

No. 4
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2008

Senate Chamber, Lansing, Tuesday, January 22, 2008.

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

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

The following messages from the Governor were received and read:

January 17, 2008

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 16521 of the Public Health Code, 1978 PA 368, MCL 333.16121 and MCL 333.16521:

Michigan Board of Acupuncture

Mr. Matthew T. Steigenga of 16921 Broadview Drive, East Lansing, Michigan 48823, county of Clinton, appointed to represent the general public, for a term commencing January 17, 2008 and expiring June 30, 2011.

January 17, 2008

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 16805 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.16805:

Michigan Board of Audiology

Mr. John D. VanDeventer of 319 Grove Street, Apt. #3, East Lansing, Michigan 48823, county of Ingham, succeeding Yvette M. Barrett, who has resigned, representing the general public, for a term commencing January 17, 2008 and expiring June 30, 2008.

January 17, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Sections 16121 and 17221 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17221:

Michigan Board of Nursing

Mr. Jeffrey H. Breslin, R.N., of 1435 East Dexter Trail, Dansville, Michigan 48819, county of Ingham, succeeding Deborah L. Heath, whose term has expired, representing professional registered nurses without a baccalaureate degree engaged in nursing practice or nursing administration, for a term commencing January 17, 2008 and expiring June 30, 2011.

Mr. James H. Childress of 4844 Rockhill Court N.E., Grand Rapids, Michigan 49525, county of Kent, succeeding Kathryn E. Lawter, whose term has expired, representing the general public, for a term commencing January 17, 2008 and expiring June 30, 2010.

January 17, 2008

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 Sections 16121 and 18705 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.18705:

Michigan Board of Respiratory Care

Mr. Carl F. Haas of 628 Fountain Street, Ann Arbor, Michigan 48103, county of Washtenaw, succeeding David L. Zobeck, whose term has expired, representing respiratory therapists, for a term commencing January 17, 2008 and expiring December 31, 2011.

Ms. Kathleen M. Mutch of 24541 Hampton Court, Novi, Michigan 48375, county of Oakland, succeeding Frank J. Couckuyt, whose term has expired, representing the general public, for a term commencing January 17, 2008 and expiring December 31, 2010.

Mr. Frank R. Sprague of 1050 Harbor Point Court, Muskegon, Michigan 49441, county of Muskegon, reappointed to represent medical directors, for a term expiring December 31, 2011.

January 17, 2008

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 Sections 16121 and 18821 of the Public Health Code, 1978 PA 368, MCL 333.16121 and MCL 333.18821:

Michigan Board of Veterinary Medicine

Ms. Kimlee E. Beattie of 16961 Nichols Road, East Lansing, Michigan 48823, county of Clinton, succeeding Anne E. Lawter, whose term has expired, representing the general public, for a term commencing January 17, 2008 and expiring December 31, 2009.

Ms. Michelle Kopcha, D.V.M., of 460 Piper Road, Haslett, Michigan 48840, county of Ingham, succeeding William M. Reed, whose term has expired, representing veterinarians, for a term commencing January 17, 2008 and expiring December 31, 2010.

Mr. Christopher J. Rohwer, D.V.M., of 6024 Texas Drive, Kalamazoo, Michigan 49009, county of Kalamazoo, succeeding Patricia O'Handley, whose term has expired, representing veterinarians, for a term commencing January 17, 2008 and expiring December 31, 2010.

Ms. Amanda J. Stitt of 216 Marshall, Lansing, Michigan 48912, county of Ingham, succeeding the late Murray J. Chodak, representing the general public, for a term commencing January 17, 2008 and expiring December 31, 2011.

Mr. Henry M. Vaupel, D.V.M., of 2187 Fowlerville Road, P.O. Box 363, Fowlerville, Michigan 48836, county of Livingston, reappointed to represent veterinarians, for a term expiring December 31, 2010.

Sincerely,
Jennifer M. Granholm
Governor

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

Messages from the House

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

Senate Bill No. 53

House Bill No. 4120

Senate Bill No. 511

House Bill No. 4507

Senate Bill No. 388

Senate Bill No. 868

Senate Bill No. 92

The motion prevailed.

Senate Bill No. 936, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 2 (MCL 125.2652), as amended by 2006 PA 32.

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,

Senator Cropsey moved that the bill be referred to the Committee on Finance.

The motion prevailed.

The House of Representatives returned, in accordance with the request of the Senate

House Bill No. 4506, entitled

An act to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending sections 4, 5, and 614 (MCL 380.4, 380.5, and 380.614), sections 4 and 5 as amended by 2005 PA 61 and section 614 as amended by 2004 PA 419.

Senator Cropsey moved that rule 3.311 be suspended to permit reconsideration of the vote by which the bill was passed.

The question being on the motion to suspend the rule,

Senator Cropsey moved that further consideration of the bill be postponed for today.

The motion prevailed.

The bill was placed on the order of Third Reading of Bills.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Hunter, Schauer and Thomas introduced

Senate Bill No. 1020, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 426. The bill was read a first and second time by title and referred to the Committee on Finance.

Senators Olshove, Basham, Clark-Coleman, Prusi, Anderson and Brater introduced

Senate Bill No. 1021, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1263 (MCL 380.1263), as amended by 2006 PA 276.

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

Senator Richardville introduced

Senate Bill No. 1022, entitled

A bill to amend 2004 PA 452, entitled "Identity theft protection act," by amending sections 11 and 12 (MCL 445.71 and 445.72), section 12 as added by 2006 PA 566.

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

Senators Scott, Jacobs, Clark-Coleman, Anderson, Brater, Thomas, Gleason, Schauer, Switalski, Basham, Hunter, Cherry and Clarke introduced

Senate Bill No. 1023, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2109 (MCL 500.2109).

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

Senators Clark-Coleman, Jacobs, Anderson, Brater, Thomas, Gleason, Schauer, Switalski, Basham, Hunter, Cherry and Clarke introduced

Senate Bill No. 1024, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2115 (MCL 500.2115), as amended by 1980 PA 461.

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

Senators Brater, Jacobs, Clark-Coleman, Anderson, Thomas, Gleason, Schauer, Switalski, Basham, Hunter, Cherry, Scott and Clarke introduced

Senate Bill No. 1025, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2403 (MCL 500.2403), as amended by 1993 PA 200.

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

Senators Gleason, Jacobs, Clark-Coleman, Anderson, Brater, Thomas, Schauer, Switalski, Basham, Hunter, Scott, Cherry and Clarke introduced

Senate Bill No. 1026, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2603 (MCL 500.2603).

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

Senators Clarke, Jacobs, Clark-Coleman, Anderson, Brater, Thomas, Gleason, Schauer, Hunter and Scott introduced

Senate Bill No. 1027, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2110a (MCL 500.2110a), as added by 1996 PA 514.

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

Senators Clark-Coleman, Jacobs, Anderson, Brater, Thomas, Gleason, Schauer, Basham, Hunter, Cherry, Scott and Clarke introduced

Senate Bill No. 1028, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2114 (MCL 500.2114).

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

Senators Jacobs, Clark-Coleman, Anderson, Brater, Thomas, Gleason, Schauer, Hunter, Cherry, Scott and Clarke introduced

Senate Bill No. 1029, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2114 (MCL 500.2114).

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

Senators Anderson, Jacobs, Clark-Coleman, Brater, Thomas, Gleason, Schauer, Hunter, Cherry, Scott and Clarke introduced

Senate Bill No. 1030, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3104 (MCL 500.3104), as amended by 2002 PA 662.

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

Senators Schauer, Jacobs, Clark-Coleman, Anderson, Brater, Thomas, Gleason, Hunter, Cherry, Scott and Clarke introduced

Senate Bill No. 1031, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2112 (MCL 500.2112), as amended by 1980 PA 461.

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

Senators Cherry, Jacobs, Clark-Coleman, Anderson, Brater, Thomas, Gleason, Schauer, Hunter, Scott and Clarke introduced

Senate Bill No. 1032, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 134 (MCL 500.134), as amended by 1990 PA 256.

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

Senators Schauer, Jacobs, Clark-Coleman, Anderson, Brater, Thomas, Gleason, Hunter, Cherry, Scott and Clarke introduced

Senate Bill No. 1033, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending sections 2 and 3 (MCL 15.262 and 15.263), section 2 as amended by 2001 PA 38 and section 3 as amended by 1988 PA 278.

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

Senators Hunter, Jacobs, Clark-Coleman, Anderson, Brater, Thomas, Gleason, Schauer, Cherry, Scott and Clarke introduced

Senate Bill No. 1034, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2118 (MCL 500.2118), as amended by 2007 PA 35; 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 Economic Development and Regulatory Reform.

Senators Scott, Jacobs, Clark-Coleman, Anderson, Brater, Thomas, Gleason, Schauer, Hunter, Cherry and Clarke introduced

Senate Bill No. 1035, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2120 (MCL 500.2120), as amended by 2007 PA 35.

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

Senators Basham, Clark-Coleman, Prusi and Gleason introduced

Senate Bill No. 1036, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320a (MCL 257.320a), as amended by 2004 PA 495, and by adding section 602b.

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

Senators Prusi, Jelinek, Jansen, Van Woerkom, Barcia, Olshove and Cherry introduced

Senate Bill No. 1037, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 52706 (MCL 324.52706), as amended by 2006 PA 179.

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

Senators Cassis, Pappageorge and Cropsey introduced

Senate Bill No. 1038, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 111 (MCL 208.1111), as amended by 2007 PA 207.

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

Senators Cassis, Pappageorge and Jansen introduced

Senate Bill No. 1039, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 641.

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

Senators Kahn, Birkholz, Richardville, Stamas, Bishop, Sanborn, Anderson, Basham, Allen, Hardiman, Switalski, Jansen and Kuipers introduced

Senate Bill No. 1040, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 253.

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

Senators Richardville, Birkholz, Pappageorge, Kahn, Bishop, Sanborn, Anderson, Basham, Allen, Hardiman, Switalski, Jansen and Kuipers introduced

Senate Bill No. 1041, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain

acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts;" (MCL 460.1 to 460.10cc) by adding section 10dd.

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

Senators Birkholz, Pappageorge, Richardville, Kahn, Bishop, Sanborn, Anderson, Basham, Allen, Hardiman, Switalski, Jansen, Kuipers and Van Woerkom introduced

Senate Bill No. 1042, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8e (MCL 125.2688e), as added by 2006 PA 270.

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

Senators Pappageorge, Birkholz, Richardville, Kahn, Bishop, Sanborn, Anderson, Basham, Allen, Hardiman, Switalski, Jansen, Kuipers and Van Woerkom introduced

Senate Bill No. 1043, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8e (MCL 125.2688e), as added by 2006 PA 270.

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

Senators Brown, Birkholz, Richardville, Pappageorge, Kahn, Bishop, Sanborn, Anderson, Basham, Allen, Jansen, Hardiman, Switalski and Kuipers introduced

Senate Bill No. 1044, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4ee.

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

Senators Brown, Birkholz, Richardville, Pappageorge, Kahn, Bishop, Sanborn, Anderson, Basham, Hardiman, Jansen and Switalski introduced

Senate Bill No. 1045, entitled

A bill to create a commission to investigate renewable energy; to define renewable energy; to determine certain powers and duties of the commission; 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 Energy Policy and Public Utilities.

Senators Jansen, Birkholz, Pappageorge, Richardville, Kahn, Bishop, Sanborn, Anderson, Basham, Hardiman, Allen, Switalski, Kuipers and Van Woerkom introduced

Senate Bill No. 1046, entitled

A bill to permit the establishment and maintenance of low-income energy efficiency accounts; to provide for certain tax deductions and tax credits; to prescribe the requirements of and restrictions on low-income energy efficiency accounts; to provide for the promulgation of rules; and to provide penalties and remedies.

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

Senators Kahn, Birkholz, Richardville, Pappageorge, Bishop, Sanborn, Anderson, Basham, Hardiman, Allen, Jansen, Switalski, Kuipers and Van Woerkom introduced

Senate Bill No. 1047, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 277.

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

Senators Birkholz, Kahn, Pappageorge, Bishop, Sanborn, Anderson, Basham, Hardiman, Allen, Jansen, Switalski, Kuipers and Richardville introduced

Senate Bill No. 1048, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 253.

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

Senators Sanborn, Kahn, Brown and Pappageorge entered the Senate Chamber.

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. 141

The resolution consent calendar was adopted.

Senator Scott offered the following resolution:

Senate Resolution No. 141.

A resolution proclaiming February 1, 2008, as Wear Red for Women Day.

Whereas, Diseases of the heart are the nation's leading cause of death, and stroke is the third leading cause of death; and

Whereas, Cardiovascular diseases (CVD) are the leading cause of death among women; and

Whereas, Heart attack, stroke, and other cardiovascular diseases claim the lives of more than half a million women each year—more than the next seven causes of death combined and nearly twice as many as all forms of cancer, including breast cancer; and

Whereas, The cost of cardiovascular diseases and stroke in the United States is estimated at \$352 billion; and

Whereas, One in five females in the United States have some form of cardiovascular disease; and

Whereas, Sixty-three percent of women who died suddenly of coronary heart disease had no previous symptoms of this disease; and

Whereas, February is designated as American Heart Month; and

Whereas, The American Heart Association's Go Red for Women campaign encourages women to pay attention to their hearts, which helps them live longer, stronger lives by reducing their risk for cardiovascular disease; now, therefore, be it

Resolved by the Senate, That in recognition of the importance of the ongoing fight against heart disease and stroke, we do hereby proclaim February 1, 2008, as Wear Red for Women Day in Michigan. We urge all citizens to wear red in recognition of family, friends, and neighbors who have suffered from heart disease and as a show of support of the fight against this deadly disease. By increasing awareness of the risk factors for this devastating disease and taking actions to reduce them, we can save thousands of lives each year; and be it further

Resolved, That a copy of this resolution be transmitted to the Go Red for Women Leadership Committee as evidence of our esteem for their dedication and commitment to fighting this disease and saving countless lives.

Senators Anderson, Cassis, Cherry, Clark-Coleman, Clarke, Gleason, Pappageorge, Schauer, Switalski and Thomas were named co-sponsors of the resolution.

Senate Concurrent Resolution No. 22.

A concurrent resolution to request the State Officers Compensation Commission to recommend a 5 percent reduction in salaries of the members of the Legislature, the Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, and the Justices of the Supreme Court the next time the commission meets and to urge the commission to ensure that none of its future recommendations exceed the change in the Consumer Price Index or the average increase in state employee pay.

(For text of resolution, see Senate Journal No. 115 of 2007, p. 2111.)

The House of Representatives has substituted (H-5) the concurrent resolution as follows:

Senate Concurrent Resolution No. 22.

A concurrent resolution to request the State Officers' Compensation Commission to recommend a 5 percent reduction in salaries of the members of the Legislature, the Governor, the Lieutenant Governor, the Attorney General, and the Secretary of State the next time the commission meets and to urge the commission to ensure that none of its future recommendations exceed the average increase in state employee pay.

Whereas, Our state's continuing economic struggles emphasize the need to make sacrifices for our future economic and fiscal health. All avenues to encourage that fiscal policies and decisions reflect this need for prudence must be pursued; and

Whereas, Article IV, Section 12 of the State Constitution of 1963 provides for the State Officers' Compensation Commission. This commission determines the salaries and expense allowances of certain elected state officers, including the members of the Legislature, the Governor, the Lieutenant Governor, the Attorney General, and the Secretary of State. Pursuant to state statutes amended to conform to 2002 changes in the constitutional provisions regarding the commission, the State Officers' Compensation Commission will next meet in 2009; and

Whereas, It is important for all possible mechanisms to be put in place to avoid unnecessary spending. Reducing the salaries of the state's highest elected officers and restraining spending increases can help safeguard the public's interests at an important time in our state's history. Establishing a ceiling for the recommendations that the State Officers Compensation Commission can make, by making sure future recommendations cannot exceed the average increase in state employee pay, is an appropriate and long-overdue step to take. These moves can enable other reforms in policy to take root; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we request the State Officers' Compensation Commission to recommend a 5 percent reduction in salaries of the members of the Legislature, the Governor, the Lieutenant Governor, the Attorney General, and the Secretary of State the next time the commission meets and to urge the commission to ensure that none of its future recommendations exceed the average increase in state employee pay; and be it further

Resolved, That the legislature pass a joint resolution presenting the salary reduction language in this resolution as a constitutional amendment for the electorate's approval at the November 4, 2008, general election so that the intent of the legislature stated herein can have effect; and be it further

Resolved, That copies of this resolution be transmitted to the State Officers' Compensation Commission.

The House of Representatives has adopted the concurrent resolution as substituted (H-5) and named Reps. Agema, Ball, Bauer, Brandenburg, Brown, Byrnes, Byrum, Casperson, Caswell, Caul, Constan, Corriveau, Coulouris, Dean, Emmons, Espinoza, Garfield, Gonzales, Green, Hansen, Hildenbrand, Hoogendyk, Hopgood, Horn, Rick Jones, LaJoy, David Law, LeBlanc, Marleau, McDowell, Meekhof, Miller, Moolenaar, Moore, Moss, Nitz, Opsommer, Palsrok, Pearce, Polidori, Proos, Robertson, Rocca, Schuitmaker, Scott, Shaffer, Sheltroun, Simpson, Spade, Stahl, Tobocman, Valentine, Wojno, Bieda, Calley, Condino, Knollenberg and Angerer as co-sponsors of the concurrent resolution.

Pursuant to rule 3.202, the concurrent resolution was laid over one day.

Senator Pappageorge offered the following resolution:

Senate Resolution No. 134.

A resolution to memorialize the United States Congress and United States Food and Drug Administration (FDA) to establish stricter standards for the drug approval process.

Whereas, Americans are justifiably concerned about the safety and efficacy of the drugs and medications they take. In recent years, FDA has received consumer reports of safety concerns and harmful side effects after the use of drugs approved by the FDA. In some cases, the FDA or manufacturer response to these reports has not been timely and consumers continue to risk harm; and

Whereas, The FDA is responsible for protecting public health by assuring the safety, efficacy, and security of human and veterinary drugs, biological products, medical devices, our nation's food supply, cosmetics, and products that emit radiation. Accountability rests with the FDA to require stringent testing and trials before a drug can be approved for marketing; and

Whereas, Incidents of harmful side effects raised concerns that the FDA post-marketing monitoring needs strengthening. Although American drugs are arguably the safest in the world, allegations of detrimental consequences from FDA-approved drugs show that there is room for improvement. Stricter standards for the FDA's investigation and response to consumer reports of harmful side effects should be established to enhance the safety of drugs approved by the FDA and on the market. FDA must immediately investigate consumer reports of harmful side effects and act quickly to protect the public. In this way, Michigan's tort law and strict FDA standards will ensure that Michigan residents can have confidence in the drugs and medications they take; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress and United States Food and Drug Administration to establish stricter standards for the drug approval process; and be it further

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

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Cropsey moved that further consideration of the resolution be postponed for today.

The motion prevailed.

Senators Anderson, Cassis, Clarke, Gilbert, Jacobs, Olshove and Van Woerkom were named co-sponsors of the resolution.

Senators Gleason and Hunter entered the Senate Chamber.

Recess

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

The motion prevailed, the time being 10:21 a.m.

10:43 a.m.

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

During the recess, Senator Birkholz entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

January 17, 2008

Pursuant to Public Act 221 of 2007, Section 9c(2), I am designating Senator Jud Gilbert as my representative on the task force to review the adequacy of surface transportation and aeronautics service provision and finance in Michigan. If you have any questions please contact Bill Sullivan in my office at 3-2417.

Sincerely,
Michael D. Bishop
Senate Majority Leader

The communication was referred to the Secretary for record.

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

Senate Bill No. 43

House Bill No. 4044

The motion prevailed.

Senator Cropsey moved that the following bill, now on the order of the order of Third Reading of Bills, be referred to the Committee on Campaign and Election Oversight:

Senate Bill No. 625, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 613a, 614a, 615a, 624g, 641, and 759a (MCL 168.613a, 168.614a, 168.615a, 168.624g, 168.641, and 168.759a), section 613a as amended by 2003 PA 13, sections 614a and 615a as amended by 1999 PA 72, section 624g as amended by 1990 PA 7, section 641 as amended by 2005 PA 71, and section 759a as amended by 2006 PA 605, and by adding sections 615c and 759c; and to repeal acts and parts of acts.

The motion prevailed.

Senator Cropsey moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 776

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

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 Hunter as Chairperson.

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

House Bill No. 5123, entitled

A bill to amend 2005 PA 210, entitled "Commercial rehabilitation act," by amending section 2 (MCL 207.842), as amended by 2006 PA 554.

Senate Bill No. 776, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 90h.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 968, entitled

A bill to authorize local units of government to fingerprint certain individuals for the purpose of receiving criminal history record information from the department of state police and the federal bureau of investigation; to prescribe the powers and duties of certain state departments and officers; and to provide for the collection of fees.

Substitute (S-3).

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 bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 776

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. 776

Senate Bill No. 524

Senate Bill No. 505

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 776, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 90h.

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. 15

Yeas—24

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

Nays—13

Anderson	Clarke	Prusi	Switalski
Brater	Hunter	Schauer	Thomas
Cherry	Jacobs	Scott	Whitmer
Clark-Coleman			

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Protests

Senators Jacobs, Whitmer and Cherry, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 776.

Senators Jacobs and Whitmer moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Jacobs’ statement is as follows:

I rise today, on this 35th anniversary of the landmark Supreme Court decision of *Roe v. Wade*, to speak to Senate Bill No. 776, commonly referred to as the partial-birth abortion ban. As you know, *Roe v. Wade* upheld a woman’s constitutional right to privacy under the Due Process Clause of the Fourteenth Amendment. But my goal is not to rekindle the argument over our differences concerning either *Roe v. Wade* or Senate Bill No. 776. Instead, I would simply like to publicly acknowledge that we have philosophical differences that will probably never be resolved. What I am recommending today, however, is that we come together and use our energies on other ways that can save children’s lives.

Every day in Michigan, approximately 329 babies are born. Three of them born today will die before they are a year old. In fact, some 68 percent of infant deaths in Michigan occur in their first 28 days of life. Thirty of them will be of low birth weight, adversely affecting their future health. A report several years ago, titled “Keeping Kids Alive,” cited that Michigan mothers are most vulnerable in areas of maternal health and pre-maturity. The study, which was supported by my House colleague, Representative Paul Condino, said there needs to be improvement in preconception health, unintended pregnancies, smoking cessation, drug abuse, and specialized prenatal care.

In 2006, more than 116,000 Michigan children did not have health insurance, and that number continues to grow as the economy worsens. To date, only 1 out of 3 children under six in Detroit has been tested for lead levels. While infant mortality rates may be dropping, the mortality rate for African-American babies remains twice those of whites.

In addition, Michigan continues to fall below the national average in infant mortality, asthma, children’s blood lead levels, chlamydia, gonorrhea, and obesity. The 13-23 age groups is the fastest-growing HIV-infected age group. It’s time to shift our passion from the unborn to those vulnerable, helpless, and defenseless children who are already here. It’s time to transfer our fervor into efforts to ensure that schools have a comprehensive sex education policy that is designed to prepare adolescents to become sexually healthy adults. So, while we in this chamber may not agree philosophically, I agree with Representative Condino who said, “We can’t be a civilized society if we don’t protect our most vulnerable and protect our babies. It is unconscionable not to try and work on this problem.” It is unconscionable not to try to work on this problem. Yes, let us save our babies, but I urge my colleagues on both sides on the aisle to focus their time and efforts on the children who are already here. Let us work together to keep kids alive.

But there is more. We must do more to prevent the babies from having babies, and I speak of the estimated close to 19,000 pregnancies among Michigan teenagers in 2005. Teen mothers are more likely than adult mothers to have dropped out of high school, to be unemployed, and lack parenting skills. Teen mothers’ lifetime risks of social and economic disadvantage are greatly increased, as well as for their children. The increased health risks of infants born to teenaged mothers include low birth weight, pre-term delivery, fetal distress, and other adverse outcomes.

Yes, to abstinence. We must supplement that message, however, with practical, candid, matter-of-fact information about sexuality as well. Studies continue to show that only medically-accurate sex education, including abstinence and birth control, prepares people to make responsible decisions. Studies also show that some 82 percent of Americans support comprehensive sex education classes in schools.

Now my stand on Senate Bill No. 776 remains firm, but I implore my colleagues that we must shift our energies from the unborn to the born. And, with that, I want to say, think of all the kids we could save if we do that.

Senator Whitmer’s statement, in which Senator Cherry concurred, is as follows:

I appreciate the opportunity to speak on this bill today. Like many issues that come before us, this is an issue that is emotional and that is often argued from the basis of emotion and not necessarily always from fact. I think that it is important that we have a factual discussion as well.

I know that everyone has an opinion about what someone should or should not be able to do with their body, but the opinion that matters to me in governing what I should do with my body is the opinion of my doctor. In looking toward the thoughts of doctors who routinely see women—gynecologists—they have weighed in on this, and I think it's important for us to know what they have said.

The section of the American College of Gynecologists (ACOG) opposes this bill for multiple reasons. One, the bill includes a definition of partial-birth abortion which does not have an equivalent in medical textbooks or journals. So we are dictating how they do something that is not even defined. Number two, the bill is unscientific and is not in the best interest of the health and welfare of the women and families in Michigan; unscientific that would be a problem as well. Three, the bill includes statements that are unsubstantiated. For instance, we would like to review the document from “the prominent medical association,” which is a quote from the bill, and “the physician who is credited with developing the partial-birth abortion procedure.” These are quotes taken right out of the bill for which these people who are on the front lines don't know to which we are referring.

These are several reasons that I'm going to oppose this bill today. I just simply ask that you take a moment to review the facts, to think about the people who are on the front lines when women are faced with the awful decision of whether or not this is a procedure that they are going to have to request, and that the doctor is going to have to agree to.

Senators McManus, Hardiman and George asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator McManus' statement is as follows:

Mr. President, I rise in support of Senate Bill No. 776 and wish to make a few comments. First, I would like to start off by thanking the good Senator from the 16th District with regard to his very valid comments on this particular issue. As the chamber may recall not very long ago, in 2003, I sponsored Senate Bill No. 395, bipartisan legislation that was a landmark effort to protect infants from a horrible procedure by clearly establishing the point at which they are born and become legally-protected citizens.

Unfortunately, our Governor vetoed that legislation. However, nearly a half a million citizens worked day and night in this great state and rallied together to pass an initiative petition which did not need her signature to become law. That's what you need here in Michigan. We can sometimes have laws brought about by the people of the state of Michigan. Sadly, last year, the U.S. Court of Appeals struck down this public act.

Before us today is Senate Bill No. 776, which directly reflects the language of the federal partial-birth abortion ban, which has been upheld by the U.S. Supreme Court as constitutionally valid. Over 70 percent of Americans are opposed to the extreme and unnecessary procedures limited by this legislation. The procedures collectively known as “partial-birth abortions” have never been shown to be safer or even as safe as alternative methods in a peer-review study. Even more, the American Medical Association has stated that even when a mother's health is endangered by her pregnancy, it is simply better to deliver that child rather than to abort it.

Today, on the 35th anniversary of the *Roe v. Wade* decision, I urge my colleagues to support this most important legislation to ban a grizzly and medically-unnecessary procedure.

Senator Hardiman's statement is as follows:

I rise to offer my strong support for Senate Bill No. 776. Although it is still very early in this new year, Senate Bill No. 776 is one of the most important bills we will discuss the entire year. It is important because it will help to define us as a people and as a state.

Two hundred thirty-two years ago, a group of men gathered in Philadelphia to define themselves and a nation as yet unborn. Their character in their choice was written in our Declaration of Independence. I hope those words will guide us today. “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.” These authors were not perfect, and it took a bloody civil war and another century of striving to bring us closer to the full meaning of those words. But even as we note human failings in our early history, we are humbled by the high standards that these words call us to.

We have a choice today in Michigan; in the Michigan Senate as well. Pending before this body is a measure which would value life so much that it would penalize those who would harm it. Since coming to the Senate in 2003, I have been on the Families and Human Services Committee and have watched how we have acted again and again, often unanimously, to protect formable life. We have revised the law and powers of the children's ombudsman act to investigate child abuse and recommend changes. In the midst of tough budgets, we have found money to add new child protection service workers. We have passed new laws regarding background checks for people in contact with children and laws regarding exposure to lead poisoning or other diseases. Our record is clear and honorable. I believe that we need to protect and work to protect those who are born and unborn.

What do we do about Senate Bill No. 776 and partial-birth abortion? This is one of the tough issues; one of the votes we know we'll hear from constituents on. The fundamental question is, do we believe the words of our Declaration of Independence still matter? Is life still an unalienable right given to all of us? I think our choice is clear. Given the chance

to affirm Michigan as a state where life is given the highest value and protection of the vulnerable is a bedrock principle, we must seize that chance and make that statement.

Thank you and please join me in supporting Senate Bill No. 776.

Senator George’s statement is as follows:

I just wanted to respond to a couple of comments that I heard earlier. Of course, the Health Policy Committee passed Senator Brown’s bill to the Senate floor. We had taken it up because it addressed concerns that had been raised by the court. Some of the objections that you have heard relate to the potential for interfering with the patient-doctor relationship and I suppose that is true. The bill does affect the patient-physician relationship, but state government has already crossed that bridge. We do have an interest in regulating the practice of medicine and protecting the public’s health. We have many laws that already do that. We require physicians to obtain special consent prior to performing a mastectomy, for example; not just any surgical consent, but a special one that is prescribed in state statute.

We have prohibitions on physician-assisted suicide and euthanasia. We have special laws regarding HIV testing, credentialing its health professionals, and the operation of hospitals and nursing homes. So, in fact, health care is probably the most heavily regulated sector of our economy. The state does have an interest in overseeing the patient-physician relationship.

The other inference is that if we ban this procedure that somehow it will place mothers at risk, and that’s no longer true. This is a medieval practice or a procedure that is fallen out of modern medical practice and no longer serves any purpose. If a mother’s life is in danger and the baby needs to be delivered, then that can be accomplished in other ways.

So the practice is no longer part of modern medical practice and does not need to be used within the state’s boundary. So I rise in support of this measure and would like my colleagues to join me in voting for it.

The following bill was read a third time:

Senate Bill No. 524, entitled

A bill to amend 1992 PA 234, entitled “The judges retirement act of 1992,” (MCL 38.2101 to 38.2670) by adding section 514.

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. 16

Yeas—37

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

Nays—0

Excused—1

Garcia

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. 505, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending sections 1 and 5o (MCL 28.421 and 28.425o), as amended by 2002 PA 719.

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. 17

Yeas—34

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

Nays—3

Brater	Clark-Coleman	Jacobs
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Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Scott, Cropsey, Cassis and Gleason 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:

As I speak today, I heard one of my colleagues say during the last debate that all men are created equal. Well, I’d like you to think about that when it come to insurance.

Today’s words to live by: “Let not the shining thread of hope become so enmeshed in the web of circumstance that we lose sight of it.” These words were spoken by Charles Chestnutt, noted African-American author and activist. I spoke at

the last session about hope; about hope leading to possibility, leading to change. Well, today I stand before you to remind you that, in spite of the huge web of circumstances that we faced during recent months, I refuse to allow my goal of insurance reform to become enmeshed in it. I stand before you today to inform you that I will never lose sight of that goal.

Fair and accessible insurance rates for all Michigan residents continues to motivate me, drive me, and inspire me. And it continues to instill me with the fire every day to stand before you and say, "Move my bills."

Senator Cropsey's statement is as follows:

First of all, I want to thank the Senator from the 16th District for sponsoring the pro-life legislation today and also the Senator from the 35th District for the work that she has done on this in the past. I want to say thank you to the Senator from the 31st District for his words, as well as the Senator from the 29th District. I think it is important to note that as we look at 35 years ago today, one of the most tragic decisions that was ever made by the Supreme Court was made and it is still the law of the land.

To date, we still have about 50 million abortions that have come about as a result of *Roe v. Wade*. A few quotes, I think, would be appropriate. Albert Schweitzer said, "If a man loses reverence for any part of life, he will lose his reverence for all life." Mother Teresa said this concerning the *Roe v. Wade* decision, "America needs no words from me to see how your decision in *Roe v. Wade* has deformed a great nation. The so-called right to abortion has pitted mothers against their children and women against men. It has sown violence and discord in the heart of the most intimate human relationships. It has aggravated the derogation of the father's role in an increasingly fatherless society. It has portrayed the greatest of gifts—a child—as a competitor, an intrusion, and an inconvenience. It has nominally accorded mothers unfettered dominion over the independent lives of their physically dependent sons and daughters. And, in granting this unconscionable power, it has exposed many women to unjust and selfish demands from their husbands or other sexual partners. Human rights are not a privilege conferred by government. They are every human being's entitlement by virtue of his humanity. The right to life does not depend, and must not be declared to be contingent, on the pleasure of anyone else, not even a parent or a sovereign."

I think Mother Teresa, she said in one quote there, basically what our founding documents and our own Constitution bring out. Certainly, the Declaration of Independence was very clear when it said, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness." The first being the right to life.

Article 5 of the Bill of Rights says that no person shall be deprived of life, liberty, or property without due process of law. But, yet, we have had 50 million people in our society today who have been deprived of life without due process of law. The Fourteenth Amendment goes on to say that, "Nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws."

President Ronald Reagan said this quote: "Abraham Lincoln recognized that we could not survive as a free land when some men could decide that others were not fit to be free and should therefore be slaves. Likewise, we cannot survive as a free nation when some men decide that others are not fit to live and should be abandoned to abortion or infanticide. There is no cause more important for preserving freedom than affirming the transcendent right to life of all human beings, the right without which no other rights have any meaning."

I would just hope and pray that next year at this time we could celebrate the overturning of this tragic decision.

Senator Cassis' statement is as follows:

Not surprisingly to us, the financial market throughout the world is reverberating and plunging downward. Our federal government is responding, trying to shore up the economy here and abroad to bring back confidence and liquidity. In addition, the federal government is working to relieve the housing and subprime crisis, which is of considerable importance to Michigan.

The stimulus package has a number of parts and goals. First, just announced merely hours ago in an unusually bold step, interests rates will be brought down by three-fourths of a percentage point as a currency and stock market stimulus. Secondly, the feds intend to help banks and the subprime crisis—this to hopefully, hopefully help people who cannot pay their mortgages. This, again, is especially significant for our state. Thirdly, the feds are also talking about putting more money in the hands of people in order to spur buying and thus our schools, our local units of government, and our economy.

Finally, I think and I hope sincerely that a segment of that stimulus package will be sent to the state to plow money into our crumbling infrastructure. The benefits are obvious. Workers will have jobs, revenue through taxes will flow in, and improved roadways will boost Michigan's economy.

Senator Gleason stated that had he been present on January 17 when the votes were taken on the passage of the following bills, he would have voted "yea":

Senate Bill No. 846

Senate Bill No. 847

Senate Bill No. 848
Senate Bill No. 849
Senate Bill No. 850
Senate Bill No. 851
Senate Bill No. 852
Senate Bill No. 853
Senate Bill No. 854
Senate Bill No. 855
Senate Bill No. 856

Senator Gleason stated that had he been present on January 17 when the vote was taken on the adoption of the following joint resolution, he would have voted “yea”:

Senate Joint Resolution J

Senator Gleason stated that had he been present on January 17 when the votes were taken on the passage of the following bills, he would have voted “nay”:

Senate Bill No. 967
Senate Bill No. 999

Senator Gleason’s statement is as follows:

In regard to Senate Bill No. 776, I’m very proud of my faith; I’m very proud of my Irish heritage. This has been a scourge on our lands for many, many years. I was very blessed to have two members of my family attend the Roman Catholic seminary. I think that it is important that we as Americans understand that we do have an obligation to respect and offer a high level of dignity to human life.

I was one who was born with a complication, and under certain circumstances other than what I was born under, I might have been one some folks would have chose to abort. This decision is vitally important to me. My biggest concern is that far too often we use political posturing and use words of angst in regard to this delicate situation. *Roe v. Wade* is vitally important to me as an individual and as a member of a family that thought it was vitally important as well. I remember the discussion three and a half decades ago in regard to *Roe v. Wade*. My family talked about this very, very intimately at the time that it was being thought about, but I wish that each and every Senator would take the obligation to read the history of *Roe v. Wade*.

There was actually two vacancies on the Supreme Court bench when they first heard *Roe v. Wade*. It didn’t really register across our country at that particular time, but we did have a pretty volatile presidential election, just like we do today, going on across the United States. The first decision that came back in *Roe v. Wade* was five Supreme Court Justices voted “yes” and two voted “no,” but that would have had an impact on that presidential election that year so they used an excuse to say, “Well, we don’t have a full bench. We’ll make the appointments—even though the appointments would not have altered the decision by the Supreme Court—we’ll fill the two vacancies and come back with a determination about this issue at a later date.” So President Nixon at that time filled the two vacancies. The decision then came back 7-2 to take the states’ right away and this would be a federal issue. We would legalize abortion under certain circumstances.

I get fairly tired of some saying that this is Democratic or Republican issue. If you look at the history, one Democrat and one Republican voted “no”—presidential appointments, Supreme Court Justices—one voted “yes” and one voted “no.” On the affirmative side, there were six votes to affirm the rights of states to legalize abortions. Six Republicans and one Democrat voted “yes” to affirm it.

I think that’s the issue that we have to address today. This is not about politics. This is about something more dear than politics—individuals. The decision came back 7-2 to legalize abortion in this country. So I think it’s time for us to advance beyond, I think, the demarcation line between Democrats and Republicans. I am a Democrat; I am a believer in life from conception to resurrection, but I get quite tired about my party being the one that carries the banner and supports pro-life or pro-choice decisions. It’s interestingly—and I’m just going to underline this once again—it’s understandable that politics are involved in this issue, but it’s also understandable that the Republicans had the final analysis with the appointments to the Supreme Court that legalized abortion, not the Democratic one. I think we have to advance beyond that. I think that pro-life positions are offering everyone health care. I think pro-life positions are those that deter the death penalty and life is precious. It should be taken from our hands and given to the good Lord who gave us this great blessing of life itself.

I join the Floor Leader in saying that next year I hope that we have a different conclusion to this issue.

Committee Reports

The Committee on Health Policy reported

Senate Bill No. 776, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 90h. With the recommendation that the bill pass.

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

Thomas M. George
Chairperson

To Report Out:

Yeas: Senators George, Patterson, Sanborn, Allen and Gleason

Nays: Senator Jacobs

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, January 16, 2008, at 3:33 p.m., Room 210, Farnum Building

Present: Senators George (C), Patterson, Sanborn, Allen, Gleason and Jacobs

Excused: Senator Clarke

The Committee on Finance reported

Senate Bill No. 1009, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 207 (MCL 208.1207).

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.

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, McManus, Jansen, Prusi, Jacobs and Whitmer

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 Finance submitted the following:

Meeting held on Thursday, January 17, 2008, at 11:33 a.m., Room 110, Farnum Building

Present: Senators Cassis (C), Gilbert, McManus, Jansen, Prusi, Jacobs and Whitmer

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:

Meeting held on Wednesday, January 9, 2008, at 10:00 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Garcia (C), Cropsy and Barcia

COMMITTEE ATTENDANCE REPORT

The Committee on Energy Policy and Public Utilities submitted the following:

Meeting held on Thursday, January 17, 2008, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Brown, Birkholz, Richardville, Olshove and Prusi

Excused: Senators Kuipers and Thomas

COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees Investment Subcommittee submitted the following:
Meeting held on Thursday, January 17, 2008, at 2:00 p.m., Room S-927, House Office Building
Present: Senator Clarke

Scheduled Meetings**Appropriations -****Subcommittees -**

Community Health Department - Thursday, January 24, 1:00 p.m., Room 100, Farnum Building (373-2768)

Environmental Quality Department - Tuesdays, February 5 (CANCELED) and February 12, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Higher Education and Community Colleges, and House Higher Education and Community Colleges Appropriations Subcommittees - Wednesdays, January 23 and January 30, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Retirement - Tuesday, January 29, 12:00 noon, Room 110, Farnum Building (373-2768)

State Police and Military Affairs - Wednesday, February 6, 2:00 p.m., Room 100, Farnum Building (373-2768)

Appropriations, Senate/House - Thursday, February 7, 11:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Economic Development and Regulatory Reform - Wednesday, January 23, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Health Policy - Wednesday, January 23, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

Homeland Security and Emerging Technologies - Tuesday, January 29, 1:00 p.m., Room 100, Farnum Building (373-5932)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:35 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, January 23, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate