 PA 179.

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

Senators Gilbert, Kuipers, Sanborn, Richardville, Cropsy, Pappageorge, Brown, Jelinek, Jansen, Allen and Kahn introduced

**Senate Bill No. 434, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 3, 32, 39, 40, 43, 45, 61, and 64 (MCL 24.203, 24.232, 24.239, 24.240, 24.243, 24.245, 24.261, and 24.264), section 3 as amended by 1988 PA 277, section 39 as amended by 2004 PA 23, section 40 as amended by 1999 PA 262, section 43 as amended by 1989 PA 288, section 45 as amended by 2004 PA 491, and section 61 as amended by 1982 PA 413.

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

Senators Pappageorge, Kuipers, Sanborn, Gilbert, Richardville, Cropsy, Patterson, McManus, Brown, Jelinek, George, Jansen, Allen and Kahn introduced

**Senate Bill No. 435, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 53 (MCL 24.253), as amended by 2004 PA 23.

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

Senators Gilbert, Kuipers, Sanborn, Richardville, Cropsy, Patterson, Pappageorge, Brown, Jelinek, Jansen, Allen and Kahn introduced

**Senate Bill No. 436, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1307 and 1311 (MCL 324.1307 and 324.1311), as added by 2004 PA 325, and by adding section 1313.

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

Senators Allen, Kuipers, Sanborn, Gilbert, Richardville, Cropsy, Pappageorge, Brown, Jelinek, Jansen and Kahn introduced

**Senate Bill No. 437, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 20101 and 20120a (MCL 324.20101 and 324.20120a), section 20101 as amended by 1996 PA 383 and section 20120a as added by 1995 PA 71.

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

Senators Richardville, Pappageorge, Kuipers, Sanborn, Gilbert, Cropsy, Patterson, Jelinek, Brown, George, Jansen, Allen and Kahn introduced

**Senate Bill No. 438, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 1505.

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

Senators Kahn, Pappageorge, Kuipers, Gilbert, Richardville, Cropsy, Patterson, Jelinek, Brown, Jansen and Allen introduced

**Senate Bill No. 439, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 27.

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

Senators Thomas, Scott, Hunter, Anderson, Olshove, Jacobs, Barcia and Cherry introduced

**Senate Bill No. 440, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 21A.

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. 4199, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 41325.

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 Natural Resources and Environmental Affairs.

**House Bill No. 4384, 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 9d.

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 Energy Policy and Public Utilities.

**House Bill No. 4385, 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 9e.

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 Energy Policy and Public Utilities.

**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 9s.

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 Energy Policy and Public Utilities.

#### **House Bill No. 4387, 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 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 Energy Policy and Public Utilities.

#### **House Bill No. 4388, 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 9r.

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 Energy Policy and Public Utilities.

#### **House Bill No. 4390, 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 6t.

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 Energy Policy and Public Utilities.

**House Bill No. 4391, 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 9f.

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 Energy Policy and Public Utilities.

**House Bill No. 4392, 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 9i.

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 Energy Policy and Public Utilities.

**House Bill No. 4426, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3104 (MCL 500.3104), as amended by 2002 PA 662.

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 Economic Development and Regulatory Reform.

**House Bill No. 4427, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 134 and 3104 (MCL 500.134 and 500.3104), section 134 as amended by 1990 PA 256 and section 3104 as amended by 2002 PA 662.

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 Economic Development and Regulatory Reform.

**House Bill No. 4429, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3104 (MCL 500.3104), as amended by 2002 PA 662.

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 Economic Development and Regulatory Reform.

**House Bill No. 4471, entitled**

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending sections 2 and 3 (MCL 15.262 and 15.263), section 2 as amended by 2001 PA 38 and section 3 as amended by 1988 PA 278.

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 Economic Development and Regulatory Reform.

**House Bill No. 4579, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 41301, 41305, 41306, 41309, 41311, 41313, and 41323 (MCL 324.41301, 324.41305, 324.41306, 324.41309, 324.41311, 324.41313, and 324.41323), section 41301 as amended by 2005 PA 77, section 41305 as amended and section 41306 as added by 2005 PA 79, section 41309 as amended by 2005 PA 76, sections 41311 and 41313 as added by 2005 PA 80, and section 41323 as added by 2005 PA 75; and to repeal acts and parts of acts.

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

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

**House Bill No. 4649, entitled**

A bill to amend 1984 PA 34, entitled "Michigan low income heating assistance and shut-off protection act," by amending section 7 (MCL 400.1207).

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 Energy Policy and Public Utilities.

**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 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 Energy Policy and Public Utilities.

**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 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 Energy Policy and Public Utilities.

**House Bill No. 4656, 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 9p.

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 Energy Policy and Public Utilities.

#### **House Bill No. 4657, 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 9k.

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 Energy Policy and Public Utilities.

#### **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 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 Energy Policy and Public Utilities.

#### **House Bill No. 4659, 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 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 Energy Policy and Public Utilities.

**House Bill No. 4660, 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 9g.

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 Energy Policy and Public Utilities.

**House Bill No. 4661, 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 9l.

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 Energy Policy and Public Utilities.

**House Bill No. 4662, 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 9j.

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 Energy Policy and Public Utilities.

**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 9r.

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 Energy Policy and Public Utilities.

#### **House Bill No. 4722, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 447.

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.

### **Statements**

Senators Scott, Gilbert, Whitmer, Clark-Coleman, Thomas, Cherry, Hardiman and Gleason asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

The African-American writer Zora Neale Hurston wrote: "There are years that ask questions and years that answer." For the past four years, I have been repeatedly asking you to work with me to write and pass legislation that will give our citizens relief from high auto insurance rates. I hope this year will be the year of the answer. Imagine what good news it would be for all of our constituents if we could tell them that we have new laws in place that will bring fairness to rate setting.

How much longer are we going to wait on this issue? We don't need to wait any longer at all. We know what we need to do. We know that current auto insurance rates are a problem for everyone. Let's give our constituents the answer they are looking for—meaningful auto insurance rate reform—so that everyone can afford the insurance that we require them to buy.

Senator Gilbert's statement is as follows:

It is wonderful that a firm in the city of Southfield is the recipient of a \$60 million investment. That is good news. However, I would like to know what else my colleague from the 14th District is basing the success of the film credits on. We have some hard numbers on how that is affecting the budget. In the current year, it is costing us \$98 million, and in the upcoming year, it's costing us another \$150 million. We also have numbers showing that 40 percent of the expenditures that qualified for these credits went to companies that did work for out-of-state companies. So half of the money being spent by the companies claiming these credits isn't even being spent in Michigan. How exactly does that benefit our state?

If we really want to benefit Michigan, we should offer the auto companies, now on the verge of collapse, a 40 percent refundable tax credit. If we did this, these companies that are currently contemplating bankruptcy wouldn't have any problems. In fact, we'd have every auto company in the world flocking to Michigan to make cars. And these would be permanent Michigan jobs employing Michigan residents while adding to our state's tax base. As a matter of fact, this 40 percent refundable credit, offer it to any industry and Michigan would be the place where they would want to locate.

Some have said, "Give the film credits time; it will eventually pay for itself." But let's review what Wisconsin is doing and what has been going on in New Mexico. Wisconsin's Governor is characterizing their film incentives as a giveaway to Hollywood. A recent study there shows that a job created as a result of their film incentives costs 20 times more than a job created as a result of one of their other economic development programs. Governor Doyle is proposing in his new budget to cap the state program at only \$500,000 per year.

People make the argument that we just need to wait for this to pay for itself, but let's look at New Mexico. Their program has paid out more and more each year since its inception in 2003. In 2008, they paid out over \$38 million while the revenue to the state totaled just under \$5.5 million. That means that for every \$1 paid out in film credits, the state received just over 14 cents in return. That's a negative return of nearly 86 percent. That's no way to turn around a state's economy.

I want to talk about the issue of hiring Michigan workers, which was brought up yesterday. Well, that's a great topic, and hopefully, one we can all agree on. That's why our new legislation dealing with the film credit requires that any company receiving a credit staff 90 percent of its workforce with Michigan residents. Let's hire Michigan first.



And, lastly, when arguing against the small business tax credit for business owners, my good friend from Southfield stated and I quote from the Senate Journal, "I still think \$180,000 compensation is something that probably all of us could live on." She made the argument in the context that an individual who makes this much money should not be receiving any tax relief from the state. That's a fair point. But why then does she appear to have no problem with the \$2 million compensation level in the film credit act? Does she mean to say that it's okay to grant huge tax breaks to the film industry, but it's not okay to do the same for a hardworking Michigan businesswoman?

I would ask her to be consistent. If \$180,000 compensation should disqualify a Michigan business owner from receiving a tax credit, why is it okay to pay huge sums of Michigan taxpayer dollars to millionaires in the film industry?

Senator Whitmer's statement is as follows:

As you may recall earlier in this session, we moved to discharge Senate Resolution No. 15 and it failed, not surprisingly, on a party-line vote. This is exactly what the problem Senate Resolution No. 15 is trying to address—the partisanship. The problem is that we have Republican control, the Republicans defeated the measure, and that is why Republicans have more money in their budgets. Now, ironically, I was called partisan for offering this resolution. That's grand. Really, that's pretty funny considering that partisanship is giving someone \$100,000 more to represent their district because they have an "R" in front of their district number, as opposed to having a "D" in front of their district number. That is partisanship.

Partisanship is what I am rallying against. Now I see that a number of you have decided and declared yourselves candidates for statewide office; no less than five members of the Republican Caucus so far. I just suggest to you that as you tour all 38 Senate districts in your endeavor to get elected statewide, all 38 Senate districts that make up the great state of Michigan, I hope you are ready to explain to the citizens of the 17 districts represented by Democrats why you think they are second-class citizens. I hope that you are ready to explain to them why you didn't really sacrifice anything at all yet.

Explain to them why you voted against and you fear real transparency in the Senate budget, real transparency in government. Explain those things to all the people of the state of Michigan, the people you treat dramatically different by setting the Senate budget. As you explain that to them, good luck. Everyone in the state of Michigan deserves to be treated equally.

Senator Clark-Coleman's statement is as follows:

I rise to remind us that we are leaving a lot of unfinished business behind us when we leave today for our spring break. Michigan families can't leave their unfinished business behind them and take a two-week break. Their bills won't wait for two weeks. Their mortgages won't wait for two weeks. For the unemployed, "vacation" isn't even a word in their vocabulary anymore. We need to finish our work.

We should be staying here in Lansing and working on the important issues our citizens are facing. We should stay and work on health care reform to provide affordable health care to those who need it. We should stay and work on consumer protection issues like drug immunity. We should stay and work on education issues. The new economy we are trying to build will eventually employ our children. They need to be well-educated and ready to take on those jobs. We can start that process by passing mandatory all-day kindergarten legislation so that our children would get the best education possible. We should stay and work on auto insurance reform. All of our constituents need relief from auto insurance rates that increase regardless of your driving record. And now we hear that MCCA is raising their rates, which means that we will all pay more again for auto insurance later this summer.

There is much work that remains unfinished, but these issues alone should be enough to keep us here working instead of leaving. If our constituents complain about our work ethics during the next two weeks, who could blame them? I certainly couldn't. We were sent here to do a job and we should stay here and do that job.

Senator Thomas' statement is as follows:

Mr. President, I rise with a degree of sadness, sadness over the tone of the debate as we concluded discussions on House Bill No. 4258. The tenor of the discussion, or at the time of the discussion, organizations which I support and admire were vilified as extreme and radical simply because, perhaps, the speaker disagreed with some of the things which they have been working on.

In particular, the Triangle Foundation was singled out as a radical, extreme organization. I went online and looked at their vision statement, and their vision statement states that they envision a society characterized by a strong commitment to universal civil rights, safe communities, workplaces and schools, stable families, and self-reliant LGBT individuals. I fail to see how this is radical or extreme. I am extremely disappointed.

I've had the pleasure of working with the Triangle Foundation for a number of years as we've tried to pass anti-bullying legislation; legislation that would make all of the kids of Michigan, regardless of their real or perceived sexual orientation, safe in school. Certainly, we have seen numbers of cases where this has not happened. I fail to see how anti-bullying is somehow radical and extreme.

I'm struck and so disturbed at this time because, frankly, hate crimes in Michigan, we lead the nation in the number of hate crimes. Again, this one organization on its own in northwest Detroit is standing up trying to fight discrimination against members of an unprotected class of citizens in our society. I think that it is wrong for them to be vilified.

I'm, again, very disappointed in this chamber simply because we disagree with perhaps the political views of an organization, singling them out and vilifying them for everything that they have done because they do great work. I think that standing up for civil rights, fighting for equality, and securing freedom from violence for lesbian and gay folks in the state of Michigan is an honorable occupation. I'm not ashamed to associate with the Triangle Foundation. I hope that other members of the Senate would join with me.

Senator Cherry's statement is as follows:

My colleagues, I rise, first of all, to say thank you to the chairman of the Appropriations Committee for acting quickly on the stimulus package, so we can start spending the money on needed work projects and for jobs for hundreds and thousands of our Michigan citizens—at least I hope they are Michigan citizens.

I also rise today to express my disappointment in the work ethic that I've seen here since the beginning of session. We took a week off last month, and now we're scheduled for two more weeks in April. To think that we'll adjourn today and head off on vacation with so much left to do leaves me shaking my head in frustration. This is our job: finding solutions to the problems our citizens face. Most of the people in our state would be reprimanded or fired for leaving work at the end of the day without doing what they're being paid to do, and yet, it's okay for us to keep procrastinating and even go on vacation. Again, in any other job position, this would not fly with the boss, and our constituents are our bosses. They expect us to work.

This week, we had a chance to approve budgets that will invest in jobs and provide important services to Michigan families and communities. And, yes, we have very difficult decisions to make about what we cannot provide. We should stay here working on those decisions. We owe that to our local leaders and schools so that they know as soon as possible what they will have to deal with in the coming year.

We could be working on legislation that would give Michigan workers priority for jobs created with the Michigan taxpayers' dollars and federal stimulus funds. We were told yesterday that these bills need more consideration. I don't know what more consideration we need to make sure we hire Michigan workers, but we should pass these bills in the next two weeks.

And just for some clarifications about some statements from yesterday, the Governor does need legal authority to enact the provisions of these bills. We should be taking action on this important legislation before we even think about vacation. We could be working on election reform, helping those who work long shifts, making sure they don't miss the opportunity to vote. We could be working to keep Michigan families in their homes and passing meaningful legislation to provide assurances to our citizens facing foreclosure. It's no surprise to any of us that our state needs help, and while they need help, we see much more vacation time than most of our constituents. Yet, they rely on us. Let's not let them down. Let's do the job we're being paid to do. Let's roll up our sleeves and get to work. There is so much unfinished business. This is the wrong time to take a break.

Senator Hardiman's statement is as follows:

As chair of the Senate Appropriations Subcommittee on Community Colleges and an alumnus of Grand Rapids Community College, it is my honor to announce that Senate Resolution No. 32, which this body passed yesterday, designates April 2, 2009, as Community College Day in the state of Michigan. Since the origin of community colleges in 1914, with the Grand Rapids Junior College, Michigan community colleges have developed and evolved their educational offerings to include state-of-the-art technical and vocational programs while maintaining high academic standards. Michigan's community colleges are now recognized as leaders in workforce preparation, training, and retraining, as well as offering community services and cultural opportunities to our communities.

The role community colleges play in Michigan's economic development continues to be more vital as the state's workforce looks to compete both nationally and globally for the jobs of tomorrow. It was my pleasure to present this resolution to the community colleges at their association's legislative reception. I hope you all enjoyed the wonderful food and remember to support community colleges as they work to help rebuild our economic environment and retrain our workforce.

The previous speaker spoke about Jim Crow laws and drew an analogy to a resolution that is proposed to those suffering under Jim Crow. Let me say that I am incensed that someone would stand up and compare that resolution to Jim Crow laws. I am incensed. African Americans came over here on slave ships and suffered slavery for hundreds of years and then lived under that oppression. And you get up and compare to Jim Crow laws? Not in my book. I don't see how anybody in this chamber could count the two equal.

Senator Gleason's statement is as follows:

Here we are on the cusp of another break while our state lies in crisis. I would think that one of my biggest concerns about taking this break is that we haven't done much here this year at all. I think if I get this break that my wife is going

to say I am pretty well rested, and she will probably give me a lot more to work on than leadership has. I am somewhat concerned about these days off that I may actually have to do something back home, once again, not here in Lansing.

I rise today really in a disappointed state when I see the discrepancy of the office allotments on one side of this hallowed chamber and this side. I am the grandson of an immigrant, and when my grandparents came to this country, they were met with a no Irish need apply for the jobs because of the way they were born. Now I think that there is probably somebody being reborn today. We are celebrating the Easter time in my church; we are celebrating the risen Lord.

I think somebody else has risen in this chamber. I think Jim Crow and those who supported the Jim Crow philosophy would be happy today knowing that there is still a discrepancy between some in the state and others. Old Jim Crow had a pretty good friend back in those days, and it was called the poll tax. Those who could afford to go vote were given the chance to vote based on a monetary value. Now here we are today saying let's even things up. Like a lot of people did in earlier days, let's even things up. Let's not have discretionary opportunities because of money.

That is what we are talking about here today when we don't pass this much-needed resolution. When my folks back home—who have the highest unemployment in the state of Michigan—don't get the resources that others who aren't as bad off financially get, you all say, well, the reason for that is just like what happened in the House when the Republicans were in charge over there and the Republicans say over here, "Well, we chair the committees and we have a whole lot more work to do." That has always been a readily available excuse.

Our brothers and sisters of color would say they were in charge there in Washington and they were in charge in Lansing, but they didn't have a chance because they were different. There was a difference between them. We were a little darker skinned. We had something that they didn't. We could actually use this chamber and chambers like this across the country because there was a difference. Someone else was in charge, the minorities, like our minority party here today does not have the same opportunities because we are the minority.

The women in this country and this state were not given a fair chance because they were different. Others with the resources readily at hand would say we can control and dominate the political horizon and the political agenda because we are in the majority, knowing full well that we didn't give the women the right to vote until 80 years ago.

I think it is time that we get this state back on the right page here. I think the folks in my district and others on this side of the aisle should be given the same opportunity to fight the agenda. You control the agenda, you control the calendar, you control the legislation that we are going to address, and you say it is more important for us to have more resources to drive our agenda than the other side has to fight that agenda.

We should not be balancing the political opportunities with the taxpayers' checkbook. The people in my district pay their taxes just like everybody else here. For one side of the chamber to say, "I am going to take your constituents' tax dollars; I am going to take more than you get"; I think that is wholly unfair. I think it is time that we pass that resolution, and let's have true transparency. We are talking about a 10 percent pay cut on our salary, which would equal a few hundred thousand dollars. Let's be true about this; let's give the taxpayers back their money, and let's give the \$3 million back to the Michigan taxpayers, instead of using it for political advantage.

By unanimous consent the Senate returned 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 2:46 p.m.

3:29 p.m.

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

### Senate Bill No. 399, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 64 (MCL 421.64), as amended by 2003 PA 174.

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**

Senator Cropsey offered the following concurrent resolution:

**Senate Concurrent Resolution No. 12.**

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Thursday, April 2, 2009, it stands adjourned until Tuesday, April 21, 2009, at 10:00 a.m. for the Senate and 1:30 p.m. for the House of Representatives.

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

Senator Cropsey moved that the rule be suspended.

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

The concurrent resolution was adopted.

**Committee Reports**

The Committee on Judiciary reported

**Senate Bill No. 385, entitled**

A bill to amend 1998 PA 434, entitled "Uniform fraudulent transfer act," by amending section 1 (MCL 566.31).

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, Cropsey, Sanborn, Patterson, Stamas, Whitmer, Clarke and Basham

Nays: None

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

The Committee on Judiciary reported

**Senate Bill No. 411, entitled**

A bill 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.

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, Cropsey, Sanborn, Patterson, Stamas, Whitmer, Clarke and Basham

Nays: None

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

The Committee on Senior Citizens and Veterans Affairs reported

**Senate Bill No. 313, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 241 (MCL 18.1241), as amended by 1999 PA 8.

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, Garcia, Olshove and Basham

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Senior Citizens and Veterans Affairs submitted the following:  
 Meeting held on Wednesday, April 1, 2009, at 8:30 a.m., Room 100, Farnum Building  
 Present: Senators Allen (C), Pappageorge, Garcia, Olshove and Basham

The Committee on Appropriations reported  
**House Bill No. 4258, entitled**

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

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.

Ron Jelinek  
 Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

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 Appropriations submitted the following:

Meeting held on Wednesday, April 1, 2009, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

## COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, April 2, 2009, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower

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

Excused: Senators Brown, Cropsey and Scott

## Scheduled Meetings

## Appropriations -

## Subcommittees -

**Environmental Quality Department** - Wednesdays, May 6, May 13 and May 20, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**Higher Education** - Monday, April 20, 10:00 a.m., University of Michigan-Flint, Harding Mott University Center (UCEN), Michigan Rooms B, C, and D, 400 Mill Street, Flint; Monday, April 27, 10:00 a.m., Central Michigan University, Park Library, 250 East Preston Road, Mt. Pleasant; Monday, May 4, 10:30 a.m., Northwood University, Sloan Family Building for Aftermarket Studies, 400 Whiting Drive, Midland; and Friday, May 15, 10:00 a.m., University of Michigan-Ann Arbor, Michigan League, Vandenberg Room, 911 North University Street, Ann Arbor (373-2768)

**Judiciary and Corrections** - Tuesdays, April 21, April 28, May 5, May 12 and May 19, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**K-12, School Aid, Education** - Tuesdays, April 21, April 28, May 5, May 12 and May 19, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Natural Resources Department** - Tuesday, April 28, 12:00 noon or later immediately following session, Room 405, Capitol Building; Tuesday, May 5, 12:00 noon or later immediately following session, Rooms 402 and 403, Capitol Building; and Tuesday, May 19, 12:00 noon or later immediately following session, Room 405, Capitol Building (373-2768)

**Legislative Retirement Board of Trustees** - Thursdays, June 4, September 10 and December 3, 2:00 p.m., Room H-252, Capitol Building (373-0575)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 3:33 p.m.

Pursuant to Senate Concurrent Resolution No. 12, the President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, April 21, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate