

**No. 40**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**95th Legislature**  
**REGULAR SESSION OF 2010**

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Senate Chamber, Lansing, Thursday, May 6, 2010.

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—excused  
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  
Nofs—present

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

Pastor Tom De Vries of Fair Haven Ministries of Hudsonville offered the following invocation:

This is from Colossians, Chapter 3: "Therefore, as God's chosen people, holy and dearly loved, clothe yourselves with compassion, kindness, humility, gentleness and patience. Bear with each other and forgive whatever grievances you may have against one another. Forgive as the Lord forgave you. And over all these virtues put on love, which binds them all together in perfect unity."

Sovereign Lord, we come before You and ask for these, Your gifts. I pray these things over these women and men, Your leaders chosen by You to influence, help, and to heal. We pray that in their inner beings You would give to them compassion, kindness, humility, gentleness, and patience; that You would draw them closer to You so that they would be embraced by Your love, and out of that love, be able to make decisions that unify, bless, and assist.

So we give this time to You. We thank You for Your presence here. In Jesus' name. Amen.

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

### Motions and Communications

The following communication was received and read:  
Office of the Senate Majority Leader

May 5, 2010

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Appropriations Committee hold a hearing on the appointment of Donald Lakin to the Ferris State University Board of Control, and make written recommendations to the Government Operations Committee on this appointment.

Sincerely,  
Senator Michael D. Bishop, Chairman  
Government Operations Committee

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 Wednesday, May 5:  
**House Bill No. 5242**

The Secretary announced that the following official bills and joint resolutions were printed on Wednesday, May 5, and are available at the legislative website:

<b>Senate Bill Nos.</b>	<b>1315</b>	<b>1316</b>																	
<b>Senate Joint Resolution</b>		<b>X</b>																	
<b>House Bill Nos.</b>	<b>6102</b>	<b>6103</b>	<b>6104</b>	<b>6105</b>	<b>6106</b>	<b>6107</b>	<b>6108</b>	<b>6109</b>	<b>6110</b>	<b>6111</b>	<b>6112</b>	<b>6113</b>	<b>6114</b>	<b>6115</b>					
	<b>6116</b>	<b>6117</b>	<b>6118</b>	<b>6119</b>	<b>6120</b>	<b>6121</b>	<b>6122</b>	<b>6123</b>	<b>6124</b>	<b>6125</b>	<b>6126</b>	<b>6127</b>	<b>6128</b>						
<b>House Joint Resolution</b>		<b>EE</b>																	

### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:08 a.m.

10:59 a.m.

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

During the recess, Senator Prusi entered the Senate Chamber.

### Messages from the Governor

The following messages from the Governor were received and read:

May 5, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office under Section 46 of the Michigan Occupational Safety and Health Act, 1974 PA 154, MCL 408.1046:

#### **Board of Health and Safety Compliance and Appeals**

Ms. Monica J. Donofrio of 18640 Midway Avenue, Allen Park, Michigan 48101, county of Wayne, succeeding Susan Paauwe, whose term has expired, is appointed to represent management in the health field, for a term commencing May 5, 2010 and expiring March 18, 2012.

Mr. John P. Kuriakuz of 4460 Hardwoods Drive, West Bloomfield, Michigan 48323, county of Oakland, succeeding Leopold Borrello, whose term has expired, is appointed to represent the general public, for a term commencing May 5, 2010 and expiring March 18, 2011.

Mr. John M. Reilly of 322 Randolph Street, Mason, Michigan 48854, county of Ingham, succeeding John Folts, whose term has expired, is appointed to represent labor in the general industry, for a term commencing May 5, 2010 and expiring March 18, 2014.

Mr. Henry Yanez of 14052 Bery Drive, Sterling Heights, Michigan 48312, county of Macomb, succeeding Cynthia Ostrowski, whose term has expired, is appointed to represent employees in the health field, for a term commencing May 5, 2010 and expiring March 18, 2013.

Mr. Lee A. Graham of 12369 Orchard Wood Drive, Fenton, Michigan 48430, county of Genesee, is reappointed to represent labor in the construction industry, for a term expiring March 18, 2012.

May 5, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Sections 16121 and 16907 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.16907:

#### **Board of Marriage and Family Therapy**

Ms. Marcia L. Royer of 132 Allen Avenue, Alma, Michigan 48801, county of Gratiot, succeeding Diane Jordan, whose term has expired, is appointed to represent licensed marriage and family therapists, for a term commencing May 5, 2010 and expiring June 30, 2011.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations.

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 bill:

#### **House Bill No. 5765, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16521, 17025, 17903, and 18705 (MCL 333.16521, 333.17025, 333.17903, and 333.18705), section 16521 as amended by 2006 PA 397, section 17025 as amended by 2006 PA 161, section 17903 as amended by 2006 PA 387, and section 18705 as amended by 2006 PA 407.

The bill 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****Senate Resolution No. 88**

The motion prevailed.

**House Concurrent Resolution No. 47.**

A concurrent resolution to urge the President of the United States to ensure that recreational fishing and boating are national priorities in the Interagency Ocean Policy Task Force's final report and to recognize the primacy of state management in the Great Lakes region.

Whereas, Recreational fishing and boating are a vital part of our nation's heritage and have a significant impact on employment, the economy, and the quality of life in this country. Recreational fishing is a \$125 billion industry, enjoyed by more than 60 million anglers and supporting over a million jobs nationwide; and

Whereas, Nearly 1.5 million Michigan residents and visitors enjoy fishing on Michigan's rivers, inland lakes, and Great Lakes. Each year, recreational anglers pour an estimated \$1.7 billion into Michigan's economy, accounting for over 27,000 jobs; and

Whereas, President Obama has created an Interagency Ocean Policy Task Force to recommend a national policy for our nation's oceans, coasts, and Great Lakes. The task force has generated two interim reports with recommendations, including recommendations for a federally led process to plan future use and management of ocean, coastal, and Great Lakes resources; and

Whereas, The Interagency Ocean Policy Task Force has not clearly recognized recreational fishing and boating as a national priority for the oceans, coasts, and Great Lakes in its interim reports. Providing the angling public with access to public resources is no less important than, and not mutually exclusive with, conserving those resources. Without proper recognition, recreational fishing opportunities could become more limited, curtailed, or even potentially eliminated in many areas; and

Whereas, The Interagency Ocean Policy Task Force has not properly recognized the role of the states in managing the Great Lakes. The Great Lakes states have jurisdiction over the Great Lakes and the lead role in managing Great Lakes resources. The interim report appears to create the potential for a larger federal role in managing the lakes, potentially infringing on state sovereignty. The maintenance of state management is imperative to maintaining efficient resource management that is responsive to recreational anglers and all other resources users; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the President of the United States to ensure that recreational fishing and boating are national priorities in the Interagency Ocean Policy Task Force's final report and to recognize the primacy of state management in the Great Lakes region; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The House of Representatives has adopted the concurrent resolution.

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

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 Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Allen, Anderson, Cropsey and Pappageorge were named co-sponsors of the concurrent resolution.

Senator Clarke entered the Senate Chamber.

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

Senators Kuipers, Brown, Van Woerkom, Hardiman, George, Jansen, Jelinek, Sanborn and Kahn introduced

**Senate Bill No. 1317, 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," by amending section 10a (MCL 460.10a), as amended by 2008 PA 286.

The bill was read a first and second time by title and referred to the Committee on Energy Policy and Public Utilities.

Senator Barcia introduced

**Senate Bill No. 1318, entitled**

A bill to adopt an official state poem.

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

Senators Switalski and Olshove introduced

**Senate Bill No. 1319, entitled**

A bill to amend 1963 PA 213, entitled "An act to provide a procedure for bonding contractors for public buildings and public works of governmental units; and to repeal certain acts and parts of acts," by amending the title and sections 1, 2, 3, 6, and 7 (MCL 129.201, 129.202, 129.203, 129.206, and 129.207), section 1 as amended by 1982 PA 11.

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

Senator Van Woerkom introduced

**Senate Bill No. 1320, entitled**

A bill to authorize the state administrative board to convey certain state owned property in Mason county; to prescribe conditions for the conveyance; and to provide for disposition of revenue derived from the conveyance.

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

Senator Gleason introduced

**Senate Bill No. 1321, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5838a and 5851 (MCL 600.5838a and 600.5851), section 5838a as amended by 1993 PA 78 and section 5851 as amended by 1993 PA 283.

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

**House Bill No. 5242, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 74b.

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 Families and Human Services.

**House Bill No. 5958, entitled**

A bill to amend 1967 PA 270, entitled "An act to provide for the collection, reporting, and release of certain information or data relating to health care research or education, patient safety, health care entities, practitioners, or professions, or certain governmentally funded programs; to limit the liability with respect to the collection, reporting, and release of certain information or data; and to safeguard the confidential character of certain information or data," by amending section 2 (MCL 331.532), as amended by 1993 PA 86.

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 Judiciary.

**House Bill No. 5959, entitled**

A bill to amend 1975 PA 46, entitled "An act to create the office of the legislative corrections ombudsman; to prescribe the powers and duties of the office, the ombudsman, the legislative council, and the department of corrections; and to provide remedies from administrative acts," by amending section 5 (MCL 4.355).

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 Judiciary.

**Recess**

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 11:07 a.m.

11:16 a.m.

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

By unanimous consent the Senate returned to the order of  
**Messages from the House**

Senator Cropsey moved that consideration of the following bill be postponed for today:  
**House Bill No. 4514**  
The motion prevailed.

Senator Thomas moved that Senator Prusi be temporarily excused from the balance of today’s session.  
The motion prevailed.

Senator Thomas moved that Senator Barcia be excused from today’s session.  
The motion prevailed.

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

**Senate Bill No. 484, entitled**

A bill to amend 1982 PA 204, entitled “Deaf persons’ interpreters act,” (MCL 393.501 to 393.509) by adding section 8f. The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,  
Senator Cropsey moved that the rule be suspended.

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

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

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

**Roll Call No. 227**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Barcia	Jelinek	Prusi
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**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 full title.  
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

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

**House Bill No. 4900**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4900, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2441 (MCL 333.2441), as amended by 1986 PA 76, and by adding section 2443.

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. 228****Yeas—35**

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

**Nays—0****Excused—3**

Barcia	Jelinek	Prusi
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**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 protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates;”.

The Senate agreed to the full title.

#### **Recess**

Senator Cropsey moved that the Senate recess until 1:15 p.m.

The motion prevailed, the time being 11:26 a.m.

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

#### **Recess**

Senator Brown moved that the Senate recess until 2:00 p.m.

The motion prevailed, the time being 1:16 p.m.

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

#### **Recess**

Senator Cropsey moved that the Senate recess until 3:00 p.m.

The motion prevailed, the time being 2:01 p.m.

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

#### **Recess**

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

The motion prevailed, the time being 3:01 p.m.

4:07 p.m.

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



By unanimous consent the Senate returned to the order of  
**Resolutions**

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

**Senate Resolution No. 152**

The resolution consent calendar was adopted.

Senators Kahn and Bishop offered the following resolution:

**Senate Resolution No. 152.**

A resolution commemorating the First Annual Chaldean American Legislative Day.

Whereas, 120,000 Chaldeans reside in the state of Michigan, the largest such population outside of the Middle East; and

Whereas, Chaldeans, who are Iraq's indigenous people and are Aramaic-speaking, Eastern Rite Catholics, have contributed to the great state of Michigan since migrating to America; and

Whereas, 61 percent of Chaldean households own at least one business and 39 percent own two or more. The Chaldean American Chamber of Commerce represents more than 12,000 estimated Chaldean-owned businesses in the state of Michigan. With the recent influx of Iraqi Chaldean refugees who have fled their ancestral lands and migrated to Michigan to seek economic, political, and religious freedom, the population of Chaldeans continues to grow in the state of Michigan; and

Whereas, It is estimated that between 10,000 and 25,000 more Chaldean Iraqis will resettle in Michigan over the next two to three years; and

Whereas, The Chaldean Community Foundation, through the assistance of the Michigan Department of Community Health, helps provide services to the newly-arrived Iraqi Chaldean refugees and others and is working to help the refugees assimilate and become contributing citizens to the state of Michigan; now, therefore, be it

Resolved by the Senate, That we join with the entire state in acknowledging the contributions of Chaldean Americans, as this entrepreneurial community is an important part of Michigan's diverse history; and be it further

Resolved, That we hereby commemorate the First Annual Chaldean American Legislative Day on May 11, 2010; and be it further

Resolved, That a copy of this resolution be transmitted to the Chaldean American Chamber of Commerce as evidence of the highest esteem of the members of the Michigan Legislature.

By unanimous consent the Senate returned to the order of  
**Messages from the House**

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

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

**Senate Bill No. 1061, entitled**

A bill to amend 1974 PA 359, entitled "An act to authorize the department of natural resources to convey certain lands lying within the boundaries of the lakeshore zone and parkway location of the Sleeping Bear dunes national lakeshore park to the United States; to provide for cession of certain jurisdiction of this state and to determine the measure thereof over such lands; to authorize acceptance of relinquished jurisdiction over such lands or portions thereof; and to repeal certain acts and parts of acts," by amending section 8 (MCL 3.908), as amended by 1996 PA 30; and to repeal acts and parts of acts.

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

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

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

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

Senators Prusi, Clarke and Whitmer entered the Senate Chamber.

**Senate Bill No. 757, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1278b (MCL 380.1278b), as amended by 2009 PA 204.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator Cropsey moved that the rule be suspended.

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

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

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

**Roll Call No. 229**

**Yeas—32**

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

**Nays—3**

Basham	Clark-Coleman	Nofs
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**Excused—3**

Barcia	Jelinek	Patterson
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**Not Voting—0**

In The Chair: Richardville

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

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

The Senate agreed to the full title.

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

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

The motion prevailed.

Senator Kahn's statement is as follows:

Senate Bill No. 757 requires schools to give seventh-grade students the opportunity to develop an educational development plan. It also allows students to take statistics, functions, or data analysis instead of Algebra II. I urge its passage.

By unanimous consent the Senate proceeded to the order of  
**Statements**

Senators Scott, Cassis, Hardiman, Anderson, Brown, Cropsey, Cherry and Gilbert asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

President Theodore Roosevelt said, "This country will not be a good place for any of us to live unless we make it a good place for all of us to live." Don't get me wrong. I know that we are blessed to live in this country and this state. Because I know this, I am even more determined to make sure that everyone is treated fairly. Because I know we are all human and not perfect, I know that we can all make mistakes. The one mistake that we have made and that I am determined to fix is the mistake that allows auto insurance companies to charge exorbitant rates because of where a person lives.

Insurance rates should be based on your driving record and the kind of car you drive—that's fair. The other factors that insurance companies now use to determine rates are not fair. If we want Michigan to be a good place for all our citizens, we need to move on auto insurance reform.

Senator Cassis' statement is as follows:

Novi's most famous citizen passed away on Monday. The loss of Ernie Harwell has deeply saddened those he touched throughout his legendary career in broadcasting. In remembrance of Ernie and as an expression of our condolences to his family, we join in offering this tribute as a symbol of our respect.

He was an outstanding American sportscaster, a devoted husband, dear friend, and model citizen of Novi. He enriched countless lives and will be genuinely missed. Ernie Harwell was the voice of baseball for millions of Tigers fans. More than that, he was the sound of summer for fathers and sons and daughters in Michigan. He touched us by making the game come alive over radio. After a foul ball, he was made famous for saying that quote, "A man from Saginaw will be taking that one home." Or "A lady from Kalamazoo caught that one." It was almost like he knew us literally, and that intimacy brought us closer to the game and to him.

Ernie Harwell was born in 1918 and was raised in Georgia. He was broadcasting games for the Atlanta Crackers when he got his big break in 1948. The Brooklyn Dodgers needed an announcer, and the Crackers needed a catcher. So Ernie became the only announcer ever acquired in a trade for a player.

You know, I was born in Brooklyn, New York. My father is almost 99 years old. He was always an avid Dodgers fan and, of course, so was I. Ernie's time with the Dodgers began a 55-year career of broadcasting major league games. In 1960, Ernie came to Michigan, and he started a 42-year run as the voice of the Detroit Tigers.

While we know that Ernie received more awards and honors than could possibly be listed, some include: induction into nine halls of fame and enshrinement in the broadcasters' wing of the Baseball Hall of Fame in Cooperstown, New York.

The passing of Ernie Harwell has left an unfillable void for all Tigers fans and also to the Novi community that he called home in his last days.

We extend our condolences to those who are suffering from his loss, especially his family, colleagues, fans, and friends. We can all benefit from the example of the marriage between Ernie and his beloved wife Lulu—a romance that lasted 68 years. Lulu was always his treasure. So to Lulu, his sons Bill and Gray, and his twin daughters Carolyn and Julie, we celebrate today your pride in Ernie's contributions. May they know of our deepest condolences and respect for Ernie's spirit and contributions on behalf of all Michiganians. May his loved ones know and allow us to share in their sorrow and also their joy as we commend with honor his lasting memory. Thank you, Ernie, God bless you.

Senator Hardiman's statement is as follows:

I rise to offer comments on this National Day of Prayer. We passed a resolution yesterday to commemorate the National Day of Prayer, and I thank members for their support. The importance of prayer, religion, and morality have always been widely noted and accepted throughout our nation's history. For example, here are some of the statements:

"Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other." — John Adams

"Religion and morality are the essential pillars of civil society." — George Washington

Prayer for the people of this land has even predated our time as a country. One of the most famous messages of faith in our early history was written by John Winthrop on board the ship *Arrabella* as he crossed to the new land in 1630. We remember this best for his call for America to be a city shining on a hill, but there is another part of his message that is equally important and speaks to what the National Day of Prayer is. He wrote then, "Now the only way to provide for our posterity is to follow the counsel of Micah, to do justly, to love mercy, to walk humbly with our God, for this end we must be knit together in this work as one man..."

This is critical to our understanding of the National Day of Prayer. It is not a call to arrogance, to superiority or self-righteousness, but a call to humility and to service. The National Day of Prayer is not a declaration of our superiority, but a confession of our need. It is a recognition that even our great assembled gifts of knowledge and insight are insufficient for our challenges.

Surely, our time is such a time as the time John Winthrop faced. We have left behind our old economy and sail a stormy sea toward a new land. My prayer is that we will approach our journey and destination as he did with gratitude for divine mercy and reliance on divine grace.

This support for faith in the public square has been part of the Constitution of 1963 in our state and in earlier versions. I respect the ability of all to choose their faith. However, I thank God for a time when as a nation, as a state, we can lift our hearts, our voices, to our Creator.

May God bless all of those who do so. May God bless this great state of Michigan. May God bless America.

Senator Anderson's statement is as follows:

The federal government has taken action to help turn our national economy around with the American Recovery and Reinvestment Act, which led to 96,000 jobs in Michigan during the first quarter of 2010 and another short-term extension of federal unemployment benefits that passed earlier this month. This body was unified in passing a resolution to make sure that the Recovery Act funds distributed to the state were directed to local businesses and local workers in Michigan. Why, then, hasn't there been action on—let alone support for—legislation that would essentially accomplish the same thing at the state level?

Hire Michigan First would require that state-funded projects place a preference on hiring Michigan workers for those jobs. Seems simple enough. But Senate Republicans are willing to tell Washington to direct government money to Michigan workers, but seem unable to practice what they find so easy to preach and do the same thing with state dollars. This is a simple way to help address our state's economic troubles, and it should not be bogged down in partisanship and politics.

Michigan's unemployment rate for March was 14.1 percent, which still puts us with the highest unemployment rate in the country. In fact, March marked the 48th month in a row that Michigan has had either the highest or second-highest unemployment rate in the country. How can we talk about anything else?

For the good of this state, it is time for the Senate Republican majority to live up to its leadership label and start passing legislation that will actually help Michigan's economy, and support the workers and their families we all represent.

Senator Brown's statement is as follows:

I, too, rise to acknowledge this day of National Day of Prayer and to reflect on the great mercies and blessings that Providence has bestowed upon this nation. We share in this chamber some strong emotions at times. We share some lively debates. We share some differences of opinion and, believe it or not, we even share some friendship. But one thing we do share every morning is a prayer. The Scriptures say we should pray without ceasing, an attitude of prayer. Oswald Chambers said, "Prayer is not the preparation for greater work; it is the greater work."

I would simply join with so many colleagues and Michigan citizens and those across the country to invoke God's blessing upon this country, and ask that those blessings be extended far into the future generations of citizens of America so that they, too, can share the blessings of freedom and liberty for which we have been greatly blessed.

Senator Cropsey's statement is as follows:

The other day the Senator from the 26th District, I believe it was, and today the Senator from the 6th District talked about how we need to pass Buy Michigan First legislation. Every budget we pass, I think, has Buy Michigan First in it. I believe the Governor has issued an executive order several years ago that was Buy Michigan First to give preference, as best we can, to Michigan vendors.

I don't know what the big brouhaha is about the Republicans standing in the way when these have been budget bills; that if I recall right, it seems like there have been some budgets in which the Governor has tried to take that language out, but we keep putting it back into the budgets.

I am not sure what the Senators from the 6th and 26th Districts are talking about, unless they think the Governor's executive order is not effective. If that is the case, you might want to talk to the Governor. But I think we do everything we possibly can do, at least through the budget bills, to make sure that Michigan vendors are given as much preference as we are legally allowed to do.

Senator Cherry's statement is as follows:

I just wanted to clarify that all of the statements I have been making relate to hiring Michigan workers, not buying Michigan products. The former speaker is correct. We do have in the budget incentives and language to encourage people to buy Michigan products. The statements I have been talking about are specifically related to hiring Michigan workers and passing legislation that makes sure we do that and provides opportunity for Michigan workers to get jobs.

### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 4:34 p.m.

4:53 p.m.

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

Senator Gilbert's statement is as follows:

Mr President and Senate colleagues, I want everyone to know that we—Senator Jansen, myself, and the leadership—will stay and try to close this deal on the school retirement system. But I want to make some comments about some of the things that were in the press last night. Quite frankly, I am outraged by some of the things that have, apparently, been said about Senate Republicans regarding these negotiations. It has been said that we're treating this like a game; this, after numerous offers to the Democrats. Our latest and best offer was very generous and sensible. It was not a tactic, not a negotiating ploy, and, Mr. President, I take serious issue with the suggestion that it was.

I introduced Senate Bill No. 1227 at the request of the Governor. I do not take that request lightly. Other people may consider this a game, but when billions of dollars of our state budget are at stake and then children's futures are at stake, it is irresponsible to do so.

We will continue to work on this issue, and I hope that things are characterized in a little fairer manner as we go forward.

### Committee Reports

The Committee on Economic Development and Regulatory Reform reported

**Senate Bill No. 825, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 640 (MCL 500.640), as amended by 1992 PA 182.

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, Hunter 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

**House Bill No. 5313, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2603 (MCL 339.2603), as amended by 1999 PA 170.

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, May 5, 2010, at 1:00 p.m., Rooms 402 and 403, Capitol Building  
Present: Senators Sanborn (C), Richardville, Allen, Gilbert, Thomas, Hunter and Jacobs

## COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submitted the following:

Meeting held on Tuesday, May 4, 2010, at 12:30 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Pappageorge (C), Van Woerkom, Kuipers, Barcia and Clarke

## COMMITTEE ATTENDANCE REPORT

The Senate Fiscal Agency Board of Governors submitted the following:

Meeting held on Wednesday, May 5, 2010, at 9:15 a.m., Senate Majority Leader's Conference Room, Room S-101, Capitol Building

Present: Senators Bishop (C), Jelinek, Pappageorge, Prusi and Switalski

## COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Wednesday, May 5, 2010, at 1:00 p.m., Room 110, Farnum Building

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

Excused: Senator Patterson

## COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, May 6, 2010, at 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower

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

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Thursday, May 6, 2010, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Stamas (C), George, Hardiman, Kahn, Anderson and Brater

Excused: Senator Barcia

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Thursday, May 6, 2010, at 2:00 p.m., Room 110, Farnum Building

Present: Senators Pappageorge (C), Jansen, McManus, Anderson and Cherry

**Scheduled Meetings**

**Administrative Rules** - Tuesday, May 11, 12:30 p.m., Room 100, Farnum Building (373-6476)

**Appropriations -****Subcommittees -**

**General Government** - Wednesday, May 12, 9:00 a.m., Room 110 and Thursday, May 13 (CANCELED), 2:00 p.m., Farnum Building (373-2768)

**Higher Education** - Thursday, May 13, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Judiciary and Corrections** - Tuesday, May 11, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768) (CANCELED)

**State Police and Military Affairs** - Tuesday, May 11, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**Commerce and Tourism and House Intergovernmental and Regional Affairs** - Tuesday, May 11, 3:00 p.m., Room 519, South Tower, House Office Building (373-2413)

**Legislative Retirement Board of Trustees -**

**Subcommittee -**

**Health Plan** - Monday, May 10, 12:30 p.m., Room 929, South Tower, House Office Building (373-0575)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 4:55 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, May 11, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

