

No. 10
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Thursday, February 12, 2009.

10:00 a.m.

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

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

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

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

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

Senator Tupac A. Hunter of the 5th District offered the following invocation:

“Lord, make me an instrument of Your peace. Where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; and where there is sadness, joy.

O Divine Master, grant that I may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love.

For it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life.”

—St. Francis of Assisi

Amen.

The President pro tempore, Senator Richardville, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

The following communication was received and read:

Office of the Senate Majority Leader

February 11, 2009

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Economic Development & Regulatory Reform Committee hold a hearing on the appointment of Edward J. Gaffney to the Michigan Liquor Control Commission and make a written recommendation to the Government Operations and Reform Committee on the appointment.

Sincerely,
Michael D. Bishop, Chairman
Government Operations and Reform Committee

The communication was referred to the Secretary for record.

Senator Cropsey moved that Senator Hardiman be excused from today’s session for the purpose of attending the birth of his grandchild.

The motion prevailed.

Senator Thomas moved that Senator Clarke be temporarily excused from today’s session.

The motion prevailed.

Senator Garcia entered the Senate Chamber.

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

Senate Bill No. 195

Senate Bill No. 196

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

The Secretary announced that the following official bills were printed on Wednesday, February 11, and are available at the legislative website:

Senate Bill Nos.	203	204	205	206	207	208	209												
House Bill Nos.	4209	4210	4211	4212	4213	4214	4215	4216	4217	4218	4219	4220	4221	4222	4223	4224	4225	4226	4227
	4228	4229	4230	4231	4232	4233	4234	4235	4236										
	4237	4238	4239	4240	4241														

Messages from the Governor

The following message from the Governor was received and read:

February 11, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to office pursuant to Section 9 of 2008 PA 554, MCL 141.1359:

Regional Convention Facility Authority Board of Directors

Mr. Larry D. Alexander of 4685 Rambling Drive, Troy, Michigan 48098, county of Oakland, is appointed for a term commencing February 11, 2009 and expiring August 31, 2010.

Sincerely,
Jennifer M. Granholm
Governor

The appointment was referred to the Committee on Government Operations and Reform.

The following message from the Governor was received and read:

February 11, 2009

Due to an error on the February 6, 2009 letter filed with your office pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963 and Section 213 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.213 and Executive Order 2003-18, MCL 445.2011, please be advised of the following correct language:

Worker's Compensation Board of Magistrates

Mr. David M. Kurtz, Jr., of 2018 Stone Hollow Court, Bloomfield Hills, Michigan 48304, county of Oakland, succeeding Andrew Sloss, who has resigned, is appointed for a term commencing February 23, 2009 and expiring January 26, 2013.

Mr. Michael J. Mason of 2220 Rochelle Park Drive, Rochester Hills, Michigan 48309, county of Oakland, succeeding John Rabaut, who has resigned, is appointed for a term commencing February 9, 2009 and expiring January 26, 2013.

Sincerely,
Jennifer M. Granholm
Governor

The message was referred to the Committee on Government Operations and Reform.

Senator Basham entered the Senate Chamber.

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 Sanborn as Chairperson.

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

Senate Bill No. 195, entitled

A bill to amend 1943 PA 20, entitled "An act relative to the investment of funds of public corporations of the state; and to validate certain investments," by amending section 1 (MCL 129.91), as amended by 2008 PA 308.

Senate Bill No. 196, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 622 and 1223 (MCL 380.622 and 380.1223), as amended by 2008 PA 307.

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

During the Committee of the Whole, Senator Clarke entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 70, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 28 (MCL 205.28), as amended by 2003 PA 114.

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. 19

Yeas—36

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

Nays—0

Excused—1

Hardiman

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 71, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending section 10 (MCL 207.810), as amended by 2006 PA 283.

The question being on the passage of the bill,

Senator Jacobs offered the following amendment:

1. Amend page 3, line 13, after “(J)” by striking out “A COPY OF EACH CERTIFICATE ISSUED” and inserting “THE AGGREGATE AMOUNT OF ALL CREDITS AND THE NAME OF EACH ENTITY THAT RECEIVED A CREDIT”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Jacobs offered the following amendment:

1. Amend page 3, line 2, after “agreements” by inserting “AND THE TOTAL CAPITAL INVESTMENT FOR THE CREDIT UNDER NEW WRITTEN AGREEMENTS”.

The amendment was adopted, a majority of the members serving voting therefor.

Senator Jacobs offered the following amendments:

1. Amend page 3, line 17, after “SHALL” by striking out “AUDIT” and inserting “REVIEW”.

2. Amend page 3, line 18, after “INCLUDE” by striking out “ITS AUDIT FINDINGS” and inserting “COMMENTS ABOUT ITS REVIEW”.

The amendments were adopted, a majority of the members serving voting therefor.

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. 20

Yeas—36

Allen	Cherry	Jacobs	Prusi
Anderson	Clark-Coleman	Jansen	Richardville

Barcia	Clarke	Jelinek	Sanborn
Basham	Cropsey	Kahn	Scott
Birkholz	Garcia	Kuipers	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Gleason	Pappageorge	Van Woerkom
Cassis	Hunter	Patterson	Whitmer

Nays—0

Excused—1

Hardiman

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 72, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 513 (MCL 208.1513).

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. 21

Yeas—22

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

Nays—14

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

Excused—1

Hardiman

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Protests

Senators Cherry, Thomas and Jacobs, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 72.

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

The motion prevailed.

Senator Cherry’s statement is as follows:

My previous colleague pretty much described the concerns that I have with Senate Bill No. 72. I am not going to report those, except to say that the part that probably concerns me the most is that we are now requiring more information from businesses that they are going to have to report if this bill passes. It seems to me that that is something we would not want to do; that we would not want to make their reporting even more burdensome than it is now.

In addition, I think the bill also requires the Department of Treasury to make an analysis of the various tax credits that we have passed into law to say whether they are effective or not. I guess I believe that that is a responsibility of ours. If we pass a tax credit, then we must believe that it is effective. If we don’t, then we should not be passing them.

So I, unfortunately—well, I voted for it in committee. It has changed enough where I am not going to be able to vote for it now. I hope my colleagues will do the same.

Senator Thomas’ statement is as follows:

The bill that many of us just opposed—that I just opposed—is important in that it does call for transparency. However, the bill is technically flawed in that the Treasury Department does not keep the statistics, and businesses are not required to report the statistics that the Treasury Department would then have to report to us. So I don’t see how it is possible for them to report information that they are not given by local businesses.

So with that being said, I could not support the legislation because I think it is impractical, and while its intent is laudable, it is impossible to make happen.

Senator Jacobs’ statement is as follows:

This is the one bill that, unfortunately, I am not going to be able to support. It kind of goes back to this whole process issue that we talked about a little earlier in terms of Senate Bill Nos. 70 and 71. In committee, we promised to work with Treasury on a compromise, and our Democratic votes were contingent upon working together with the committee and Treasury. We just got, actually, a more burdensome sub that was dropped on the administration and us just before adopting it. I wanted to be sure that as we move forward that we do so having all of the facts.

Now, originally, the content of the bill is essentially covered by the subs for Senate Bill Nos. 70 and 71, basically, rendering the bill as introduced as redundant and probably unnecessary. Now the new content in this sub would require Treasury to collect information that they do not already collect, adding an additional administrative and cost burden to the department. I need to know what that cost is going to be.

Now new information will also have to be collected from taxpayers via new or altered forms, again, associated with costs to the department, but at a time when presumably—also I am making the assumption that there will be more burden and more costs to businesses.

So until I have a better understanding of the time and the financial burden on both our state government and our businesses, I cannot support this bill at this time in this form.

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

The motion prevailed.

Senator Cassis’ statement is as follows:

Just to provide a little bit of background, very briefly, on treasury 101, if you will. Companies claim their MEDC credits from Treasury, not from the MEDC. So Treasury is the appropriate department to provide the information that

we are asking for. Let me point out there is no true real burden on Treasury to provide for the mechanism for following taxpayer dollars. They are entrusted with all the revenue in this state, and that is why we not only seek their counsel, but we seek in this bill that they do their job—Treasury does their job to implement and follow the laws written by the Legislature. This will be a bill written by the Legislature—a bill and then enacted into law.

So I think while we will work continually throughout the process, this needs to be made abundantly clear this morning.

Resolutions

Senator Gleason offered the following concurrent resolution:

Senate Concurrent Resolution No. 2.

A concurrent resolution to express the sense of the Michigan Legislature that all future State of the State addresses be interpreted for the deaf and hard of hearing by qualified interpreters.

Whereas, More than 31 million Americans have hearing loss. As baby boomers reach retirement age, starting in 2010, this number is expected to nearly double by the year 2030; and

Whereas, It is estimated that 1.4 million people in the state of Michigan have some degree of hearing loss; and

Whereas, Hearing loss can greatly hinder everyday, ordinary communication, and people with hearing loss often feel a sense of isolation when deprived of access to effective communication; and

Whereas, The state of Michigan serves as a model of inclusion for all deaf and hard of hearing individuals; and

Whereas, The state of Michigan should provide accommodations, such as sign language interpreters, assistive listening technology, and televised captioning for all deaf and hard of hearing individuals at State of the State addresses; and

Whereas, For the first time in history, the 2007 Governor's State of the State address was interpreted by qualified interpreters provided by the Division on Deaf and Hard of Hearing within the Department of Labor and Economic Growth. This presentation clearly illustrated the appropriateness of making this a permanent part of such events; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the members of the Michigan Legislature that all future State of the State addresses be interpreted for the deaf and hard of hearing by qualified interpreters provided by the Division on Deaf and Hard of Hearing within the Department of Energy, Labor, and Economic Growth; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor and the Division on Deaf and Hard of Hearing within the Department of Energy, Labor, and Economic Growth.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations and Reform.

Senators Anderson, Barcia, Brater, Clark-Coleman, Clarke, Hunter, Jacobs, Kahn, Olshove, Prusi and Scott were named co-sponsors of the concurrent resolution.

Senators Thomas, Clark-Coleman, Clarke, Scott and Hardiman offered the following resolution:

Senate Resolution No. 12.

A resolution to proclaim February 8-14, 2009, as NAACP Week in Michigan.

Whereas, In the summer of 1908, the country was shocked by the account of race riots in Springfield, Illinois, home of Abraham Lincoln; and

Whereas, On February 12, 1909, the National Association for the Advancement of Colored People (NAACP) was born; and

Whereas, The NAACP was founded on the beliefs embodied in the Constitution of the United States of America, supporting democracy, dignity, and freedom; and

Whereas, For 100 years, the NAACP has lead social change in America; and

Whereas, The vision of the National Association for the Advancement of Colored People is to ensure a society in which all individuals have equal rights and there is no racial hatred or racial discrimination; and

Whereas, The NAACP has worked to advance its mission to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination; and

Whereas, Since its inception, the NAACP has fought discrimination in education, the voting booth, the military, public accommodations, employment hiring practices, and many other areas; and

Whereas, The NAACP is dedicated to the objective of securing full enjoyment of citizenship rights, justice in the courts, and equality of opportunity for all; and

Whereas, Our nation and state have benefited from the NAACP's unwavering commitment to civil rights and the vision of a society free of injustice; and

Whereas, NAACP members in the state of Michigan have been dedicated to upholding these principles of the NAACP and have worked to achieve the objectives of justice and equality for all; and

Whereas, The Michigan State Conference of NAACP believes that each member is unique and valuable, and knowledge leads to understanding and respect. Everyone benefits from the rich dimensions of diversity in our association, our workplaces, our schools, and our communities; and

Whereas, Today, NAACP units in the state of Michigan are continuing in their efforts to end discrimination and to ensure equal opportunity for all citizens in their community; and

Whereas, The state of Michigan and all its citizens have been well served by the dedication to these principles on the part of members of NAACP branches, youth councils, college chapters, and prison chapters, as well as their unwavering commitment to these goals; now, therefore, be it

Resolved by the Senate, That we hereby acknowledge and celebrate the 100th anniversary of the National Association for the Advancement of Colored People and proclaim the week of February 8, 2009, to be NAACP Week in the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Detroit Branch NAACP with our highest esteem.

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 resolution was adopted.

Senator Cropsey moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

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

The motion prevailed.

Senator Thomas' statement is as follows:

I join today with my colleagues, Senators Irma Clark-Coleman, Martha G. Scott, Tupac Hunter, Hansen Clarke, and Bill Hardiman—we wish him well with the birth of his grandchild—in support of Senate Resolution No. 12, which celebrates 100 years of greatness by the National Association for the Advancement of Colored People.

In 1909, 100 years ago, the NAACP was born. The NAACP was founded on the beliefs embodied in the Constitution of the United States of America, supporting democracy, dignity, and freedom for all people. For 100 years, the NAACP has led America's struggle for social change. Today the NAACP continues its dedication to the objective of securing full enjoyment of citizenship rights, justice in the courts, and equality of opportunity for all people.

While we celebrate their success today, over the past 100 years, and certainly, those successes have led to the election of America's first African-American President. I would caution all to remember that much work still remains in the struggle of social justice and equality for all people. NAACP members in the state of Michigan have been dedicated to upholding these principles of the NAACP and have worked to achieve the objectives of justice and equality for all. The Michigan State Conference of NAACP believes that each member is unique and valuable, and knowledge leads to understanding and respect that everyone benefits from the rich dimensions of diversity in their association, in our workplaces, in our schools, and in all communities across the state of Michigan.

Today, NAACP units in the state of Michigan are continuing in their efforts to end discrimination and to ensure equal opportunity for all citizens in their community, particularly equal opportunity to education.

Joining us today, in celebration of 100 years of America's premier civil rights organization, we have officials and friends from across our great state. Our contingent is led by Ms. Yvonne White, who is the president of the Michigan State Conference. They are in the Gallery over here. I would hope that my colleagues would recognize them. I would also invite all members of the Legislature to join us in a small celebratory reception in Room 424 of the Capitol, starting at 10:30 a.m. until noon, sponsored by the Michigan Legislative Black Caucus.

Mr. Chairman, again, on behalf of all my colleagues here, I wish to say thank you for 100 years of dedication and service and upholding the principles and ideals that our great nation were founded upon through the work of the National Association for the Advancement of Colored People.

We wish them a happy 100th birthday.

Senator George offered the following resolution:

Senate Resolution No. 13.

A resolution to urge the Governor to work with the Civil Service Commission to require that state employees either work on President's Day or take the day off as an unpaid holiday to reflect the state's dire financial challenges.

Whereas, Michigan’s economic conditions are well documented. Our longstanding status as the state with some of the highest unemployment rates from month to month and the several years we have lagged behind the rest of the country in a host of key economic measures make it clear that significant changes must be made; and

Whereas, As thousands of Michigan families cope with joblessness, the fear of unemployment, and grave uncertainty in their finances, it is important for the public sector to make the same kinds of sacrifices many in the private sector have been making. It is an incongruous situation that 50,000 state employees enjoy paid holidays for dates when most private workers report for work the same as always; and

Whereas, As Michigan searches for new ways to revive our economy and improve the state’s outlook, it is most appropriate to revisit our current practices. Assumptions and policies that may have worked well in the past, when Michigan was in a far stronger situation economically, are not so applicable today. Setting a more realistic tone by reevaluating the benefits enjoyed by state employees can send a significant message and help Michigan in both practical and symbolic ways; now, therefore, be it

Resolved by the Senate, That we urge the Governor to work with the Civil Service Commission to require that state employees either work on President’s Day or take the day off as an unpaid holiday to reflect the state’s dire financial challenges; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor.

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 Thomas requested the yeas and nays.

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

The resolution was not adopted, a majority of the members not voting therefor, as follows:

Roll Call No. 22

Yeas—5

Bishop	George	Jansen	Stamas
Cassis			

Nays—30

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

Excused—1

Hardiman

Not Voting—1

Garcia

In The Chair: Richardville

Senators Barcia and Cassis were named co-sponsors of the resolution.

Protests

Senators Brater and Whitmer, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Resolution No. 13 and moved that the statements they made during the discussion of the resolution be printed as their reasons for voting “no.”

The motion prevailed.

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

I rise to oppose this resolution and the arguments that have just been given in support of it. I believe that the workers of the state of Michigan are an extremely hardworking group of people in the face of years now of downsizing state government. The state employees who are left are doubling and tripling their personal efforts to get the job done on behalf of the citizens of the state of Michigan. To balance this budget over and over again on the backs of our hardworking state employees is unfair and quite demoralizing to these workers.

I think if we want to get the best possible services in the state of Michigan, we need to be congratulating these workers and thanking them, not bashing them like this. It is important to point out that most of these holidays are based on negotiated contracts, and if we are going to alter them, it needs to be dealt with through the bargaining process. I think in that way this resolution is not a proper approach.

I agree that we are in dire straits in the economy of our state, and we need to be looking for ways to properly fund state government and to diversify our economy so that we will have the jobs of the future that we need to have for our state to flourish.

Senator Whitmer’s statement is as follows:

District 23 actually represents the State Capitol and all the state employees who are so popular to dump on in times of tough economics here in Michigan. Every year, we ask for concessions from our state employees. They are overworked, and they are underappreciated. I ask the gentleman from Kalamazoo what concessions have you made over the last eight years? What concessions have you made? I know that my constituents have made concessions time and time again. I am tired of people in their comfortable, cushy offices saying, “You pay, you pay. We are going to balance this budget on your back.” It’s wrong. I ask you, I reiterate, what concessions have you made?

I’ve got some ideas on how we can work on the legislative budget, and I will be happy to share them with you. I think it is time that we have some concessions made here. I am eager to have those discussions.

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

The motion prevailed.

Senator George’s statement is as follows:

Monday morning, the sun will come up and alarm clocks will sound and Michiganders who are lucky enough to have jobs will rub the sleep from their eyes and will celebrate President’s Day by heading off to work. Throughout Michigan, auto repair shops will open; so will restaurants, retail shops, dry cleaners, and dental offices. In my district, the public schools are open; teachers and students will report as usual. The Kalamazoo Public Library will be open; so will both Kalamazoo and Portage city halls. Most county offices will be open. Classes will be held at Western Michigan University, Michigan State University, and the University of Michigan. Across the boarder in Indiana, all state offices are open for business.

However, here in Michigan, where state government faces another huge budget shortfall; here in Michigan, where we don’t have enough resources to pave our roads; here in Michigan, where we can no longer afford to keep our prisoners locked up; here in Michigan, where we can’t find enough money to fully fund our schools; here in Michigan, on Monday, we are going to give state employees the day off with full pay.

When we lose people and jobs to the state of Indiana, we are sometimes told that it is because of our tax structure—that people and businesses pay more in Michigan. Now if that is so, shouldn’t it follow that they should be receiving better services from state government? One might think that perhaps those higher taxes would result in faster services, a quicker turnaround time, or a better response from government. But sadly, on Monday that will not be the case. There will be no state services on Monday, as state government will be on vacation.

I am heartened to see that Governor Granholm and her administration will be meeting with state employee unions in the coming weeks to discuss ways to help fix Michigan through concessions. Colleagues, concessions are nothing new to workers in Michigan, as the Big Three continue to negotiate contracts with their employees to find ways to keep the companies viable and the employees employed.

My friends, if we are ever to truly turn Michigan around, we must stop paying government more and getting less in return. In order to fix Michigan, state employees cannot be paid for being idle while the rest of Michigan is yearning to go to work.

Introduction and Referral of Bills

Senators Pappageorge, Hardiman, Cropsy, Kuipers and Richardville introduced

Senate Bill No. 218, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 7qq.

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

Senators Pappageorge, Cropsy, Kuipers and Richardville introduced

Senate Bill No. 219, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 201 (MCL 208.1201), as amended by 2008 PA 168.

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

Senator Jelinek introduced

Senate Bill No. 220, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing chapter V (MCL 750.29 to 750.32).

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

Senator Jelinek introduced

Senate Bill No. 221, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 44 of chapter VII and section 16a of chapter XVII (MCL 767.44 and 777.16a), section 16a of chapter XVII as amended by 2004 PA 216.

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

Senators Gleason and Van Woerkom introduced

Senate Bill No. 222, entitled

A bill to amend 2000 PA 321, entitled "Recreational authorities act," by amending section 3 (MCL 123.1133), as amended by 2003 PA 135.

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

Senators Basham, Jelinek and Jacobs introduced

Senate Bill No. 223, entitled

A bill to amend 2004 PA 452, entitled "Identity theft protection act," by amending sections 9, 11, 12, and 12b (MCL 445.69, 445.71, 445.72, and 445.72b), sections 12 and 12b as added by 2006 PA 566, and by adding sections 19, 19a, 19b, and 19c.

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

Senators Basham, Jelinek and Jacobs introduced

Senate Bill No. 224, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 159g (MCL 750.159g), as amended by 2002 PA 124.

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

Senators Basham, Jelinek and Jacobs introduced

Senate Bill No. 225, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 10c of chapter II (MCL 762.10c), as added by 2004 PA 453.

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

Senators Basham, Jelinek and Jacobs introduced

Senate Bill No. 226, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 14h of chapter XVII (MCL 777.14h), as amended by 2008 PA 430.

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

Statements

Senators Brown, Scott, George, Prusi and Cropsey asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Brown’s statement is as follows:

As we give our attention to Michigan’s dire economy and express our solidarity with those who are unemployed, it is good to reflect on the significance of today. In this chamber, as in legislative halls across America, we pause to consider the uneventful birth of a child and ensuing legacy of a great and good man. Abraham Lincoln is the rule by which we measure the strength and character of our political will. It is a tall measure indeed.

And just what would we make of Abraham Lincoln if he emerged on the scene today? On the political stage of his day, he made an awkward appearance at best. When he looked at you, you saw he had an unusual gaze. He had a trick left eye that focused at a different level than the other. He was disproportionately tall and lanky, flat-footed, and he wore ill-fitting clothes. He spoke with a high-pitched Kentucky twang, not the rich baritone of movie impersonators. In today’s world of klieg lights and Hollywood polish, he would not be central casting’s first choice for primetime TV. Yet there was a certain quality that could not be overlooked by 19th century observers—not on the Illinois prairie, not at Cooper Union in New York City, and not in Bronson Park in Kalamazoo.

Within the souls of this ungainly statesman was the heartbeat of liberty, and when he spoke of democracy, the heart of America listened. To the people of Kalamazoo, he said “We stand at once the wonder and admiration of the whole world, and we must enquire what it is that has given us so much prosperity, and we shall understand that to give up that one thing, would be to give up all future prosperity. The cause is that every man can make something of himself.”

On this 12th day of February, the bicentennial of Abraham Lincoln’s birth, let us offer in silent chambers from the State House to the White House a prayer of gratitude for the life of this great man, so that we, too, might “take increased devotion to that cause which he gave the last full measure of devotion...that this nation, under God, shall have a new birth of freedom and that government of the people, by the people, for the people shall not perish from the earth.”

Senator Scott’s statement is as follows:

I return today to the Reverend Dr. Martin Luther King, whose words continue to energize and inspire. Today’s words are often repeated and are an inspiration to me every day. And Dr. King said, “You must be willing to suffer the anger of the opponent, and yet not return the anger. No matter how emotional your opponents are, you must remain calm.”

Now I wouldn’t be honest if I said I never get mad. Sometimes I get so frustrated by the apparent apathy and callous attitudes of some of my colleagues over this insurance issue that I could spit. But Dr. King’s words are ingrained in my heart. So I will suffer your anger and not return it. Regardless of your resistance, your inaction, and your criticisms, I will remain calm. I have a goal and I am focused on that goal.

My purpose is singular—to bring equity and fairness to insurance rates for Michigan’s drivers and homeowners. My objective—my entire focus—is for you to move my bills.

Senator George’s statement is as follows:

Mr. President, this being the 100th anniversary of the founding of the NAACP and the 200th anniversary of Lincoln’s birth, I did want to make a couple of comments about Michigan’s Lincoln connections. As you heard earlier, Lincoln only visited once; that was to my district. In fact, we have several other connections to President Lincoln.

An 11-year-old girl, Grace Bedell, wrote to Lincoln from New York suggesting that he grow a beard. That letter is in Detroit. It is housed in the Detroit Public Library. When Henry Ford was putting together Greenfield Village, he purchased the Logan County Court House. It is a building in Illinois that Lincoln practiced law in. It was moved to the Henry Ford Greenfield Village, and it is there today. They also have in their possession the chair from Ford’s Theatre in which Lincoln was assassinated.

It is not only objectives that we have reflecting Lincoln, but we also have a word. It’s Lincoln who is credited with coining the word “Michigander.” He used it in Congress when referring to our U.S. Senator Lewis Cass. He was talking about Cass and he called him that great Michigander and it was printed in the Congressional Record. That is the first printed use of that word.

I noticed that many of us use the phrase “Michiganian,” and I would suggest that during the course of the Lincoln bicentennial that we go back to using “Michigander.” We also have two Lincoln scholars who have come from Michigan. One is Carl Sandburg, the poet and author. He lived in Michigan for a while. He was not born here, but he wrote a two-volume biography of Lincoln. Then we have a living Lincoln scholar in Michigan, and his name is Dr. Weldon Petz. He is a retired public school teacher from the Detroit Public Schools. Weldon is a musicologist and has written extensively and has lectured extensively on Lincoln’s connection to music.

So, you see, we have many connections to Lincoln in Michigan. I am pleased to serve on the Michigan Lincoln Bicentennial Commission with the Senators from the 16th and 4th Districts. We have a number of activities planned throughout the year which I would invite you to participate in. The schedule for those activities can be found on the committee’s website, which is MichiganLincoln.org.

So happy birthday, President Lincoln.

Senator Prusi’s statement is as follows:

I rise today to honor my colleague and friend, Senator Martha G. Scott. Many of you are unaware that as well as her passion for insurance equity, Senator Scott has a deep and abiding passion for Habitat for Humanity and was recently named Public Official of the Year by Habitat for Humanity. I, myself, didn’t get a chance to attend the dinner this year, but I certainly would have loved to have been there to see Senator Scott honored for all of her hard work and her dedication to that vital effort that goes on in Michigan to provide affordable living quarters and safe and affordable housing for the least of us in our state.

So I would ask that all of us join in thanking Senator Scott on behalf of her efforts for Habitat for Humanity and to congratulate her on being named the Public Official of the Year.

Senator Cropsey’s statement is as follows:

Yesterday I got up and talked a little bit about the concerns that I have in the economic stimulus bill that the United States Congress is evidently going to pass. I still have those same concerns, and I think this body ought to be very concerned about some of the things that are stuck in this bill.

Three days ago, Betsy McCaughey wrote an article on Bloomberg.com and I would like to quote part of this article: “Senators should read these provisions and vote against them because they are dangerous to your health. The bill’s health rules”—and, by the way, what on earth is health doing in the economic stimulus package, really, when it comes down to it—“affect ‘every individual in the United States.’ Your medical treatments will be tracked electronically by a federal system. Having electronic medical records at your fingertips, easily transferred to a hospital, is beneficial. It will help avoid duplicate test and errors.” I really don’t have a serious problem with that part, but I wonder how many people in the ACLU and the privacy community are going to be concerned about having their health records online if there are not good privacy provisions. You and I know how easy it is to be hacked—if you take a look at our Governor and her health problems and the problems which resulted from a privacy issue there.

Regardless, let’s say that this part is OK. The article goes on to say: “The bill goes further. One new bureaucracy, the National Coordinator of Health Information Technology,”—which, by the way, the old bill this was referring to had a little over 700 pages, and the new bill has over 1,400 pages—“will monitor treatments to make sure your doctor is doing what the federal government deems appropriate and effective. The goal is to reduce costs and ‘guide’ your doctor’s decisions. These provisions in the stimulus bill are virtually identical to what Daschle”—who just removed himself from consideration as the HHS secretary—“prescribed in his 2008 book *Critical: What We Can Do About the Health-Care Crisis*. According to Daschle, doctors have to give up autonomy and ‘learn to operate less like solo practitioners.’” Keeping doctors informed of the newest medical findings is important, but enforcing uniformity goes too far.

“Hospitals and doctors who are not ‘meaningful users’ of the new system will face penalties. ‘Meaningful user’ isn’t defined in the bill. That will be left to the HHS secretary, who will be empowered to impose more stringent measures of meaningful use over time. What penalties will deter your doctor from the electronically-delivered protocols when your condition is atypical or you need experimental treatment? The vagueness is intentional. In his book, Daschle proposed an appointed body with vast powers to make the tough decisions elected politician won’t make.

The stimulus bill does that. It is called the Federal Coordinating Council for Comparative Effectiveness Research. The goal, Daschle’s book explains, is the slow development and use of new medications and technologies because they are driving costs up. He praises Europeans for being more willing to accept ‘hopeless diagnoses’ and ‘forego experimental treatments,’ and he chastises Americans for expecting too much from the health-care system.

Daschle says that health care reform ‘will not be pain-free.’ Seniors should be more accepting of the conditions that come with age instead of treating them. That means the elderly will bear the brunt.”

Folks, Senators, I do not like the idea of having this type of health care system stuck in a so-called must-pass piece of legislation without having one hearing on this. If the United States Congress supports this without taking care of these draconian changes in our health care administration, they will be taking away the health care of senior citizens in the United States. I don’t much care to say that they will be taking away the research funding and dollars that are needed for elderly citizens.

Committee Reports

The Committee on Banking and Financial Institutions reported

Senate Bill No. 195, entitled

A bill to amend 1943 PA 20, entitled "An act relative to the investment of funds of public corporations of the state; and to validate certain investments," by amending section 1 (MCL 129.91), as amended by 2008 PA 308.

With the recommendation that the bill pass.

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

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Sanborn, Cassis, Stamas and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Banking and Financial Institutions reported

Senate Bill No. 196, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 622 and 1223 (MCL 380.622 and 380.1223), as amended by 2008 PA 307.

With the recommendation that the bill pass.

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

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Sanborn, Cassis, Stamas and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Wednesday, February 11, 2009, at 9:00 a.m., Room 210, Farnum Building

Present: Senators Richardville (C), Sanborn, Cassis, Stamas, Clarke and Olshove

Excused: Senator Hunter

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 126, 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 2 (MCL 207.552), as amended by 2008 PA 457.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert, Thomas and Jacobs

Nays: None

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

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 202, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 603 (MCL 436.1603), as amended by 2008 PA 218.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert, Thomas and Jacobs

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 Economic Development and Regulatory Reform submitted the following:

Meeting held on Wednesday, February 11, 2009, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Richardville, Allen, Gilbert, Thomas and Jacobs

Excused: Senator Hunter

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Economic Development submitted the following:

Meeting held on Wednesday, February 11, 2009, at 8:30 a.m., Room 110, Farnum Building

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

Excused: Senator Stamas

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, February 11, 2009, at 3:00 p.m., Room 405, Capitol Building

Present: Senators Garcia (C), Cropsey and Barcia

Scheduled Meetings

Appropriations - Wednesday, February 18, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Economic Development - Wednesdays, February 18, March 4, March 11 and March 18, 8:30 a.m., Room 110, Farnum Building (373-2768)

General Government - Thursday, February 19, 2:00 p.m., Room 110, Farnum Building (373-2768)

Human Services Department - Tuesdays, February 17, February 24 and March 3, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

State Police and Military Affairs - Thursday, February 19, 3:00 p.m.; Tuesday, February 24, 10:00 a.m.; Tuesday, March 10, 3:00 p.m.; Thursday, March 12, 3:00 p.m.; and Thursday, March 19, 3:00 p.m., Room 405, Capitol Building (373-2768)

Transportation Department - Wednesday, February 18, 8:30 a.m., Room 405, Capitol Building; Friday, February 27, 10:30 a.m., Grand Rapids, meeting place to be determined; and Wednesdays, March 4, March 11, March 18 and March 25, 8:30 a.m., Room 405, Capitol Building (373-2768)

Economic Development and Regulatory Reform - Wednesday, February 18, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Energy Policy and Public Utilities - Thursday, February 19, 1:00 p.m., Room 210, Farnum Building (373-7350)

Judiciary - Tuesday, February 17, 1:00 p.m., Room 210, Farnum Building (373-6920)

Legislative Commission on Government Efficiency - Monday, March 2, 2:00 p.m., Room 428, Capitol Building (373-0212)

Legislative Commission on Statutory Mandates - Friday, February 27, 12:00 noon, Oakland County Executive Office Building, Oakland County Conference Center, Waterford Room, Building 41-West, 2100 Pontiac Lake Road, Waterford (373-0212)

Natural Resources and Environmental Affairs - Wednesday, February 18, 1:00 p.m., Room 110, Farnum Building (373-3447)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:16 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, February 17, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate