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Senate Chamber, Lansing, Wednesday, April 14, 2010.

10:00 a.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

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

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

Garcia—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present
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

Senator Thomas M. George of the 20th District offered the following invocation:

I thought that in honor of Ernie Harwell, I would read from Song of Solomon, which he always uses at the beginning of the baseball season. In this brief reading, “winter” represents a sense of guilt and sinfulness; “flowers” represent the communication of God’s grace; and “turtle” represents meekness and faithfulness of believers.

“For lo, the winter has passed; the rain is over and gone; the flowers appear on the earth; the time of the singing of birds has come, and the voice of the turtle is heard in our land.”

The Secretary of the Senate led the members of the Senate in recital of the *Pledge of Allegiance*.

The President pro tempore, Senator Richardville, assumed the Chair.

Senators Patterson, McManus, Cherry, Allen, Basham, Thomas, Van Woerkom, Kahn, Barcia, Gilbert and Garcia entered the Senate Chamber.

Motions and Communications

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

The motion prevailed.

Senator Switalski’s statement is as follows:

I have an intern who is working her last day for me today. Elaine Barr is in her second year of law school, and members may recall that she had her last day with us last semester, but I talked her into staying around. So now she is having her second last day. You may also recall that she graduated from the University of Michigan in two years. So I asked her how come she can’t graduate from MSU Law School in two years, and she said that they won’t let her. They are very tough and are going to make her go the third year.

She is going to score a rare double today. She is on the Senate floor, and she is going to be on the House floor this afternoon for the joint convention on the judiciary. There aren’t many people who could pull that off—that is a rare double. It is very impressive.

So I hope that all members will wish Elaine well on a second last day.

Recess

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

The motion prevailed, the time being 10:11 a.m.

10:38 a.m.

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, April 13:

House Bill Nos. 4480 5783

Messages from the House

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

House Bill No. 4514

The motion prevailed.

Senate Bill No. 130, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 307 (MCL 168.307), as added by 2003 PA 302.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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.

Senate Bill No. 455, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 866 (MCL 168.866).

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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.

Senate Bill No. 129, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 24a (MCL 168.24a), as amended by 1982 PA 154.

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 8, after “**BOARD.**” by inserting “**NOTWITHSTANDING ANY OF THE FOREGOING PROVISIONS OF THIS SUBSECTION, IF A CITY OR VILLAGE THAT LIES IN MORE THAN 1 COUNTY CONDUCTS AN ELECTION ON THE SAME DATE AS A SCHOOL DISTRICT THAT LIES WITHIN THE CITY OR VILLAGE THAT IS CONDUCTING AN ELECTION, THAT PORTION OF THE SCHOOL DISTRICT ELECTION HELD WITHIN THAT CITY OR VILLAGE SHALL BE CANVASSED BY THE CANVASSING BOARD RESPONSIBLE FOR CANVASSING THE CITY OR VILLAGE ELECTION.**”.

The House of Representatives has passed the bill as amended, 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 amendment made to the bill by the House,

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

Roll Call No. 179

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

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
General Orders

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

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Thomas as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 5672, entitled

A bill to amend 1937 PA 72, entitled "Division of deafness act," by amending section 8 (MCL 408.208), as added by 1988 PA 434.

Substitute (S-1).

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

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

Senate Bill No. 1138, entitled

A bill to amend 1879 PA 248, entitled "An act to prevent animals from running at large in certain cities and villages within this state," by amending section 1 (MCL 433.51) and by adding section 13.

Substitute (S-1).

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

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

Senate Bill No. 1226, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 20, 20d, 55, 65, 67a, 68, and 68c (MCL 38.20, 38.20d, 38.55, 38.65, 38.67a, 38.68, and 38.68c), sections 20 and 20d as amended by 2002 PA 93, section 55 as amended by 2004 PA 33, sections 65 and 68 as added by 1996 PA 487, section 67a as amended by 2004 PA 109, and section 68c as added by 2007 PA 95, and by adding sections 19j, 20i, 35, and 68d.

Substitute (S-8).

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

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

Senate Bill No. 1227, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 4, 6, 7, 8, 25, 26, 41, 42, 43a, 43b, 43c, 61, 81, 84, 86, 87, 88, 89, and 91 (MCL 38.1304, 38.1306, 38.1307, 38.1308, 38.1325, 38.1326, 38.1341, 38.1342, 38.1343a, 38.1343b, 38.1343c, 38.1361, 38.1381, 38.1384, 38.1386, 38.1387, 38.1388, 38.1389, and 38.1391), section 4 as amended by 2008 PA 354, sections 6 and 7 as amended by 1995 PA 272, sections 8, 25, and 26 as amended by 1997 PA 143, section 41 as amended by 2007 PA 15, section 42 as amended by 1996 PA 268, section 43a as amended by 2007 PA 111, sections 43b, 81, 84, and 89 as amended by 1989 PA 194, section 43c as amended by 1998 PA 213, section 61 as amended by 2006 PA 158, and section 91 as amended by 2007 PA 110, and by adding sections 41b, 43e, 81b, 81c, and 84a and article 7.

Substitute (S-11).

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 returned to the order of
Third Reading of Bills

Senator Cropsey moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

Senate Bill No. 1226

Senate Bill No. 1227

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

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

Senate Bill No. 1226

Senate Bill No. 1227

House Bill No. 5200

House Bill No. 5201

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1226, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 20d and 68 (MCL 38.20d and 38.68), section 20d as amended by 2002 PA 93 and section 68 as added by 1996 PA 487, and by adding sections 35 and 68d.

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. 180

Yeas—22

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

Nays—16

Anderson	Cherry	Hunter	Prusi
Barcia	Clark-Coleman	Jacobs	Scott
Basham	Clarke	Kahn	Thomas
Brater	Gleason	Olshove	Whitmer

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1227, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 4, 6, 7, 8, 25, 26, 41, 42, 43a, 43b, 43c, 61, 81, 86, and 87 (MCL 38.1304, 38.1306, 38.1307, 38.1308, 38.1325, 38.1326, 38.1341, 38.1342, 38.1343a, 38.1343b, 38.1343c, 38.1361, 38.1381, 38.1386, and 38.1387), section 4 as amended by 2008 PA 354, sections 6 and 7 as amended by 1995 PA 272, sections 8, 25, and 26 as amended by 1997 PA 143, section 41 as amended by 2007 PA 15, section 42 as amended by 1996 PA 268, section 43a as amended by 2007 PA 111, sections 43b and 81 as amended by 1989 PA 194, section 43c as amended by 1998 PA 213, and section 61 as amended by 2006 PA 158, and by adding sections 41b, 43e, 43f, and 81c and article 7.

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. 181

Yeas—22

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

Nays—16

Anderson	Cherry	Hunter	Prusi
Barcia	Clark-Coleman	Jacobs	Scott
Basham	Clarke	Kahn	Thomas
Brater	Gleason	Olshove	Whitmer

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Switalski's statement is as follows:

The question before us is really can we sustain a pension system in its current form, or are changes necessary? The pension and health care contribution rates for schools are going up from 17 percent to 19 percent at a time when we are cutting funding.

This bill will help to control local costs. It mirrors what is happening in the private sector. It was proposed by a Democratic Governor, advocated by the State Budget Director, and is supported by Senate Republicans, so it is bipartisan.

What are the consequences of maintaining the status quo? Well, it is \$200 million just on this bill and \$2.8 billion over the next ten years. So we can either control costs, or we can force schools to make deeper cuts. But I wanted to add one thing, and I hope we think about this as it moves through the process. I think we could improve these bills by introducing a concept that would share the burden of health care more equitably among employees.

I hope we consider employees paying a percentage of their pay toward health care rather than a percentage of the premium costs. Think about it. A janitor who has to pay 20 percent of his health care costs is greatly burdened by paying a significant portion of his income for health care. Wouldn't it be better to have employees make an equal percentage of pay contribution set at a revenue-neutral level so that you have the same savings?

I hope as these two bills move through that we look at this concept and think about whether or not that would be a better way to go.

The following bill was read a third time:

House Bill No. 5200, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2511 (MCL 339.2511), as amended by 1990 PA 164.

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. 182

Yeas—38

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

Nays—0

Excused—0

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

"An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,".

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5201, entitled

A bill to repeal 1972 PA 286, entitled "Land sales act," (MCL 565.801 to 565.835).

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. 183**Yeas—38**

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

Nays—0**Excused—0****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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to regulate the disposition of lots, parcels, units or interests in lands within real estate subdivisions; to require registration; to protect the purchaser from unfair and deceptive trade practices; to provide for the filing of bonds and performance assurances; to regulate advertising, promotions and sales contracts; to provide for the payment of fees; and to provide penalties.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

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.

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

Senate Resolution No. 141

Senate Resolution No. 142

The resolution consent calendar was adopted.

Senators Hunter and Richardville offered the following resolution:

Senate Resolution No. 141.

A resolution recognizing April 2010 as Autism Awareness Month in the state of Michigan.

Whereas, Autism spectrum disorder (ASD) is an umbrella term used to cover a variety of developmental disabilities, including autism, Asperger syndrome, and pervasive developmental disorder - not otherwise specified; and

Whereas, Autism is a neurobiological disorder that impacts an individual's communication skills, social interaction, and behavior; and

Whereas, ASD occurs across all racial, ethnic, and socioeconomic groups and is four times more likely to occur in boys than in girls; and

Whereas, Individuals with ASD often have difficulty understanding verbal and nonverbal communication and learning appropriate ways of relating to other people, objects, and events; and

Whereas, Current research indicates that up to 1 of every 110 children born today will be diagnosed with ASD; and

Whereas, Over 1.5 million families in the United States are currently affected by autism; and

Whereas, The Autism Society of America estimates that the annual cost associated with autism in the United States is over \$90 billion and projects that these costs could be reduced by two-thirds or more with early diagnosis and intervention; and

Whereas, The number of children with autism in Michigan public schools increased by over 100 percent from 5,680 to 11,366 between 2001 and 2006; and

Whereas, It is likely that due to misdiagnosis and cases not yet diagnosed, the number of individuals actually touched by autism is considerably higher than currently believed; and

Whereas, Education concerning autism is a critical part of increasing early diagnosis and intervention for individuals with autism; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize April 2010 as Autism Awareness Month in Michigan; and be it further

Resolved, That we urge all Michiganders to use this month as an opportunity to educate themselves about autism, and reach out to support members of their communities with autism spectrum disorder.

Senators Anderson, Basham, Birkholz, Brater, Cassis, Cherry, Clark-Coleman, Hardiman, Jacobs, Jansen, Pappageorge, Prusi and Van Woerkom were named co-sponsors of the resolution.

Senator Jacobs offered the following resolution:

Senate Resolution No. 142.

A resolution recognizing June 29, 2010, as International Scleroderma Awareness Day in the state of Michigan.

Whereas, Scleroderma is a chronic, disabling autoimmune disease in which the body's soft tissues suffer from an over-production of collagen; and

Whereas, Scleroderma can affect many parts of the body, including skin, internal organs, and blood vessels; and

Whereas, Scleroderma sufferers often experience damage to the heart, lungs, kidneys, and the gastrointestinal system. Many sufferers develop pulmonary hypertension as a result of constriction of the blood vessels; and

Whereas, African Americans are more susceptible to systemic scleroderma; and

Whereas, Researchers have yet to identify the exact cause or causes of scleroderma, and links have been found between scleroderma and rheumatic disease; and

Whereas, An estimated 300,000 Americans suffer from scleroderma, and 80 percent of those are women; and

Whereas, The estimated economic impact of scleroderma is in excess of \$1.5 billion annually, with morbidity costs associated with scleroderma estimated at \$819 million annually. The direct cost of treatment for scleroderma is estimated to be \$462 million annually; and

Whereas, There is a significant need for further research focusing on the epidemiology of scleroderma to increase understanding of the causes of the disease and its treatment; and

Whereas, The United States Congress has recognized the need to raise awareness of the impact of scleroderma on public health and has designated an International Scleroderma Awareness Day; and

Whereas, Michigan also recognizes the need to observe International Scleroderma Awareness Day to help educate the public about autoimmune diseases and the need for increased research, funding, and effective treatments for those diseases; and

Whereas, The designation of such a day would acknowledge the efforts of health care providers, patients, and scleroderma advocacy organizations to increase awareness of scleroderma and the need for increased research; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize June 29, 2010, as International Scleroderma Awareness Day in the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Scleroderma Foundation - Michigan Chapter as evidence of our esteem for their dedication and commitment to their advocacy for increased awareness, funding, and research on behalf of individuals living with scleroderma.

Senators Anderson, Basham, Birkholz, Brater, Cherry, Clark-Coleman, Hardiman, Pappageorge, Prusi, Richardville and Van Woerkom were named co-sponsors of the resolution.

House Concurrent Resolution No. 49.

A concurrent resolution to urge the Great Lakes-St. Lawrence River Basin Water Resources Council to scrutinize carefully the proposed diversion at Waukesha, Wisconsin.

Whereas, The Great Lakes states ratified the Great Lakes-St. Lawrence River Basin Water Resources Compact to prevent harmful and unnecessary water diversions from the Great Lakes. The compact establishes strict standards and a regional approval process that must be met prior to new diversions from the lakes to communities outside the basin; and

Whereas, The first request to divert water to a community outside the Great Lakes basin is imminent. The city of Waukesha, Wisconsin, has stated its intention to apply for an 18.5 million gallon per day diversion of water from Lake Michigan to meet its current drinking water needs and future economic growth; and

Whereas, There are concerns that the Waukesha proposal may not go far enough to meet the standards required by the compact for approving a diversion. The compact envisions a limited exception for diversions when the public need is great in communities bordering the Great Lakes basin, and every effort has been made to minimize the need for Great Lakes water, including the implementation of significant water conservation measures. It is not clear if the city of Waukesha proposal truly represents the minimum diversion necessary to meet the city's needs; and

Whereas, The review of the proposed Waukesha diversion will provide precedent for future water diversion proposals and approvals. The Great Lakes governors represented on the Great Lakes-St. Lawrence River Basin Water Resources Council interpretation of the compact will set the standard for future diversion proposals and approvals. The council must carefully consider how it will apply the compact standards, particularly what constitutes sufficient water conservation measures and how communities outside the basin account for these water conservation measures and future growth in determining how much water needs to be diverted; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Great Lakes-St. Lawrence River Basin Water Resources Council to scrutinize carefully the proposed diversion at Waukesha, Wisconsin; and be it further

Resolved, That copies of this resolution be transmitted to the Great Lakes-St. Lawrence River Basin Water Resources Council, the Governor's Office, and the Office of the Great Lakes.

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 Anderson, Basham, Birkholz, Brater, Cassis, Cherry, Clark-Coleman, Hardiman, Jacobs, Prusi, Richardville and Van Woerkom were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senators Brown and McManus introduced

Senate Bill No. 1257, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 4 (MCL 168.4), as amended by 2003 PA 302.

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

Senators Brown and McManus introduced

Senate Bill No. 1258, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 322 (MCL 168.322), as amended by 2003 PA 302.

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

Senators McManus and Brown introduced

Senate Bill No. 1259, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 381 (MCL 168.381), as amended by 2006 PA 122.

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

Senators McManus and Brown introduced

Senate Bill No. 1260, entitled

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

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

Senators Jacobs, Hardiman, George and Birkholz introduced

Senate Bill No. 1261, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16277 (MCL 333.16277), as added by 2001 PA 172.

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

Senators Pappageorge and Kahn introduced

Senate Bill No. 1262, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320d (MCL 257.320d), as added by 2008 PA 568; 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.

House Bill No. 4480, entitled

A bill to authorize the state administrative board to convey a certain parcel of state owned property in Wayne county; to prescribe conditions for the conveyance; to provide for certain powers and duties of state departments in regard to the property; and to provide for disposition of revenue derived from the conveyance.

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 Appropriations.

House Bill No. 4516, entitled

A bill to amend 2005 PA 210, entitled "Commercial rehabilitation act," by amending section 3 (MCL 207.843).

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 Finance.

House Bill No. 4543, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 10 (MCL 125.2690), as amended by 2008 PA 242.

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 Finance.

House Bill No. 4544, entitled

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 3 (MCL 125.2783).

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 Finance.

House Bill No. 4545, entitled

A bill to amend 1963 PA 62, entitled "Industrial development revenue bond act of 1963," by amending section 3 (MCL 125.1253).

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 Finance.

House Bill No. 4546, entitled

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

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 Finance.

House Bill No. 4547, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 4, 5, 7, 8, and 9 (MCL 207.804, 207.805, 207.807, 207.808, and 207.809), section 4 as amended by 2006 PA 484, section 5 as amended by 2008 PA 108, section 8 as amended by 2009 PA 123, and section 9 as amended by 2007 PA 150.

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 Finance.

House Bill No. 4548, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 435 (MCL 208.1435), as amended by 2009 PA 192.

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 Finance.

House Bill No. 4549, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 262a.

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 Finance.

House Bill No. 4550, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 437 (MCL 208.1437), as amended by 2009 PA 241.

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 Finance.

House Bill No. 4551, entitled

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds," by amending section 9 (MCL 247.909), as amended by 1993 PA 149.

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 Finance.

House Bill No. 4552, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 11 and 88i (MCL 125.2011 and 125.2088i), section 11 as amended by 1987 PA 278 and section 88i as added by 2005 PA 225.

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 Finance.

House Bill No. 4553, entitled

A bill to require certain business entities to comply with certain requirements to receive economic development benefits; to prescribe the powers and duties of certain state departments and agencies; and to prescribe certain penalties.

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 Finance.

House Bill No. 5783, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1335 (MCL 600.1335), as amended by 2004 PA 12.

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.

Statements

Senators Cassis, Allen, Hunter, Scott, Cherry, Pappageorge and Thomas asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cassis' statement is as follows:

I rise in regard to the recent votes today on Senate Bill Nos. 1226 and 1227. These are reforms of the public retirement system, recognizing our deep recession in this state and what the private sector has already done. These are reforms. If not now, when? We know, both sides of the aisle, in moments of clarity and lucidity, the status quo cannot be maintained or sustained.

I heard the good gentlelady from the 14th District say last night that she recognized shared sacrifice. Really? I think it is a fair characterization that all of my colleagues on the other side of the aisle are now the party of no—no solutions, no alternatives, just no. If the shoe fits, wear it.

Senator Allen's statement is as follows:

I think it is important to highlight an issue within the 37th Senate District. As many of you are aware, Wolverine Power Plant is seeking to build a clean-coal power plant in the city of Rogers City. This plan is expected to bring thousands of jobs over the next five years and hundreds more when the facility is completed.

Unfortunately, the Michigan government and the Governor have failed to issue air permits on this issue. If a permit has not been issued, Michigan loses at least \$150 million in federal money that could be used to construct this facility and the Carbon Sequestration Demonstration Project. This federal money is available because President Obama has embraced clean coal and carbon sequestration as a legitimate source for our nation's future.

This project includes a mutually-beneficial partnership with one of Michigan's largest employers, Dow Chemical, which also wants to see this project built in our home state. Unfortunately, Governor Granholm seems to be willing to lose this tremendous economic development opportunity to another state.

This project applied for an air permit over 900 days ago. How much longer will we wait when thousands of jobs are at stake? I urge the Governor to embrace this state-of-the-art technology, and embrace the job creation that this project will bring and to issue an air permit that will allow this project to move forward.

Senator Hunter's statement is as follows:

In recent months, we have all heard about the backlog of as many as 12,000 untested rape kits dating back to the mid-1990s found at the now-closed Detroit crime lab. Each kit represents a person who has suffered through a violent attack. These individuals went through an evidence collection process that can take as long as four hours. These victims deserve justice and better treatment from our law enforcement system. This type of evidence can be the difference between an arrest and conviction of an unsolved crime.

Today, I am introducing a bill that would create the Sexual Assault Victim's Rights Act. This legislation would require the prompt collection and processing of sexual assault evidence. It would require that law enforcement notify victims of the status of the DNA testing in their case. It would also require that law enforcement agencies annually report to the state the number of rape kits in its possession that have not been tested or analyzed in recent years.

These changes are needed so that we will never again be surprised by the discovery of a roomful of untested evidence of thousands of cases. This legislation will take better care of the evidence collected and prevent this evidence from sitting in a warehouse untested while a victim wonders what has happened, and an attacker possibly remains. These victims deserve justice, Mr. President, and our justice system must do a better job for them.

I look forward to working with my colleagues, hopefully, on both sides of the aisle to make these much-needed changes to help bring faster resolution for crime victims. I welcome your co-sponsorship.

Senator Scott's statement is as follows:

Sometimes the people who elect us to represent them can speak better for themselves than we can speak for them. Today, I'd like you to hear the words of Kathleen Herroscheck of Harper Woods.

She writes: "I am an American citizen, born in Detroit, Wayne County, raised in Wayne County, and living in Harper Woods for 58 years. I'm writing this letter in regard to the discrimination we receive in Wayne County when it comes to auto and home insurance. I have known this from the past and speaking with various insurance companies, but I would have thought after all these years it has come to pass. I know this to be true only because my very good friend worked for AAA at the time and had even told me.

Unfortunately, because my zip code still remains in Wayne County, I'm being penalized along with thousands of other people. I have been working diligently with various insurance companies to insure my home and autos this past week and have learned this discrimination still continues. I need cheaper rates; my name isn't Bank of America.

Last year, for example, I called GMAC Insurance Company to get a quote which I thought was fantastic at the time. I was quoted for a wonderful coverage of \$865 yearly, insuring my home for \$177,000. When the gentleman on the phone finished and reviewed everything with me, we discovered he made a mistake with the zip code. He quoted me for 48825 instead of 48225. Well, my insurance immediately jumped up to \$1,377 for the exact same coverage. I was told the reason, because it's where I live. I tried to insure with an out-of-state company for cheaper insurance rates. At the time I was insured with Auto Owners and they wanted \$1,778 yearly for the same home coverage.

I'm a single parent and can't afford those types of rates. This is all a racket as far as I'm concerned. Then I learned they check your credit scores for rates as well. Well, let me ask you with the economy/unemployment rate at what it is, how many people in Michigan will continue to have shiny credit scores, and if not will be paying these outrageous rates because of Wayne County? This is a vicious circle and the American people are the targets for such fraudulent conduct.

I can only tell you I take very good care of my home, and the insurance coverage cost is so high because they claim that's what it would cost to rebuild the same home with today's market cost. This insurance company I may go with told me two things which have my blood boiling as well. Two years ago, I was in an establishment and came out to see my car had been hit. Of course, nobody had seen anything; however, I was able to get the name and phone number of the person, only because someone knew who owned the big white truck parked next to me. I immediately called the insurance company the next day and gave them the information. To my surprise, renewing my insurance with another company hopefully this week, I discover it's on my record but not against me."

Senator Cherry's statement is as follows:

I rise today to talk for a few minutes about the unemployment status in Michigan. While Michigan's unemployment rate has decreased slightly over the last two months—down to 14.1 percent in February—it is still significantly higher than the national rate of 9.7 percent. Unemployment continues to hurt Michigan more than any other state in the country.

As our state's workforce continues to struggle, fixing Michigan's economy and putting workers back on the job should be our No. 1 priority. According to a recent article in the *Detroit News*, unemployment benefits are one of the most effective forms of economic stimulus. Once laid-off workers exhaust their personal resources, their benefits go directly into the local economy to pay for housing expenses, food, and other basic needs. Unemployment magnifies the risk of families losing or leaving their homes, and assistance provides a cushion to help them stay put and preserve our communities. In fact, a national study found that unemployment benefits reduce the likelihood that workers will be forced to sell or abandon their homes by nearly half.

Certainly, this is not a long-term solution to Michigan's unemployment situation, but with the average worker unemployed for 30 weeks or longer, these benefits help keep families stable until they can again find full-time employment. Though some workers are already receiving assistance, others are not eligible because they work part-time or have already exhausted benefits that were previously available to them.

We could pass unemployment expansion legislation today that would help Michigan citizens stay on their feet while they participate in training or learn new job skills. We have the power to extend a much-needed lifeline to even more Michigan workers. While the federal government has improved an emergency extension of benefits for some, we should not be ignoring opportunities to do our part at the state level.

Senator Pappageorge's statement is as follows:

I want to talk about our budget situation and the fact that we have a \$1.7 billion problem facing us. I try to remind people what the difference is between \$1 million and \$1 billion. If we had \$1 million in brand-new ten-dollar bills in front of us, the stack would be two feet high. One billion dollars is taller than the Empire State Building. We have two of those stacks to take care of.

The issue that separates this, pure and simple, is the issue of income redistribution. Conservatives oppose more of it, and liberals want more of it. Conservatives will pound the table and say, by God, we have to have cuts, and that sends people and programs out the door to the unemployment line. The liberals say let's raise taxes, and that sends us all up the wall and eventually a different set of people to the unemployment line. The solution has to be reducing the cost of government without sending anyone out the door.

How can we do that? In times of crisis, I believe public servants—I don't call us public employees, any of us—need to step up. So I took a look at what the pay is for all of the public servants in the state of Michigan. It is \$21.3 billion; \$5.6 billion is state public servants, and \$15.7 is everyone else, including college professors, you name it—anyone being paid with tax dollars. If we were to take a 5 percent cut—this is not unreasonable given what is happening in the private sector—that would be a little over \$1 billion.

If we look at health care in the private sector, individuals are covering about 21 percent or 22 percent of their health care. In the public sector, it is anywhere from 0 percent to 20 percent. If all of us are moved to 20 percent, that is \$680 million—the \$1.7 billion we are short. It will take a constitutional amendment to do this. Colleagues, it is going to take 26 votes in this chamber.

My proposal is a 5 percent cut and for the next two years, no pay increases. If you have already taken a 5 percent cut locally, it counts against the 5 percent. So, again, it would solve our problem without sending anyone out the door. If we want it on the August ballot, the only way is through the Legislature; petition drives go on in November.

You have heard the compromise from the Governor and the business leaders of Michigan. They say why not take some cuts and do some tax increases. Folks, that still sends the same number of people out the door, half from the public sector and half from the private sector. It is no solution at all. Cut the cost of government without raising taxes or sending anyone out the door.

Senator Thomas' statement is as follows:

Our distinguished colleague, Senator Martha G. Scott, was about 45 seconds late in finishing the letter she was reading, so with your indulgence, I am going to finish that letter. It was by Kathleen Herroscheck of Harper Woods, Michigan. Mrs. Herroscheck writes: "I called my insurance company, Auto Owners, and they replaced my refrigerator at no cost to me. So I thought, until now, it shows I made a claim and the quote I recently got made the quote go up \$125 a year more.

I was told these stay on your record for five years. Neither one was my fault, but I have to thank God, no tickets or accidents. The only incident was being hit while parked, while I was in an establishment. So one can have insurance, not your fault, but the customer who is the victim pays the peddler. This is all total discrimination.

My family and all my friends live in Macomb County and have much more expensive homes. Our autos are probably equal SUVs, and they pay a much lower rate than I do. I think it's about time someone steps up to the plate to fight for Wayne County residents; otherwise we'll all be gone. I can well afford to move out but have a lot of money invested in my home, and the assessed value is nothing.

I don't believe the fact that we pay more because of thefts and crimes either. Tell me a safe haven to move to and I'm there. These unfortunate things happen all over. Credit scores and zip codes should have no barrier for anyone. This is America. I think it's time someone starts to fight for these criminal rules. It's bad enough we as Michiganders have had a bad rap for K. Kilpatrick's behavior that disgraced the city of Detroit and Michigan along with it. We have to pay for it.

I'm not sure if you will do anything, or anyone else, but I can tell you I have some friends, not many who still live in Wayne County, and we are trying to spread the word. As I said, the majority of my friends and family for certain got out."

Thank you, Mr. President, and this concludes the letter written to Senator Scott by Kathleen Herroscheck of Macomb County.

By unanimous consent the Senate returned to the order of

Motions and Communications

Recess

Senator Cropsey moved that the Senate recess until 1:50 p.m.

The motion prevailed, the time being 11:57 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Cherry.

Recess

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

The motion prevailed, the time being 1:52 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Cherry.

Joint Convention

The Sergeant at Arms announced a committee from the House of Representatives, Representatives Jackson, Lindberg, Agema and Paul Scott, who reported that the House was ready to meet with the Senate in Joint Convention.

The President, Lieutenant Governor Cherry, announced that the hour had arrived for the meeting of the two houses in Joint Convention.

Senator Cropsey moved that the Senate recess for the purpose of proceeding to the Hall of the House of Representatives for Joint Convention.

The motion prevailed, the time being 2:02 p.m.

(For proceedings in Joint Convention, see House Journal No. 33, p. 512.)

The Senate reconvened at the expiration of the recess at 3:34 p.m. and was called to order by the President, Lieutenant Governor Cherry.

The President, Lieutenant Governor Cherry, announced that the Senate had attended the Joint Convention in the Hall of the House of Representatives and had received the State of the Judiciary message by Chief Justice Marilyn Kelly of the Supreme Court of Michigan.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 1206, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 2 and 4a (MCL 28.722 and 28.724a), section 2 as amended by 2005 PA 301 and section 4a as amended by 2004 PA 237, and by adding section 2a.

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.

Wayne Kuipers
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 1207, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 8 (MCL 28.728), as amended by 2004 PA 240.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Wayne Kuipers
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 1208, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 5a (MCL 28.725a), as amended by 2005 PA 322.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Wayne Kuipers
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 1241, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 5 (MCL 28.725), as amended by 2006 PA 402.

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.

Wayne Kuipers
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

House Bill No. 5274, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 625n, 732a, and 904d (MCL 257.303, 257.625n, 257.732a, and 257.904d), sections 303, 732a, and 904d as amended by 2008 PA 463 and section 625n as amended by 2008 PA 539, and by adding section 304.

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.

Wayne Kuipers
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, April 13, 2010, at 1:00 p.m., Room 210, Farnum Building

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

Excused: Senators Patterson and Clarke

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Joint meeting held on Tuesday, April 13, 2010, at 1:00 p.m., Room 110, Farnum Building

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

Excused: Senator Basham

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Economic Development submitted the following:

Joint meeting held on Wednesday, April 14, 2010, at 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Jansen (C), Stamas, Scott and Anderson

Excused: Senator George

Scheduled Meetings

Appropriations -

Subcommittees -

Agriculture - Tuesdays, April 27 and May 4, 2:00 p.m., Room 405, Capitol Building (373-2768)

General Government - Thursdays, April 22, April 29, May 6 and May 13, 2:00 p.m., Room 110, Farnum Building (373-2768)

Judiciary and Corrections - Tuesdays, April 20, April 27, May 4 and May 11, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police and Military Affairs - Thursdays, April 22, May 6 and May 13, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Finance - Thursday, April 15, 11:00 a.m., Room 110, Farnum Building (373-1758)

Hunting, Fishing and Outdoor Recreation - Thursday, April 15, 1:00 p.m., Room 100, Farnum Building (373-1777)

State Drug Treatment Court Advisory Committee - Tuesday, April 27, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Transportation and House Transportation - Tuesday, April 27, 3:00 p.m., Room 519, South Tower, House Office Building (373-7708) (CANCELED)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 3:35 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, April 15, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate