

**No. 81**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**95th Legislature**  
**REGULAR SESSION OF 2009**

---

---

Senate Chamber, Lansing, Tuesday, October 6, 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—excused  
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—excused  
Stamas—present  
Switalski—present  
Thomas—excused  
Van Woerkom—present  
Whitmer—present

Senator Mark C. Jansen of the 28th District offered the following invocation:

Dear Heavenly Father, we want to thank You for the breath to get here this morning; for the honor to represent You in our words, actions, and deeds. Whether we are students from Belmont or we are legislators from all parts of the state, Lord, we just ask for Your blessing on showing us the path You want us to go down. We want to be obedient to You and honor Your name. What a privilege that is.

We ask that You bless this Senate, our Governor, our Lieutenant Governor, the House, and all those who are in leadership in this state, whether it's business, government, or schools. We just pray, Lord, that this state would get back on its feet, but, above all, that we are on our knees so that we would be focused on You.

We ask this in Your name alone. Amen.

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

### Motions and Communications

#### Recess

Senator Cropsey moved that the Senate recess until 10:45 a.m.

The motion prevailed, the time being 10:03 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Richardville.

During the recess, Senators Stamas, Clarke, Pappageorge, Brown, Garcia, Bishop, Barcia and Brater entered the Senate Chamber.

Senator Cropsey moved that consideration of the motion to discharge the Committee on Government Operations and Reform from further consideration of the following bills be postponed until Monday, November 30:

**House Bill No. 4316**

**House Bill No. 4317**

**House Bill No. 4318**

The motion prevailed.

Senator Prusi requested the yeas and nays.

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

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

#### Roll Call No. 509

#### Yeas—21

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

#### Nays—13

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

**Excused—0**

**Not Voting—3**

Hunter

Scott

Thomas

In The Chair: Richardville

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

Senator Cropsey moved that the Committee on Energy Policy and Public Utilities be discharged from further consideration of the following bills:

**Senate Bill No. 338, entitled**

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

**Senate Bill No. 533, entitled**

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

**Senate Bill No. 535, entitled**

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

**Senate Bill No. 554, entitled**

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

**Senate Bill No. 557, entitled**

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

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

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, October 1:

**House Bill No. 5463**

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, October 1, for her approval the following bill:

**Enrolled Senate Bill No. 831 at 2:04 a.m.**

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

**House Bill Nos. 5490 5491 5492 5493**

The Secretary announced that the following official bills were printed on Friday, October 2, and are available at the legislative website:

**House Bill Nos. 5494 5495 5496 5497 5498**

**Messages from the Governor****Recess**

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:50 a.m.

12:19 p.m.

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

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

The motion prevailed.

Senator Sanborn's statement is as follows:

While not being one to gloat, Mr. President, Mr. Majority Leader, Lieutenant Governor John Cherry, and Senator Deb Cherry, listen to me very closely. Go right through for MSU; watch the points keep growing; Spartan teams are bound to win; they're fighting with a vim. Rah. Rah. Rah. See their team is weakening; we're going to win this game. Fight. Fight. Rah. Team, fight. Victory for MSU.

Senator Whitmer's statement is as follows:

I think 1966 was the last time Michigan State won back-to-back games against the University of Michigan. I wanted to compliment my colleague Deb Cherry who, unfortunately, is not here, but when you see her, you will notice that she is wearing a lovely green and white ensemble today. I am not in maize and blue. She did decide to adorn it with this hideous scarf, unfortunately. I did just want to acknowledge that I am sure that my colleague from Macomb County is going to make some sort of statement today in which I will happily concur in anticipation of that statement.

The following messages from the Governor were received:

Date: September 30, 2009

Time: 10:25 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 494 (Public Act No. 99), being**

An act to amend 1949 PA 300, entitled "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," by amending sections 208b, 217a, 232, 801, 802, 803b, 803r, 804, 806, 809, 810b, 811e, and 811h (MCL 257.208b, 257.217a, 257.232, 257.801, 257.802, 257.803b, 257.803r, 257.804, 257.806, 257.809, 257.810b, 257.811e, and 257.811h), sections 208b and 232 as amended by 2005 PA 173, sections 217a and 804 as amended and section 803r as added by 2003 PA 152, section 801 as amended by 2008 PA 7, section 802 as amended by 2004 PA 163, section 803b as amended by 2004 PA 426, section 806 as amended by 2008 PA 281, section 809 as amended by 2008 PA 280, section 810b as amended by 2006 PA 549, and sections 811e and 811h as amended by 2006 PA 562; and to repeal acts and parts of acts.

(Filed with the Secretary of State on September 30, 2009, at 11:37 p.m.)

Date: September 30, 2009

Time: 10:28 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 495 (Public Act No. 100), 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 80130, 80315, 81114, and 82156 (MCL 324.80130, 324.80315, 324.81114, and 324.82156), as amended by 2005 PA 174.

(Filed with the Secretary of State on September 30, 2009, at 11:39 p.m.)

Date: September 30, 2009  
Time: 10:30 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 540 (Public Act No. 101), being**

An act to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending section 7 (MCL 28.297), as amended by 2005 PA 172.

(Filed with the Secretary of State on September 30, 2009, at 11:41 p.m.)

Date: October 1, 2009  
Time: 2:25 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 831 (Public Act No. 104), being**

An act to make interim general appropriations for various state departments and agencies, capital outlay, the legislative branch, the judicial branch, and certain other purposes for the period of October 1, 2009 to October 31, 2009; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by various state departments and agencies; to provide for the appointment of special committees; and to declare the effect of this act.

(Filed with the Secretary of State on October 1, 2009, at 2:39 a.m.)

Date: October 1, 2009  
Time: 3:20 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 219 (Public Act No. 105), being**

An act to amend 2007 PA 36, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations,” by amending section 201 (MCL 208.1201), as amended by 2008 PA 168.

(Filed with the Secretary of State on October 1, 2009, at 3:54 p.m.)

Date: October 1, 2009  
Time: 3:22 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 480 (Public Act No. 106), being**

An act to amend 2007 PA 36, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations,” by amending section 515 (MCL 208.1515), as amended by 2007 PA 145.

(Filed with the Secretary of State on October 1, 2009, at 3:56 p.m.)

Date: October 1, 2009  
Time: 3:46 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 164 (Public Act No. 109), 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 section 40114 (MCL 324.40114), as amended by 2008 PA 169.

(Filed with the Secretary of State on October 1, 2009, at 4:02 p.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

The following message from the Governor was received and read:

September 29, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to office under Executive Order 2009-40:

**Disability Concerns Commission**

Mr. Ronald L. Bower of 5370 Martus Road, North Branch, Michigan 48461, county of Lapeer, is appointed for a term commencing September 30, 2009 and expiring November 30, 2011.

Mr. Joseph M. Connelly of 32148 Camborne Lane, Livonia, Michigan 48157, county of Wayne, is appointed for a term commencing September 30, 2009 and expiring November 30, 2012.

Ms. Kathy L. Ford of 4800 Ardmore Avenue, Okemos, Michigan 48864, county of Ingham, is appointed for a term commencing September 30, 2009 and expiring November 30, 2012.

Ms. Miranda M. Grunwell of 660 Charlie Court, Apt. 2B, Portage, Michigan 49002, county of Kalamazoo, is appointed for a term commencing September 30, 2009 and expiring November 30, 2011.

Ms. Mary L. Kelley of 39617 Dun Rovin, Northville, Michigan 48167, county of Wayne, is appointed for a term commencing September 30, 2009 and expiring November 30, 2012.

Mr. Jeffery A. Lang of 2009 Rockdale Avenue, Lansing, Michigan 48917, county of Ingham, is appointed for a term commencing September 30, 2009 and expiring November 30, 2011.

Ms. Jane P. MacFarlane of 510 North Rochester Road, Apt. 202, Clawson, Michigan 48017, county of Oakland, is appointed for a term commencing September 30, 2009 and expiring November 30, 2010.

Ms. Catherine E. Mercer of 4530 Sycamore, Holt, Michigan 48842, county of Ingham, is appointed for a term commencing September 30, 2009 and expiring November 30, 2009, and is reappointed for a term commencing December 1, 2009 and expiring November 30, 2013.

Ms. Dana S. Parker of 1627 Webster Street, Birmingham, Michigan 48009, county of Oakland, is appointed for a term commencing September 30, 2009 and expiring November 30, 2010.

Mr. Brian F. Sheridan of 101 Curry #420, Royal Oak, Michigan 48067, county of Oakland, is appointed for a term commencing September 30, 2009 and expiring November 30, 2010.

Mr. Zachary J. Tomlinson of 11487 Haven Street, Clio, Michigan 48420, county of Genesee, is appointed for a term commencing September 30, 2009 and expiring November 30, 2009, and is reappointed for a term commencing December 1, 2009 and expiring November 30, 2013.

Mr. Daniel R. Vivian of 2012 Kingswood Drive, Lansing, Michigan 48912, county of Ingham, is appointed for a term commencing September 30, 2009 and expiring November 30, 2009, and is reappointed for a term commencing December 1, 2009 and expiring November 30, 2013.

Ms. Steffanie D. Webster of 22880 Mayfield, Farmington, Michigan 48336, county of Oakland, is appointed for a term commencing September 30, 2009 and expiring November 30, 2009, and is reappointed for a term commencing December 1, 2009 and expiring November 30, 2013.

Sincerely,  
Jennifer M. Granholm  
Governor

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

By unanimous consent the Senate proceeded to the order of

**General Orders**

Senator Cropsy 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 Switalski as Chairperson.

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

**House Bill No. 4386, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to

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

**House Bill No. 4655, entitled**

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

**House Bill No. 4658, entitled**

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

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

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

**House Bill No. 4656, entitled**

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



The following is the amendment recommended by the Committee of the Whole:

1. Amend page 2, line 7, after “**SHALL**” by striking out “**ESTABLISHED**” and inserting “**ESTABLISH**”.

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

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

**House Bill No. 4659, entitled**

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

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 3, following line 15, by inserting:

**“(4) THE PROVIDER’S GOVERNING BODY SHALL ESTABLISH A POLICY TO ALLOW A CUSTOMER THE OPPORTUNITY TO ENTER INTO A PAYMENT PLAN FOR AN AMOUNT OWED TO THE PROVIDER THAT IS NOT IN DISPUTE, IF A CUSTOMER CLAIMS AN INABILITY TO PAY IN FULL. A PROVIDER IS NOT REQUIRED TO ENTER INTO A SUBSEQUENT PAYMENT PLAN WITH A CUSTOMER UNTIL THE CUSTOMER HAS COMPLIED FULLY WITH THE TERMS OF AN EXISTING OR PREVIOUS PAYMENT PLAN. A PROVIDER IS NOT REQUIRED TO ENTER INTO A SUBSEQUENT PAYMENT PLAN WITH A CUSTOMER WHO DEFAULTED ON THE TERMS AND CONDITIONS OF A PAYMENT PLAN WITHIN THE LAST 12 MONTHS.”** and renumbering the remaining subsections.

2. Amend page 3, line 25, after “**PROVIDER**” by striking out “**IF THE CLAIM IS**”.

3. Amend page 3, line 25, after “**AMOUNT**” by inserting “**OWED TO THE PROVIDER**”.

4. Amend page 4, line 7, after “**(G)**” by striking out “**THAT**” and inserting “**DURING THE HEATING SEASON,**”.

5. Amend page 4, line 8, after the second “**CUSTOMER**” by inserting “**THAT ENTERS INTO A WINTER PROTECTION PAYMENT PLAN WITH THE PROVIDER**”.

6. Amend page 5, line 4, after “**COMMISSION**” by inserting “**FOR REGULATED UTILITIES**”.

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

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

**House Bill No. 4673, entitled**

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

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 2, line 3, after the first “**THE**” by striking out “**CUSTOMER PAYS**” and inserting “**ELIGIBLE CUSTOMER ENTERS INTO A WINTER PROTECTION PAYMENT PLAN TO PAY**”.

2. Amend page 2, line 5, after the first “**CUSTOMER**” by inserting “**OR THE ELIGIBLE CUSTOMER AND THE UTILITY MUTUALLY AGREE UPON A WINTER PROTECTION PAYMENT PLAN WITH DIFFERENT TERMS**”.

3. Amend page 2, line 13, by striking out all of subsection (2) and renumbering the remaining subsections.

4. Amend page 2, line 20, after “OF” by striking out “THIS SECTION” and inserting “A WINTER PROTECTION PAYMENT PLAN”.

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

By unanimous consent the Senate proceeded to the order of

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

Senators Cassis, Basham and Barcia introduced

#### **Senate Bill No. 883, entitled**

A bill to amend 2004 PA 175, entitled “Streamlined sales and use tax revenue equalization act,” (MCL 205.171 to 205.191) by adding section 14a.

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

Senators Cassis, Jansen and Brown introduced

#### **Senate Bill No. 884, entitled**

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending sections 24, 30c, and 31 (MCL 205.24, 205.30c, and 205.31), section 24 as amended by 2003 PA 201, section 30c as amended by 2007 PA 194, and section 31 as amended by 2002 PA 657.

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

Senator Van Woerkom introduced

#### **Senate Bill No. 885, entitled**

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” (MCL 700.1101 to 700.8102) by adding section 3210.

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

#### **House Bill No. 5463, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” 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.

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

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

#### **Statements**

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

The motion prevailed.

Senator Prusi's statement is as follows:

I was going to wait until Motions and Communications because we have some business that we believe has been left behind here. But under Statements, I would like to rise to ask the question of the majority: Why do we still have six budget bills sitting here in this chamber that we voted to give immediate effect to in last week's conduct of our business? I believe that there have been statements made by the other side of the aisle in days past that encouraged the Governor to sign these bills and to quit playing games. I would put forth the proposition that it is very difficult for the Governor to sign a budget bill that has not appeared upon her desk.

We have given these bills immediate effect reluctantly, but it was with the understanding that once we did so and once the budgets were passed, they would be transmitted to the Governor for her constitutional duty to review and to sign the aforementioned legislation. I am very curious as to why the majority party maintains these bills and holds them in control of the State Senate when, obviously, through statements, you have indicated that you are very proud of the work you have done.

The all-cuts budget that you have put forward is something that you stand behind and is something that you take a great deal of pride in. If you have a great deal of pride in them, if you are indeed satisfied with the work you have done on these budgets, I fail to understand the rationale in leaving these budgets in the Senate and not transmitting them to the Governor for further action.

### Committee Reports

The Committee on Appropriations reported

**Senate Bill No. 776, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 151d (MCL 600.151d), as amended by 2008 PA 197.

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. 4182, entitled**

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending sections 7 and 8 (MCL 12.257 and 12.258), section 7 as amended by 2009 PA 62 and section 8 as amended by 2008 PA 102.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 3, following line 23, by inserting:

**"(8) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2010 ONLY, \$37,500,000.00 OF THE FUNDS IN THE 21ST CENTURY JOBS TRUST FUND IS TRANSFERRED TO AND SHALL BE DEPOSITED INTO THE GENERAL FUND."**

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

Ron Jelinek  
Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson and Barcia

Nays: None

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

The Committee on Appropriations reported

**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 commis-

sion, 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.

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, 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. 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.

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, 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. 5207, entitled**

A bill to authorize the state administrative board to release, accept, and convey certain interests in property in Kalamazoo county; to prescribe certain conditions for the release, acceptance, and conveyance of those interests; to provide for certain powers and duties of the department of management and budget in implementing certain conveyances; to provide for disposition of certain revenue; and to repeal certain acts and parts of acts.

With the recommendation that the bill 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, Cherry, Clark-Coleman and Scott

Nays: Senator Brater

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, September 30, 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

#### Scheduled Meetings

**Appropriations** - Wednesday, October 7, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Subcommittee -**

**Federal Stimulus Oversight** - Wednesday, October 7, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Health Policy** - Wednesday, October 7, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

**Legislative Commission on Government Efficiency** - Wednesday, October 14, 9:00 a.m., Room 426, Capitol Building (373-0212)

**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** - Wednesday, October 7, 1:00 p.m., Room 110, Farnum Building (373-3447)  
(CANCELED)

**Senior Citizens and Veterans Affairs** - Wednesday, October 7, 9:00 a.m., Room 100, Farnum Building (373-2413)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 12:34 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, October 7, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

