

No. 87
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Tuesday, October 20, 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

Senator Samuel Buzz Thomas III of the 4th District offered the following invocation:

“Lord, make me a channel of thy peace;
 that where there is hatred, I may bring love;
 that where there is wrong, I may bring the spirit of forgiveness;
 that where there is discord, I may bring harmony;
 that where there is error, I may bring truth;
 that where there is doubt, I may bring faith;
 that where there is despair, I may bring hope;
 that where there are shadows, I may bring light;
 that where there is sadness, I may bring joy.
 Lord, grant that I may seek rather to comfort than to be comforted;
 to understand, than to be understood;
 to love, than to be loved.
 For it is by self-forgetting that one finds.
 It is by forgiving that one is forgiven.
 It is by dying that one awakens to eternal life.”
 Lord, in Your name we pray. Amen.

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

Senators Jansen, Pappageorge and Stamas entered the Senate Chamber.

The following communication was received:

Department of Management and Budget

October 14, 2009

Section 298c of Public Act 431 of 1984 requires the Department of Management and Budget to report annually regarding the progress of the Michigan Capitol Park. This park encompasses the Veterans Memorial Park and is the future site of the Michigan Law Enforcement Officers Memorial Monument.

Since October 2008, the State has executed one contract in the amount of \$432,643.00, the scope of which was to provide maintenance, ADA upgrades, and site drainage improvements. There have been no changes to the master plan during this time.

If you have any further questions regarding the Michigan Capitol Park, please contact me at 373-0666.

Sincerely,
 Lisa Webb Sharpe
 Director

The communication was referred to the Secretary for record.

The following communication was received:

Department of State Police

October 15, 2009

In accordance with Section 3(2) of Public Act 76 of 2004, the Michigan State Police (MSP) is notifying the Secretary of the Senate and the Clerk of the House of Representatives that the report regarding annual fingerprint fees is complete.

This report has been posted on the Web site below and is titled: “Report on Fingerprint Analysis, 9/30/2009.”

http://w3.michigan.gov/documents/msp/fingerprint-boilerplate_20090930_297321_7.pdf

The direct link to reports required by MSP’s appropriation can be found at:

http://w3.michigan.gov/msp/0,1607,7-123-1645_3501_49815---,00.html

If you have questions about this report, please contact Mr. Shawn Sible at (517) 333-2742 or SiblesS@michigan.gov.

Thank you,
 Angela Dale
 Budget and Financial Services Division

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, October 15:
House Bill No. 4726

The Secretary announced the enrollment printing and presentation to the Governor on Friday, October 16, for her approval the following bill:

Enrolled Senate Bill No. 95 at 1:15 p.m.

The Secretary announced that the following official bills and joint resolution were printed on Thursday, October 15, and are available at the legislative website:

Senate Bill Nos. **895** **896** **897** **898** **899** **900** **901** **902** **903** **904** **905** **906**
House Bill Nos. **5512** **5513** **5514** **5515** **5516** **5517**
House Joint Resolution **II**

The Secretary announced that the following official bills and joint resolution were printed on Friday, October 16, and are available at the legislative website:

House Bill Nos. **5518** **5519** **5520** **5521**
House Joint Resolution **JJ**

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 message from the Governor was received:

Date: October 15, 2009

Time: 10:44 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 785 (Public Act No. 120), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 1301, 30105, 30301, 30303, 30306, 30306b, 30311, 30312, 30317, 32512a, and 32513 (MCL 324.1301, 324.30105, 324.30301, 324.30303, 324.30306, 324.30306b, 324.30311, 324.30312, 324.30317, 324.32512a, and 324.32513), section 1301 as amended by 2008 PA 18, section 30105 as amended by 2006 PA 531, sections 30301, 30306, and 30312 as amended and section 32512a as added by 2003 PA 14, sections 30303 and 30311 as added by 1995 PA 59, section 30306b as added by 2006 PA 435, section 30317 as amended by 1998 PA 228, and section 32513 as amended by 2008 PA 276, and by adding sections 30303b, 30303d, 30304b, 30305b, 30311a, 30311b, 30311d, 30312b, 30312d, 30325, 30327, and 30329; and to repeal acts and parts of acts.

(Filed with the Secretary of State on October 15, 2009, at 1:02 p.m.)

Respectfully,
 Jennifer M. Granholm
 Governor

Recess

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

The motion prevailed, the time being 10:05 a.m.

11:12 a.m.

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

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

Messages from the House

Senate Bill No. 243, entitled

A bill to make appropriations for the department of energy, labor, and economic growth and certain other state purposes for the fiscal year ending September 30, 2010; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

(This bill was given immediate effect on October 1 and the motion to reconsider the vote postponed. See Senate Journal No. 80, p. 1860.)

The question being on the motion to reconsider the vote by which the bill was given immediate effect,

Senator Cropsey withdrew the motion.

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

Senate Bill No. 248, entitled

A bill to make appropriations for the department of human services and certain state purposes related to public welfare services for the fiscal year ending September 30, 2010; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

(This bill was given immediate effect on October 1 and the motion to reconsider the vote postponed. See Senate Journal No. 80, p. 1861.)

The question being on the motion to reconsider the vote by which the bill was given immediate effect,

Senator Cropsey withdrew the motion.

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

Senate Bill No. 245, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2010; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

(This bill was given immediate effect on October 1 and the motion to reconsider the vote postponed. See Senate Journal No. 80, p. 1861.)

The question being on the motion to reconsider the vote by which the recommendation for immediate effect was concurred in,

Senator Cropsey withdrew the motion.

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

Senate Bill No. 253, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2010; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; to provide for the powers and duties of certain committees, certain state agencies, and certain employees; and to provide for the acquisition and disposition of certain real and personal property.

(This bill was given immediate effect on October 1 and the motion to reconsider the vote postponed. See Senate Journal No. 80, p. 1862.)

The question being on the motion to reconsider the vote by which the recommendation for immediate effect was concurred in,

Senator Cropsey withdrew the motion.

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
Conference Reports

House Bill No. 4436, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2010; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

(This bill was given immediate effect on October 1 and the motion to reconsider the vote postponed. See Senate Journal No. 80, p. 1860.)

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

House Bill No. 4441, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2010; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

(This bill was given immediate effect on October 1 and the motion to reconsider the vote postponed. See Senate Journal No. 80, p. 1860.)

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

Third Reading of Bills

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

House Bill No. 5072

House Bill No. 5073

Senate Bill No. 448

The motion prevailed.

The following bill was read a third time:

House Bill No. 5072, entitled

A bill to amend 1987 PA 231, entitled “An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds,” by amending section 11 (MCL 247.911), as amended by 2008 PA 364.

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. 539

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: President

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

The following bill was read a third time:

House Bill No. 5073, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 819 (MCL 257.819), as amended by 2008 PA 346.

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. 540

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: President

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 registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and

operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 448, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 722 (MCL 257.722), as amended by 2008 PA 579.

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. 541

Yeas—23

Allen	Cropsey	Jelinek	Sanborn
Birkholz	George	Kahn	Stamas
Bishop	Gilbert	Kuipers	Thomas
Brater	Gleason	McManus	Van Woerkom
Brown	Hardiman	Pappageorge	Whitmer
Cassis	Jacobs	Richardville	

Nays—14

Anderson	Clark-Coleman	Jansen	Prusi
Barcia	Clarke	Olshove	Scott
Basham	Garcia	Patterson	Switalski
Cherry	Hunter		

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Basham, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 448 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Basham's statement is as follows:

I rise in opposition to Senate Bill No. 448. This bill puts our seasonal roads at risk by allowing exemptions to the weight restrictions for septic haulers when the frost is coming out of the ground. The special consideration for septic haulers is simply unnecessary.

Under existing statute, there are provisions already available during the five to six weeks every year that the frost laws are in effect. The septic haulers can take a load at the reduced weight limits during the frost laws, emergency or not, and they would not need to obtain a permit. If the property owner or septic hauler is determined to remove the waste at the maximum load limits of the vehicle during the frost laws, then they can actually do so by applying for a permit.

Since it typically takes more than one load to empty a septic tank, it seems to make more sense to avoid the permit process and simply divide the load. They can do it more evenly to stay at or below the reduced weight limits. Furthermore, emergency situations can be relieved by removing some of the waste at the reduced load weight limit and then coming back at a later date when the frost season is over. They can then clean and complete the task.

Whether intended or not, this bill, in effect, transfers a property owner's responsibility to maintain their septic system to the road commission. In doing so, it jeopardizes the sensitive local roads during this vulnerable time. The bottom line is that we already have a responsibility to maintain the integrity of our already underfunded road system. The bill compromises that responsibility, and I would again ask members to vote "no" on Senate Bill No. 448.

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, Lieutenant Governor Cherry, designated Senator Sanborn as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

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.

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.

Senate Bill No. 762, entitled

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

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.

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

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

Senate Bill No. 763, entitled

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

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. 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.

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. 765, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing chapter LXVI (MCL 750.442 to 752.447).

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.

Senators Garcia, Cropsey, Van Woerkom, Hardiman and Jansen offered the following concurrent resolution:

Senate Concurrent Resolution No. 26.

A concurrent resolution relative to secondary road patrol funds for counties, cities, and villages.

Whereas, Section 76 of Chapter 14 of the Revised Statutes of 1846, being MCL § 51.76, as added by 1978 PA 416, permits secondary road patrol services to be provided by county sheriff departments to cities and villages. This section also provides that a secondary road patrol agreement is void if the city or village reduces the number of sworn law enforcement officers below the highest number employed at any time within the immediately preceding 36 months, unless the Michigan Legislature, by concurrent resolution, recognizes that the reduction was due to cuts in general services due to economic conditions. Section 77 of Chapter 14, being MCL § 51.77, also provides a similar maintenance of effort standard for counties providing these secondary road patrol services, unless it is recognized that the reduction was merely due to cuts in general services due to economic conditions; and

Whereas, Indeed, subsection (3) of MCL § 51.76 specifically provides, in part, that: "A concurrent resolution adopted by a majority vote of the Senate and the House of Representatives which states that the city or village is required to reduce general services because of economic conditions and is not reducing law enforcement services shall be presumptive that the city or village has not violated the strictures of this subsection"; and

Whereas, In all of Michigan's counties, cities, and villages, general services have been reduced as a result of serious economic difficulties. These reductions in services have occurred in direct reaction to economic conditions; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That counties, cities, and villages in Michigan have been required to reduce general services because of economic conditions and are not reducing law enforcement services as stipulated in section 76 or 77 of Chapter 14 of the Revised Statutes of 1846, as added by 1978 PA 416; and be it further

Resolved, That counties, cities, and villages have met the necessary terms of their agreements for secondary road patrol services as they relate to maintenance of effort.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Local, Urban and State Affairs.

The motion prevailed.

Senators Barcia and Gilbert were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senator Hunter introduced

Senate Bill No. 907, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 145o and 145p (MCL 750.145o and 750.145p), as added by 1994 PA 149.

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

Senator McManus introduced

Senate Bill No. 908, entitled

A bill to amend 2000 PA 147, entitled "Safe drinking water financial assistance act," by amending section 2 (MCL 141.1452).

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

Senator McManus introduced

Senate Bill No. 909, entitled

A bill to amend 2001 PA 266, entitled "Grade A milk law of 2001," by amending section 20 (MCL 288.490), as amended by 2008 PA 136.

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

Senator McManus introduced

Senate Bill No. 910, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 81d and 224a (MCL 750.81d and 750.224a), section 81d as amended by 2006 PA 517 and section 224a as amended by 2006 PA 457.

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

Senator McManus introduced

Senate Bill No. 911, entitled

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

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

Senator McManus introduced

Senate Bill No. 912, entitled

A bill to amend 2008 PA 295, entitled "Clean, renewable, and efficient energy act," by amending sections 27 and 77 (MCL 460.1027 and 460.1077).

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

Senator McManus introduced

Senate Bill No. 913, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending section 71 (MCL 559.171), as amended by 2002 PA 283.

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

Senator McManus introduced

Senate Bill No. 914, entitled

A bill to amend 2002 PA 733, entitled "State plumbing act," by amending section 13 (MCL 338.3523).

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

Senator McManus introduced
Senate Bill No. 915, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act," by amending section 14 (MCL 287.714), as amended by 2002 PA 458.

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

Senator McManus introduced
Senate Bill No. 916, entitled

A bill to amend 2000 PA 190, entitled "Privately owned cervidae producers marketing act," by amending sections 3, 6, 7, and 14 (MCL 287.953, 287.956, 287.957, and 287.964), as amended by 2006 PA 561.

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

Senator McManus introduced
Senate Bill No. 917, entitled

A bill to amend 1996 PA 199, entitled "Michigan aquaculture development act," by amending section 4 (MCL 286.874), as amended by 2003 PA 272.

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

Senator McManus introduced
Senate Bill No. 918, entitled

A bill to amend 1981 PA 93, entitled "Michigan right to farm act," by amending section 4 (MCL 286.474), as amended by 1999 PA 261.

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

Senator McManus introduced
Senate Bill No. 919, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending sections 102, 105, 116, and 117 (MCL 560.102, 560.105, 560.116, and 560.117), section 102 as amended by 1996 PA 591, section 105 as amended by 1997 PA 87, and sections 116 and 117 as amended by 2004 PA 525.

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

Senator Switalski introduced
Senate Bill No. 920, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310e (MCL 257.310e), as amended by 2004 PA 362.

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

Senator Switalski introduced
Senate Bill No. 921, entitled

A bill to grant employment protection rights to certain volunteers; to specify the conditions giving rise to those rights; to prohibit certain conduct by employers; and to provide remedies.

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

Senators Sanborn, Patterson, Whitmer and Birkholz introduced
Senate Bill No. 922, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2008 PA 538.

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

Senators Sanborn, Patterson, Whitmer and Birkholz introduced
Senate Bill No. 923, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," (MCL 28.721 to 28.736) by adding section 37 to article III.

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

Senator McManus introduced
Senate Bill No. 924, entitled

A bill to amend 1959 PA 241, entitled “An act relating to the marking of stationary containers used for liquefied petroleum or carbonic gas; to prohibit the defacing, erasing, or other removal of those marks; to prohibit the filling, refilling, trafficking in, or use of those containers without authority; to provide for the powers and duties of certain state officers; to prohibit violations and prescribe penalties; and to provide remedies,” by amending section 2 (MCL 429.112), as amended by 2006 PA 504.

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

Senator Thomas introduced
Senate Bill No. 925, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 5 and 6 (MCL 380.5 and 380.6), section 5 as amended by 2005 PA 61 and section 6 as amended by 2008 PA 1, and by adding part 6e.

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

Senator Thomas introduced
Senate Bill No. 926, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 3 and 6 (MCL 388.1603 and 388.1606), section 3 as amended by 2008 PA 268 and section 6 as amended by 2009 PA 73, and by adding section 27.

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

Senators Jansen, Hardiman and Kahn introduced

Senate Bill No. 927, entitled

A bill to amend 2001 PA 34, entitled “Revised municipal finance act,” by amending section 103 (MCL 141.2103) and by adding section 518.

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

House Bill No. 4726, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 321a (MCL 257.321a), as amended by 2004 PA 362.

The House of Representatives has passed the bill.

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

Statements

Senators Whitmer, Scott, Pappageorge, Patterson 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 Whitmer’s statement is as follows:

I got off the phone this morning with my superintendent who is justifiably apoplectic about some of the shenanigans that have gone on around this place with regard to the education budget. It’s a budget that in the wee hours of the morning of October 1, I pleaded with all of you on a very simple issue—the education of our children. I rise today to once again speak to you on the issue of leading by example.

I spoke of how education is the most important factor in an individual’s ability to succeed in the new economy, and an educated workforce is the best way to attract the businesses of tomorrow. I told you how the budget that you put together rips apart the fabric of our education system, a system that I’m willing to bet every single one of you made campaign promises to uphold. I asked, “How are we going to compete with China, India, or even Indiana, for that matter, when you balance the budget on the backs of our kids?”

Well, I’m sad to say not much has changed in the 19 and a half days since. It hasn’t changed over the past two years since the last embarrassing shutdown of government. Nor, in fact, has it changed since I was first elected in November of 2000. The single biggest problem with Lansing—with this Legislature—is that politicians think that they come first, and they’ve lost touch with the people they represent. The culture of entitlement—the paradigm of protecting our perks—has to end, and it has to end now.

Leading by example means sharing in the sacrifice and the pain, like so many families in Michigan who are struggling to get by. I am, therefore, calling on my colleagues in both chambers to institute some basic, common-sense reforms to fix our broken government and to make it serve people instead of the special interests and their own personal interests.

Cutting funding to our schools is an outrage. Cutting funding to our schools while leaving our own benefits, salaries, and perks intact is the height of hypocrisy. First, join with me in the fight to end taxpayer-funded lifetime health care benefits for legislators. It is an outrage that term-limited legislators still get this benefit, especially when so many Michiganders are without basic health care or services.

Second, join me to fight to prorate our pay each and every time our schools are issued a proration letter. If we cut our young people's education, we should cut our pay.

Third, join with me to fight to reduce our pay each and every time we miss session. If people don't show up for work, if they fail to do their duty, they pay a price. We are no different, and we must be held to the same standard.

Fourth, join with me in the fight to require that candidates seeking public office disclose their income and assets. We must do everything we can to shed sunlight on government and make it clear to the people that we have no conflicts of interest and that we will always put our families first, not the special interests.

In just a few days, the administration will send proration letters, as required by law, telling our beloved students and school districts that the budget we passed last week was a house of cards. It was built using imaginary revenues and Arthur Andersen-style accounting practices by Senate Republicans. If you are going to prorate our kids, your salary should be prorated. At least our kids are getting their work done. You've only delivered a budget on time one out of the last three years.

If you bother to look outside this chamber, you will notice that our families are hurting. Schools and students are hurting. Local governments, police, and fire are hurting too. While all of Michigan is hurting, we should not be protecting our lavish salaries, lifetime health care benefits, and our special perks. Michigan needs real reforms and real leadership. I propose that we start right here, right now.

Senator Scott's statement is as follows:

The American statesman Henry Clay once said, "Government is a trust, and the officers of the government are trustees; and both the trust and the trustees are created for the benefit of the people." "For the benefit of the people." For the benefit of the people of Michigan, we should agree to reform auto and homeowners insurance.

For the benefit of the people, we should create rates that are based on a person's actual driving record and not their address, credit score, or educational level. For the benefit of the people, we should create affordable rates that people can pay instead of going without auto insurance because they can't afford to pay hundreds and thousands of dollars a year just to insure their car.

For the benefit of people, we should take action on my bills so that people can be the good citizens that they want to be; so that they can purchase their affordable insurance; so that people can obey the law that we have written that requires them to carry auto insurance. For the benefit of the people, we should move my bills.

Senator Pappageorge's statement is as follows:

I rise to speak about the vetoing by the Governor of section 20j of the K-12 budget. It's really distressing that after seven years as Governor, Governor Granholm still doesn't understand Proposal A. It's amazing. Proposal A was passed in 1994, and it turned out that there was a mistake in the formula for distributing funds. Then-Governor Engler called everyone together who had been involved in the creation of Proposal A, and he said to the assembly—it was bipartisan; people who weren't even in the Legislature who had been involved were also there—"Guess what? We have a mistake in the formula. Now it is going to be pretty tough to do a constitutional amendment to change that formula to make it right. So if everyone will agree, I will correct the formula every year with a line in the K-12 budget."

That line is line 20j, hence the name. It was to correct a mistake in the formula. In the 1999-2000 budget, which most of us in this room voted on, was the beginning of correcting that formula. We have been correcting it ever year since 1999, including this year when we sent a balanced budget to the Governor. Then the Governor vetoed 20j.

Let me tell you what that means in terms of the foundation allowance that is supposed to be \$165 per pupil for all the schools. By rejecting 20j—and these numbers are for the 2009; I don't have the 2010, but they are close—Birmingham School District foundation allowance is minus \$287 per pupil; Royal Oak is \$426; Avondale, which is having a deficiency right now in their fund balance, goes to \$469 per pupil. These guys are going to face bankruptcy. Bloomfield Hills goes to \$284 instead of \$165; Troy goes to \$413 instead of \$165; Lamphere in Madison Heights goes to \$342.

That is not defensible in any way, and the only thing that I can ascribe to this is stick them up; we need a tax increase. This is outrageous. If ever an override was the thing to do, it is on the veto of 20j in the K-12 budget.

Senator Patterson's statement is as follows:

I must admit being perplexed. Not that it was the previous speaker, but one of the earlier speakers lectured us today about spending and cuts and balancing budgets on the backs of children. All the while, promoting the idea of spending Obama bucks, which are really debt instruments that borrow excessively from our children's futures and our grandchildren's inheritance and squander their futures by going further and further in debt. Talk about incredible, bizarre, hypocritical.

But if that wasn't enough, to suggest that we abandon all of the constitutional processes for establishing compensation, to ignore our constitutional processes or worse, and cast them to the sidelines, is truly dangerous pandering, especially when coming from an attorney.

Senator Cropsey's statement is as follows:

We have come through a very difficult budget time in which a bipartisan budget was passed through both the House and the Senate. It was agreed to by this body, which is Republican-controlled, and agreed to by the body across the rotunda, which is Democrat-controlled. We have just sent the last of those budgets on to the Governor today.

One of the previous speakers—I believe it was the first speaker—referred to schools and how she was appalled about the cuts being made to schools. Let's face it, folks, we are in tough economic times. I think the people of this state have always done very well for the children of this state ever since I can remember. Almost half of the state tax dollars that are raised in this state go towards the education of our children—K-12 and higher education.

The people of the state of Michigan, when Proposal A was passed a few years ago, guaranteed certain funding going to the schools. About 99 percent of the school aid is made up of funding that the people voted on right in the Constitution. Interestingly enough, one of those areas is the income tax. A certain percentage of the income tax goes to the school aid; a significant percentage of the income tax goes to school aid.

On September 30, we had a bill put up here in this body to increase the income tax. There were only two legislators who voted for that. One of the legislators who didn't vote for it joined me in voting against it because I think the taxes on our people are too high already. But that legislator got up and railed against this Legislature for not funding schools. Yet, she refused to vote for the income tax; she voted against the income tax increase.

I think it is important for people to know that if you get up here and rail about not funding schools that she had the opportunity to fund schools better and she voted against it. I think the people of the state of Michigan ought to know where their legislators stand. I voted against the income tax increase, and this legislator voted against the income tax increase. At the same time, it is very difficult for her to get up here and state what she stated about not funding schools; that it is our fault, as Senate Republicans, when only two votes on the other side of the aisle voted for the income tax increase. She was not one of those two votes.

Committee Reports

The Committee on Appropriations reported

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.

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.

The Committee on Appropriations reported

House Bill No. 4311, entitled

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

With the recommendation that the substitute (S-2) 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, October 14, 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

The Committee on Economic Development and Regulatory Reform reported
Senate Bill No. 500, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 2, 4, 7, 9, and 10 (MCL 207.552, 207.554, 207.557, 207.559, and 207.560), section 2 as amended by 2008 PA 581, section 4 as amended by 2004 PA 437, section 7 as amended by 2008 PA 457, section 9 as amended by 2008 PA 516, and section 10 as amended by 1996 PA 1.

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.

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert, Thomas and Jacobs

Nays: None

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

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 501, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 11, 14, 15, 16, and 16a (MCL 207.561, 207.564, 207.565, 207.566, and 207.566a), section 11 as amended by 2007 PA 195, section 14 as amended by 2008 PA 457, section 15 as amended by 2008 PA 170, section 16 as amended by 1982 PA 417, and section 16a as amended by 2008 PA 306.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert, Thomas and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 744, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3829a.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert, Thomas and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 786, entitled

A bill to amend 1943 PA 148, entitled "An act to provide for the regulation and licensing of proprietary schools in the state; to require surety; to provide for collection and disposition of fees; and to prescribe penalties for the violation of this act," by amending sections 1, 1a, 2, 2a, and 2b (MCL 395.101, 395.101a, 395.102, 395.102a, and 395.102b), sections 1, 2, 2a, and 2b as amended and section 1a as added by 1983 PA 60.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert, Thomas and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development and Regulatory Reform reported

House Bill No. 4234, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by repealing section 2629 (MCL 339.2629).

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert, Thomas and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development and Regulatory Reform submitted the following:

Meeting held on Wednesday, October 14, 2009, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Richardville, Allen, Gilbert, Thomas and Jacobs

Excused: Senator Hunter

The Committee on Finance reported

Senate Bill No. 283, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27 (MCL 211.27), as amended by 2003 PA 274.

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, Pappageorge, Jansen, Jacobs and Cherry

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 563, entitled

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

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, Pappageorge, Jansen, Jacobs and Cherry
Nays: None
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:
Meeting held on Thursday, October 15, 2009, at 11:55 a.m., Room 110, Farnum Building
Present: Senators Cassis (C), Gilbert, Pappageorge, Jansen, Jacobs and Cherry
Excused: Senator Whitmer

COMMITTEE ATTENDANCE REPORT

The Committee on Energy Policy and Public Utilities submitted the following:
Meeting held on Thursday, October 15, 2009, at 1:00 p.m., Room 210, Farnum Building
Present: Senators Patterson (C), Brown, Birkholz, Kuipers, Richardville, Olshove, Clarke and Thomas

Scheduled Meetings

Agriculture and Bioeconomy and Agriculture Appropriations Subcommittee - Wednesday, October 21, 3:00 p.m., Room 110, Farnum Building (373-1635)

Appropriations -

Subcommittees -

Agriculture and Senate Agriculture and Bioeconomy - Wednesday, October 21, 3:00 p.m., Room 110, Farnum Building (373-2768)

Federal Stimulus Oversight - Wednesday, October 21, 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Higher Education - Wednesday, October 21, 9:15 a.m., Rooms 402 and 403, Capitol Building (373-2768)

Natural Resources Department and Senate Natural Resources and Environmental Affairs - Wednesday, October 21, 1:00 p.m., Room 110, Farnum Building (373-2768)

Energy Policy and Public Utilities - Wednesday, October 21, 3:00 p.m., Room 210, Farnum Building (373-7350)

Health Policy - Wednesday, October 21, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

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)

Natural Resources and Environmental Affairs and Natural Resources Department Appropriations Subcommittee - Wednesday, October 21, 1:00 p.m., Room 110, Farnum Building (373-3447)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 12:01 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, October 21, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate