

No. 88
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Wednesday, October 21, 2009.

10:00 a.m.

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

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

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

Garcia—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—present
Jacobs—present
Jansen—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

Reverend Dr. William H. Findley of Dundee First Presbyterian Church of Dundee offered the following invocation:

O Creator, God, we gather together in this assembly of Your churches, Your synagogues, Your cathedrals, and Your meeting houses to discern what is in the best interests of our state and its people. You have delegated the responsibility of temporal leadership to Your adopted children and have given to us the freedom to establish our own government to oversee the welfare of our land and the many people it supports.

Today, we pray to You for those whom the people have chosen to lead our state in the making and the stewardship of those laws. It is not easy to lead such a diverse people whose many wants cannot all be satisfied. It is not easy to discern which actions will produce the greatest good for the greatest number. It is not easy to withstand the huge personal temptations that come with power and responsibility.

Equip all leaders of our state with stamina, sound understanding, farsighted planning, and personal integrity. Enable them to rise above that which would detract from Your mission of truth and justice so that, through their wise leadership, we the people may flourish in a land blessed with liberty, peace, and justice.

Help us also as citizens to bear our share of the burden of democratic government. Lead us to love peace and fair dealing. Moderate our political passions with calmness and self-control. In these difficult times, allow us to see situations from the point of view of others that we may discern what is the common good for all Your children.

We pray all of this in the name of God, who created us and to whom we owe our true allegiance. And all of God's people said, "Amen."

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

Motions and Communications

Senator Sanborn entered the Senate Chamber.

The following communication was received and read:

Office of the Senate Majority Leader

October 20, 2009

Pursuant to PA 72 of 1990 (MCL 141.1213), I am nominating Mr. James R. DeSana, 514 Oak, #6, Wyandotte, MI 48192, for the local financial management review team for the City of River Rouge.

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

Sincerely,
Michael D. Bishop
Senate Majority Leader

The communication was referred to the Secretary for record.

Senator Thomas moved that Senators Clarke and Hunter be temporarily excused from today's session.

The motion prevailed.

Senators Clarke and Hunter entered the Senate Chamber.

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

The motion prevailed.

Senator Bishop's statement is as follows:

Today, we have a very special tribute for a man who deserves probably a full week of recognition from this body for what he has done over the years. Again, it is one of those opportunities for us to recognize people who have done so much for this state and for this body over the years in their service. As we sit here on the floor, we debate issues we get involved in, rather involved about debates about what is going on with our state. We are about discussing the future of our state. We sometimes forget about the great people we have in this great family of ours who make this place run, especially in this world today when we live in a term-limited environment, and we have people cycling in and out of here, personalities all different, much different than what these folks have experienced in the past. We are a different breed of people, and we are a different environment altogether. The people around us have adapted to that. It has not been easy, but they do it every day.

In the past couple of years, we have leaned heavily on the Legislative Service Bureau, through the night on some occasions and through the weekends. They have been there for us. They have stood by our side when we needed something; when

we call at the last minute and ask for an amendment. If we ask them to stay overnight and draft while we go home, they are there.

There is one man who has been there since 1980, and that man is Elliott Smith. He stands to my left right now. Elliott Smith has been the longest-serving, by far, director of the Legislative Service Bureau in the history of our state. He has been through so much. He has seen so much. We are very pleased to see that he is moving on with his life, but we are upset to see him leave us because we would like him to stay forever and ever for what he has done. We know that things change and people move on. We are happy for him. We are happy for his family. His wife Ann, I believe, is here somewhere in the Gallery. She is up in the west Gallery. His daughters, Stephanie and Dayna, I know are so very proud of their father for what he has done over the years.

My father served in this chamber back in the day when I am sure this gentleman was working with one of the members of this Senate. I don't know if it was—let's see how many Senators did you work for? Several of them. Senator Derezinski, I remember as a young man coming up here visiting my father and all the very different people you worked for. Senator Faust, boy, this is really an amazing person who has been here through so much history of this place.

He sat through many different things, the transition of the Library of Michigan to the legislative branch in 1983, and the construction of the library and museum. He was here during the historic restoration of this Capitol Building. He has quite a book to write in his retirement, and we look forward to reading that.

It is with great admiration that I present Mr. Elliott Smith with this Special Tribute on behalf of all of you here in this Senate and all of us here in this part of this family at the Michigan Senate. There are so many people here who I am sure are here to see you and to pay tribute to you.

We look forward to hearing great things about you. We wish you well in your retirement.

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

Saginaw Valley State University Board of Control

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

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

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, October 20, for her approval the following bills:

Enrolled Senate Bill No. 243 at 1:20 p.m.

Enrolled Senate Bill No. 253 at 1:22 p.m.

Enrolled Senate Bill No. 245 at 1:24 p.m.

Enrolled Senate Bill No. 248 at 1:26 p.m.

Messages from the Governor

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

Senate Bill No. 254

Senate Bill No. 237

The motion prevailed.

The following messages from the Governor were received and read:

October 20, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to state office under Sections 16121 and 18021 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.18021:

Michigan Board of Podiatric Medicine and Surgery

Mr. Howard L. Lazar, DPM, JD, of 4831 School Bell Lane, Bloomfield Hills, Michigan 48301, county of Oakland, succeeding Richard Seiler, whose term has expired, is appointed to represent podiatrists, for a term commencing October 20, 2009 and expiring June 30, 2013.

Ms. Lily Y. Gee of 6068 Columbia Street, Haslett, Michigan 48840, county of Ingham, is reappointed to represent the general public, for a term expiring June 30, 2013.

Mr. Harry A. Kezelian, DPM, of 619 Overhill, Bloomfield Hills, Michigan 48301, county of Oakland, is reappointed to represent podiatrists, for a term expiring June 30, 2013.

October 20, 2009

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following appointment and reappointments to office under Sections 302 and 2502 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.2502:

Board of Real Estate Brokers and Salespersons

Mr. Don R. Hiltunen of 900 Hill Street, Hancock, Michigan 49930, county of Houghton, succeeding Michael Glasson, whose term has expired, is appointed to represent real estate brokers and salespersons, for a term commencing October 20, 2009 and expiring June 30, 2013.

Mr. Daniel C. Samson of 10764 Borgman, Huntington Woods, Michigan 48070, county of Oakland, is reappointed to represent real estate brokers and salespersons, for a term expiring June 30, 2013.

Mr. Mark J. Wehner of 804 Bon Air Road, Lansing, Michigan 48917, county of Ingham, is reappointed to represent the general public, for a term expiring June 30, 2013.

Sincerely,
Jennifer M. Granholm
Governor

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

Recess

Senator Cropsy moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:17 a.m.

11:17 a.m.

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

During the recess, Senator Birkholz entered the Senate Chamber.

The following message from the Governor was received:

Date: October 19, 2009
Time: 4:55 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 95 (Public Act No. 122), being

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

(Filed with the Secretary of State on October 19, 2009, at 5:24 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

Saginaw Valley State University Board of Control

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

Senator Cropsy 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. 542**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

Third Reading of Bills

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

Senate Bill No. 760**Senate Bill No. 761****Senate Bill No. 762****Senate Bill No. 763****Senate Bill No. 764****Senate Bill No. 765****Senate Bill No. 766****Senate Bill No. 767**

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 760, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 33b (MCL 791.233b), as amended by 1994 PA 217.

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. 543**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: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 761, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2006 PA 574.

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. 544

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

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 762, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 171 (MCL 750.171).

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. 545

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

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 763, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing sections 11 and 12 (MCL 750.11 and 750.12).

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. 546

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

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 764, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16a of chapter XVII (MCL 777.16a), as amended by 2004 PA 216.

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. 547

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

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 765, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by repealing chapter LXVI (MCL 750.442 to 750.447).

The question being on the passage of the bill,

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

Roll Call No. 548**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

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 766, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16v of chapter XVII (MCL 777.16v), as amended by 2008 PA 412.

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. 549**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

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 767, entitled

A bill to amend 2004 PA 403, entitled “Michigan unarmed combat regulatory act,” by amending section 22 (MCL 338.3622), as amended by 2007 PA 196.

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. 550**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

The Senate agreed to the title of the bill.

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 Basham 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. 5055, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 30101, 30102, 30103, and 30104 (MCL 324.30101, 324.30102, 324.30103, and 324.30104), section 30101 as amended by 2006 PA 275, section 30102 as added by 1995 PA 59, section 30103 as amended by 2006 PA 33, and section 30104 as amended by 2008 PA 276, and by adding section 30106a.

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. 608, entitled

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

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.

Resolutions

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

Senate Resolution No. 41

Senate Resolution No. 75

The motion prevailed.

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

Senate Resolution No. 87

The resolution consent calendar was adopted.

Senators Patterson, Pappageorge, Clark-Coleman, Richardville, Hardiman, Jacobs, Basham, Gleason and Jansen offered the following resolution:

Senate Resolution No. 87.

A resolution recognizing November 2009 as Pancreatic Cancer Awareness Month in the state of Michigan.

Whereas, Over 37,000 people will be diagnosed with pancreatic cancer this year in the United States, and over 34,000 will die from the disease; and

Whereas, Pancreatic cancer is the deadliest cancer and the fourth-leading cause of cancer deaths in the United States; and

Whereas, Approximately 1,250 deaths will occur in Michigan; and

Whereas, 75 percent of pancreatic cancer patients die within the first year of their diagnosis, and 95 percent of pancreatic cancer patients die within the first five years; and

Whereas, There is no cure for pancreatic cancer, and there have been no significant improvements in early detection, treatment methods, or survival rates in the last 30 years; and

Whereas, When symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and the average life expectancy of those diagnosed with metastasis disease is only three months to six months; and

Whereas, Incidence of pancreatic cancer is 20 percent to 30 percent higher in men than in women and 40 percent to 50 percent higher in African Americans than in other ethnic groups; and

Whereas, The federal government invests less money in pancreatic cancer research than it does in any other leading cancer killers; and

Whereas, The good health and well-being of the residents of Michigan are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments; and

Whereas, The Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in Michigan and nationwide, which focuses its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

Whereas, The Pancreatic Cancer Action Network and its affiliates in Michigan support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize November 2009 as Pancreatic Cancer Awareness Month in the state of Michigan, in the hope that all possible support will continue to be extended to pancreatic cancer patients in Michigan and throughout the country and the world.

Senators Birkholz, Brater, Cherry, Clarke, Hunter and Scott were named co-sponsors of the resolution.

Senators Pappageorge, Cassis, Patterson, Stamas, Birkholz, Jelinek, Anderson, Richardville, Brater, Olshove and Switalski offered the following resolution:

Senate Resolution No. 88.

A resolution to urge the Michigan House of Representatives to begin the veto override process on the Governor's line-item veto of the section 20j hold harmless school aid funding in 2009 PA 121.

Whereas, The adoption of the 1994 Proposal A school reform and education finance proposal was a true milestone, capping decades of strong efforts to bring property tax relief and greater equity to our system of school financing. One of the most significant features of Proposal A was the guarantee of a per-pupil base foundation allowance that brought up the floor for school funding for many of our smaller and more rural districts and provided more moderate increases for those districts representing the funding ceiling in order to drastically reduce the disparity between districts; and

Whereas, Indeed, Proposal A brought more equity and certainty to our system of school financing, which prior to Proposal A relied almost exclusively on local property taxes, which tended to penalize those districts with relatively lower tax bases. Under Proposal A, however, most local millages were capped at 18 mills. The proposal did, however, permit a limited number of exceptions, including an 18-mill hold harmless millage for those districts that had received a foundation allowance in excess of \$6,500. This limited exception allowed those districts to continue to levy 18 mills on homesteads and certain other amounts, if necessary, on both homestead and non-homestead property; and

Whereas, This hold harmless levy was strictly limited to the amount necessary to provide revenue growth equal to inflation or the same revenue necessary to equal the state's basic foundation allowance, whichever is less. This limited exception was merely designed to allow those districts to keep up with the cost of living. In 2001, however, record-low rates of inflation led to a situation in which granting these hold harmless districts the same dollar increase in the state's foundation allowance as other districts would have raised their foundation allowances higher than the rate of inflation; and

Whereas, In order to allow all school districts to receive the full foundation allowance increase, section 20j was added to the State School Aid Act of 1979 (MCL 388.1620j), to provide a formula for equalizing funding increases. Since that time, low rates of inflation have led to the continuation of section 20j funding—until Governor Jennifer Granholm vetoed the line item for 20j funding in 2009 PA 121. Since 2009 PA 121 originated as House Bill No. 4447, it is incumbent on the House of Representatives to initiate the veto override process (Article IV, Section 33 of the Constitution) to restore section 20j funding and the promise of equitable funding for all of our state's school districts; now, therefore, be it

Resolved by the Senate, That we hereby urge the House of Representatives to begin the veto override process on the Governor's line-item veto of the section 20j hold harmless school aid funding in 2009 PA 121; and be it further

Resolved, That copies of this resolution be transmitted to the Speaker of the Michigan House of Representatives.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Introduction and Referral of Bills

Senator Jelinek introduced

Senate Bill No. 928, entitled

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

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

Senators Whitmer, Anderson, Cherry, Olshove, Barcia, Clarke, Basham, Switalski, Hunter, Scott and Brater introduced

Senate Bill No. 929, entitled

A bill to amend 1999 PA 276, entitled "Banking code of 1999," (MCL 487.11101 to 487.15105) by adding section 4105a.

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

Senators Whitmer, Anderson, Cherry, Olshove, Barcia, Clarke, Basham, Switalski, Hunter, Scott and Brater introduced

Senate Bill No. 930, entitled

A bill to create the foreclosure protection act; to regulate certain mortgage foreclosure consultants, foreclosure consulting contracts, equity purchasers, and equity purchase contracts; and to provide penalties and remedies for violations of that act.

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

Senators Anderson, Whitmer, Cherry, Barcia, Olshove, Clarke, Basham, Switalski, Hunter, Scott and Brater introduced **Senate Bill No. 931, entitled**

A bill to amend 1994 PA 160, entitled "Credit services protection act," by amending section 2 (MCL 445.1822).

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

Senators Anderson, Whitmer, Cherry, Barcia, Clarke, Olshove, Basham, Switalski, Hunter, Scott and Brater introduced **Senate Bill No. 932, entitled**

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending sections 22 and 31 (MCL 445.1672 and 445.1681), section 22 as amended by 2002 PA 391.

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

Senators Anderson, Whitmer, Cherry, Barcia, Clarke, Olshove, Basham, Switalski, Hunter, Scott and Brater introduced **Senate Bill No. 933, entitled**

A bill to amend 1981 PA 125, entitled "The secondary mortgage loan act," by amending sections 24 and 27 (MCL 493.74 and 493.77), section 24 as amended by 2002 PA 392 and section 27 as amended by 2009 PA 77.

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

Senators Jelinek and Van Woerkom introduced

Senate Bill No. 934, entitled

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

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

Senators Cherry, Brater and Jacobs introduced

Senate Bill No. 935, entitled

A bill to authorize the county board of commissioners of any county in this state to establish and operate a farmers market or flea market; and to prescribe the powers and duties of certain local officers and officials.

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

Senators Cherry and Brater introduced

Senate Bill No. 936, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78 (MCL 211.78), as amended by 2008 PA 512.

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

Senator McManus introduced

Senate Bill No. 937, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 642a (MCL 168.642a), as amended by 2005 PA 71.

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

Senator McManus introduced

Senate Bill No. 938, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 521a.

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

Senator McManus introduced

Senate Bill No. 939, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by repealing part 433 (MCL 324.43301 to 324.43303).

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

Senator McManus introduced
Senate Bill No. 940, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 33 and 735 (MCL 168.33 and 168.735), section 33 as amended by 2002 PA 91 and section 735 as amended by 2004 PA 92, and by adding section 735a.

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

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

Last week on October 14th, the *Grand Rapids Press* editorialized on auto insurance rates. The editorial board wrote, "Insurance rates for drivers should reflect how they handle their cars, not their credit cards. Yet auto insurance companies in Michigan want to use credit scores as one factor in determining how much to charge consumers. The practice is wrong at any time, but especially now. In a climate of soaring unemployment and resulting unpaid bills, it unfairly discriminates against residents whose only crime is the misfortune of working for a company swept away in the economic tsunami."

There you have it, support from others in other parts of Michigan for something that I have been advocating for years. The *Grand Rapids Press* editorial board gets it on this issue of the auto insurance rate-setting debate. The Michigan Supreme Court recently heard oral arguments in a case which will decide if the state Office of Financial and Insurance Regulation (OFIR) can ban the use of credit scores as a factor in setting auto insurance rates.

The editorial goes on to say that if the Supreme Court rules that these companies can adjust insurance rates according to credit scores, then, "The legislature should step in and prohibit the practice of grading drivers by their spending habits instead of their driving habits."

As I have said before, people across this state need, want, and are demanding auto insurance rate reform. So please work with me to move my bills, and let the people of Detroit and Grand Rapids know that we hear their pleas for reform.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 719, entitled

A bill to amend 1895 PA 198, entitled "An act to establish a law uniform with the laws of other states relating to the sealing of deeds and other written instruments," by amending section 2 (MCL 565.232).

With the recommendation that the bill pass.

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

Wayne Kuipers
 Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Sanborn, Whitmer, Clarke and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 720, entitled

A bill to amend 1846 RS 1, entitled "Of the statutes," by amending section 3n (MCL 8.3n).

With the recommendation that the bill pass.

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

Wayne Kuipers
 Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Sanborn, Whitmer, Clarke and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, October 20, 2009, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cropsey, Sanborn, Whitmer, Clarke and Basham

Excused: Senators Patterson and Stamas

The Committee on Transportation reported

Senate Bill No. 680, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 314a.

With the recommendation that the bill pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Van Woerkom, Basham and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

Senate Bill No. 879, entitled

A bill to regulate the use of signs advertising sexually oriented businesses; to provide for the powers and duties of certain state and local governmental officers and entities; to provide remedies; and to prescribe civil sanctions.

With the recommendation that the bill pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Van Woerkom, Basham and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, October 20, 2009, at 1:00 p.m., Room 110, Farnum Building

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

Absent: Senator Kahn

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Community Health submitted the following:

Meeting held on Tuesday, October 20, 2009, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Kahn (C), Pappageorge, George, Stamas, Cherry, Barcia and Switalski

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Tuesday, October 20, 2009, at 2:30 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Gilbert and Clarke

Excused: Senators Stamas and Hunter

Scheduled Meetings

Education - Thursday, October 22, 2:30 p.m., Room 210, Farnum Building (373-6920)

Finance - Thursday, October 22, 11:00 a.m., Room 110, Farnum Building (373-1758)

Legislative Commission on Statutory Mandates - Monday, October 26, 9:00 a.m., Waterford Room, 1st Floor, Oakland County Executive Office Building, 2100 North Pontiac Lake Road, Waterford (373-0212)

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

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:45 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, October 22, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate