

No. 73
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Tuesday, September 22, 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—excused
Hunter—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present

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

Reverend Dr. Michael Anthony Grier of Brown's Chapel Missionary Baptist Church of Detroit offered the following invocation:

Dear Heavenly Father, I come to You in the mighty name of Jesus, thanking You and praising You for our great nation. I thank You for the plan You gave to our forefathers by which to govern our nation and for the division of powers so that our destiny does not rest in the hands of just one person.

In praying for those in authority, I, therefore, lift up our Senate to You, our Heavenly Father. I ask that You would give them the wisdom to make decisions and the strength to continue to guide our state; that You would prosper our nation that we may live as a united people, one nation under God; and that their decisions are for peace and the well-being of all.

This I ask in the name of Jesus Christ. Amen.

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

Motions and Communications

Senators Jansen and Bishop entered the Senate Chamber.

Senator Cropsey moved that Senator Hardiman be excused from today's session.
The motion prevailed.

The Secretary announced the enrollment printing and presentation to the Governor on Monday, September 21, for her approval the following bills:

Enrolled Senate Bill No. 219 at 10:26 a.m.

Enrolled Senate Bill No. 700 at 10:28 a.m.

Enrolled Senate Bill No. 701 at 10:30 a.m.

Enrolled Senate Bill No. 703 at 10:32 a.m.

Enrolled Senate Bill No. 706 at 10:34 a.m.

Enrolled Senate Bill No. 707 at 10:36 a.m.

Enrolled Senate Bill No. 710 at 10:38 a.m.

Enrolled Senate Bill No. 712 at 10:40 a.m.

Enrolled Senate Bill No. 480 at 10:42 a.m.

Messages from the House

Senator Thomas moved that Senators Barcia and Brater be temporarily excused from today's session.
The motion prevailed.

Senate Bill No. 253, entitled

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

The House of Representatives has appointed Reps. LeBlanc, Espinoza and Genetski as conferees to join with Sens. Garcia, Cropsey and Barcia.

The bill was referred to the Conference Committee on September 21, 2009.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:06 a.m.

10:43 a.m.

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

During the recess, Senators Garcia, Barcia, Brater and Cherry entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

Senate Bill No. 715

Senate Bill No. 726

Senate Bill No. 722

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 715, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 154 (MCL 280.154).

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. 462

Yeas—35

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

Nays—0

Excused—1

Hardiman

Not Voting—1

Gleason

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 726, entitled

A bill to amend 2008 PA 33, entitled "Michigan planning enabling act," by amending section 15 (MCL 125.3815).

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. 463

Yeas—36

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

Nays—0

Excused—1

Hardiman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 722, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21529; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 464

Yeas—36

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

Nays—0

Excused—1

Hardiman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President, 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 with a substitute therefor, the following bill:

Senate Bill No. 634, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1280c. Substitute (S-1).

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Switalski introduced

Senate Bill No. 854, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by amending the title and by adding section 16302.

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

Senator Prusi introduced

Senate Bill No. 855, entitled

A bill to amend 1899 PA 188, entitled "Michigan estate tax act," by amending sections 32, 33, and 56 (MCL 205.232, 205.233, and 205.256), sections 32 and 33 as added by 1993 PA 54 and section 56 as amended by 1998 PA 277, and by adding section 32a.

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

Senators Stamas and Allen introduced

Senate Bill No. 856, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 89a and 89d (MCL 125.2089a and 125.2089d), section 89a as added by 2008 PA 100 and section 89d as added by 2008 PA 98.

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

Senators Van Woerkom and Allen introduced

Senate Bill No. 857, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 434 (MCL 208.1434), as amended by 2009 PA 26.

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

Senators Kahn, Garcia, Jansen, Kuipers, Barcia, Stamas, George and Switalski introduced

Senate Bill No. 858, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 2912i.

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

Senators Pappageorge, McManus and Brown introduced

Senate Bill No. 859, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 50, 205, 215, 217, 224, 225, 226, 227, 228, 229, 233, 234, 237, 256, 257, 258, 259, 801b, 801h, 803a, 803b, 803m, 803p, 811f, 904, 905, and 907 (MCL 257.50, 257.205, 257.215, 257.217, 257.224, 257.225, 257.226, 257.227, 257.228, 257.229, 257.233, 257.234, 257.237, 257.256, 257.257, 257.258, 257.259, 257.801b, 257.801h, 257.803a, 257.803b, 257.803m, 257.803p, 257.811f, 257.904, 257.905, and 257.907), section 205 as amended by 1980 PA 398, section 217 as amended by 2005 PA 36, section 224 as amended by 2006 PA 177, section 225 as amended by 1995 PA 129, section 226 as amended by 2004 PA 163, section 227 as amended by 1995 PA 287, section 229 as amended by 1988 PA 276, section 233 as amended by 2006 PA 599, section 234 as amended by 2002 PA 552, section 237 as amended by 1980 PA 460, section 256 as amended by 1987 PA 34, section 257 as amended by 1992 PA 309, section 258 as amended by 1999 PA 73, section 801b as amended by 1986 PA 311, section 801h as added by 1996 PA 551, section 803a as amended and section 803p as added by 1996 PA 404, section 803b as amended by 2004 PA 426, section 803m as amended by 2003 PA 152, section 811f as amended by 2006 PA 562, section 904 as amended by 2008 PA 461, and section 907 as amended by 2008 PA 463; and to repeal acts and parts of acts.

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

Statements

Senators Scott, Anderson, Patterson and Prusi 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:

There may be a lot of things that we disagree on here in the Senate, but I would guess that we could all agree on one thing—I, Martha G. Scott, am insistent. I don’t give up easily. In fact, I don’t give up at all, which you all know from listening to me these past several years.

So when I quote Mary Church Terrell, you’ll know what I’m talking about. In 1938, she wrote in *The Journal of Negro History* and said, “Keep on moving, keep on insisting, and keep on fighting injustice.” And that’s what I will keep on doing every day until we come together and create fairness in the auto insurance that we require Michigan drivers to buy.

Senator Anderson’s statement is as follows:

Yesterday, I spoke to members during Statements about the Promise grant and what it means to our students and their families across the state and to our constituents. I wanted today to share with you a few e-mails that I have received from some folks back in my district. I am sure many of you have received very similar e-mails with folks talking about what it means to them and their children who are in our higher education institutions.

The first one is from a mother in Livonia: “My daughter is beginning her second year at Michigan Technological University and we are struggling to pay for her education. We received notification from the university that her Michigan Promise scholarship of \$1,000 has been revoked. This scholarship contributed to her decision to stay in the state of Michigan for her studies. She received other offers out of state for other educational opportunities but turned them down to stay here.”

The second one: “I am one of the recipients of the Michigan Promise Scholarship. Right now I am attending Schoolcraft Community College and just have this year before I transfer. I am one of many students who pay for my tuition, books, fees,

etc. out of my pocket. I was in a rollover accident in December and my car was totaled. I have no public transportation system. I had to buy another car in order to maintain my employment status and continue my education. This purchase wiped out all of my savings. I simply do not have the money to make up the loss of this scholarship.” This was a student from Garden City.

The third one: “My son is registered with Michigan Institute of Aviation and Technology and is counting on that \$4,000 to help pay for the \$32,000 tuition. My husband has been reduced to 10 hours a week for the last three months and this money would greatly help not only my son, but my husband by relieving his worries about helping my son pay for college. Just imagine if it was your child having this ‘promise’ broken. With Michigan families going through so much hardship, please don’t carry our problems down to our children.” A mother from Livonia.

And, finally, a student from Westland: “This proposed cut would be the equivalent to a breach of contract. Students from across the state of Michigan have earned their Michigan Promise awards through hard work and many hours of testing throughout elementary and high school. The awards were a part of their financial aid planning. This is not the time for the state of Michigan to cut its commitment to its young people or increase the financial burden on Michigan families.

If the Senate votes to cut the Michigan Promise Scholarship, the Legislature is effectively saying to young people in Michigan that we are not committed to your success. The Michigan Promise Scholarship gives students who never had any hope to attend post-secondary school hope.”

I would again encourage colleagues to think long and hard because I know we all realize, and we should realize, that there are real people—real young people and others who are behind these numbers we are talking about when we are dealing with this higher ed budget. So I would urge you to think about it, and my hopes were that you would hear the comments from some of those students and their parents.

Senator Patterson’s statement is as follows:

During our extensive time here in Lansing, I have had an opportunity to reflect on a number of articles. I would like to bring to your attention one that appeared in the *Wall Street Journal* yesterday. “When it comes to greenhouse-gas emissions, Energy Secretary Steven Chu sees Americans as unruly teenagers and the Administration as the parent that will have to teach them a few lessons. Speaking on the sidelines of a smart grid conference in Washington, Dr. Chu said he didn’t think average folks had the know-how or will to change their behavior enough to reduce greenhouse-gas emissions. ‘The American public...just like your teenage kids, aren’t acting in a way that they should act.’”

Hmm, now I must go on to say that an energy spokesman attempted to clarify—re-spin—Dr. Chu’s remarks by saying, “Secretary Chu was not comparing the public to teenagers.” Hmm, the American public just like your teenage kids. Hmm, Dr. Chu, are you familiar with the English language? Can we all say nanny state? Do we all recall the 10th Amendment?

Who is it that is supposed to be governing, and under what authority are they to govern? We the people aren’t smart enough?

Senator Prusi’ statement is as follows:

My colleague from the 6th District reading the e-mails from his college students and the families who are dependant on the Promise grants did a very fine job. I am sure all of us have received similar e-mails, but at 3 o’clock, just a few hours from now, there are going to be representatives from virtually every university and independent college in the state. They are here to storm the Capitol to save the Promise grant. In previous statements over the last couple of weeks, you have heard me reiterate this caucus’ commitment to saving the Promise grants, but at 3 o’clock, I would just like to invite all of my colleagues—those who want to save the Promise grants and those who have voted to eliminate the Promise grants—to come out and listen to these young students, these bright students, who are the future of the state of Michigan, who are the future of our economy.

I would invite you to come out and explain to them why you do not support the Promise grants or why you do, indeed, want to see the revenue put into our budget that would reinforce our promise and allow these young people the opportunity to complete their higher education here in the state of Michigan.

So at 3 o’clock, there will be thousands of college kids who want to have answers. I would encourage my colleagues to stop out and provide those answers as to your position on the Michigan Promise grants as we move forward through this budget. So 3 o’clock, be there.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Foreclosure Proceedings on Residential Property (HB 4453) submitted the following:
Meeting held on Wednesday, May 13, 2009, at 12:30 p.m., Room 308, South Tower, House Office Building
Present: Senators Richardville, Sanborn and Hunter

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Written Notice for Residential Property Foreclosure (HB 4454) submitted the following:
 Meeting held on Wednesday, May 13, 2009, at 12:35 p.m., Room 308, South Tower, House Office Building
 Present: Senators Richardville, Sanborn and Hunter

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Modified Mortgage Loan Payment/FDIC Workout Program (HB 4455) submitted the following:
 Meeting held on Wednesday, May 13, 2009, at 12:40 p.m., Room 308, South Tower, House Office Building
 Present: Senators Richardville, Sanborn and Hunter

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Regional Convention Facility Leasing Authority (HB 4998) submitted the following:
 Meeting held on Thursday, June 25, 2009, at 11:00 a.m., Room 428, Capitol Building
 Present: Senators Allen, Gilbert and Hunter

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Community Colleges (HB 4435) submitted the following:
 Meeting held on Monday, September 21, 2009, at 3:00 p.m., Room 424, Capitol Building
 Present: Senators Hardiman, Garcia and Clark-Coleman

Scheduled Meetings

Agriculture and Bioeconomy - Thursday, September 24, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittee -**

Capital Outlay - Thursday, September 24, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)
 (CANCELED)

Conference Committees -

Agriculture (SB 237) - Wednesday, September 23, 9:30 a.m., Rooms 402 and 403, Capitol Building (373-2768)

Education (HB 4438) - Wednesday, September 23, 8:40 a.m., Room 352, Capitol Building (373-8080)

Energy, Labor, and Economic Growth (SB 243) - Wednesday, September 23, 8:30 a.m., Room 110, Farnum Building (373-2768)

Environmental Quality/Natural Resources (HB 4446) - Wednesday, September 23, 8:30 a.m., Room 426, Capitol Building (373-8080)

General Government (SB 245) - Wednesday, September 23, 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Higher Education (HB 4441) - Wednesday, September 23, 9:30 a.m., Room 352, Capitol Building (373-8080)

K-12, School Aid (HB 4447) - Wednesday, September 23, 8:30 a.m., Room 352, Capitol Building (373-8080)

State Police (SB 253) - Wednesday, September 23, 9:15 a.m., Rooms 402 and 403, Capitol Building (373-2768)

Energy Policy and Public Utilities - Wednesday, September 23, 1:00 p.m., Room 210, Farnum Building (373-7350)

Legislative Commission on Government Efficiency - Thursday, September 24, 9:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

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

State Drug Treatment Court Advisory Committee - Tuesday, September 29, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:05 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, September 23, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

