

No. 6  
STATE OF MICHIGAN  
**Journal of the Senate**  
95th Legislature  
REGULAR SESSION OF 2010

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Senate Chamber, Lansing, Tuesday, January 26, 2010.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was not 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  
Nofs—present

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

Senator Ron Jelinek of the 21st District offered the following invocation:

Dear Heavenly Father, today we pray for this state, our constituents, and our leaders. We also thank You for the opportunity to call ourselves Americans. We remember the sacrifices that have been made and the lives that have been given by young men and women of our armed services that allow us each day to live in this great country, in which we all live and share the freedoms that we enjoy.

We pray for our greatest citizens, those men and women who have given up their freedom and left their homes and their families to travel to foreign lands all over this world not only to defend the freedom of America, but to fight for the freedom of a free world. We ask You to put a spirit of protection around each and every soldier, and return them safely to their homes and families. May this state and this country continue as we enjoy those freedoms that these service men and women have protected for us.

We thank You, most of all, for the greatest sacrifice ever made when you showed Your love for the world and gave us Your Son Jesus, for it is in His precious and holy name that we pray. Amen.

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

### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:05 a.m.

10:24 a.m.

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

During the recess, Senators Sanborn, Brown, Gilbert, Kuipers, McManus, George, Hardiman, Jansen, Van Woerkom, Stamas, Nofs, Richardville, Kahn, Bishop, Birkholz, Cassis, Pappageorge and Allen entered the Senate Chamber.

A quorum of the Senate was present.

### Motions and Communications

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

Senator Cropsey moved that the Committee on Campaign and Election Oversight be discharged from further consideration of the following bill:

**Senate Bill No. 413, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 473a.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

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

**Senate Bill No. 413**

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

Senator Cropsey moved that the Committee on Government Operations be discharged from further consideration of the following bills and joint resolution:

**Senate Bill No. 132, entitled**

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 715 and 719 (MCL 38.2665 and 38.2669), section 715 as amended by 1999 PA 215 and section 719 as added by 1996 PA 523.

**Senate Bill No. 133, entitled**

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending sections 50b, 75, and 79 (MCL 38.1050b, 38.1075, and 38.1079), sections 50b and 75 as amended by 1998 PA 501 and section 79 as amended by 2006 PA 614, and by adding section 79a.

**Senate Bill No. 1046, entitled**

A bill to limit a public employer's portion of the cost of health insurance benefits; and to provide for exceptions.

**Senate Bill No. 1047, entitled**

A bill to provide for the creation and operation of a program to allow public employers to participate in the state health plan; and to prescribe powers and duties of certain state officers and agencies.

**Senate Joint Resolution P, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 8 to article XI, to provide for establishing uniform cost allocation requirements for health benefits for public employers.

The motion prevailed, a majority of the members serving voting therefor, and the bills and joint resolution were placed on the order of General Orders.

Senator Cropsy moved that the bills and joint resolution be referred to the Committee on Reforms and Restructuring. The motion prevailed.

The following audit reports were received and read:  
Office of the Auditor General

January 15, 2010

Enclosed is a copy of the following audit report:

Financial audit of the State Building Authority, a blended component unit of the State of Michigan, for the period October 1, 2008 through September 30, 2009.

January 20, 2010

Enclosed is a copy of the following audit report:

Performance audit of Unisys Mainframe General Controls, Michigan Department of Information Technology.

January 20, 2010

Enclosed is a copy of the following audit report:

Financial audit of the Mackinac Bridge Authority, a discretely presented component unit of the State of Michigan, for the period October 1, 2008 through September 30, 2009.

January 20, 2010

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Strategic Fund, a discretely presented component unit of the State of Michigan, for the period October 1, 2007 through September 30, 2009.

Auditor General

The audit reports were referred to the Committee on Government Operations.

The following communications were received:  
Department of Treasury

January 20, 2010

Please find attached one copy of the Personal Property Audit Quarterly Report for the period October 1, 2009 - December 31, 2009. The report is required by Public Act 128 of 2009, the General Government Appropriations Act. Section 947 of the Act provides, in part, as follows:

Sec. 947. (1) The department of treasury shall submit quarterly progress reports to the senate and house of representatives standing committees on appropriations subcommittees on general government and the senate and house fiscal agencies, regarding personal property tax audits funded under subsection (1). The report shall include the number of audits, revenue generated, and number of complaints received by the department related to the audits.

January 20, 2010

Please find attached one copy of the Principal Residence Exemption Compliance Program Quarterly Report for the period October 1, 2009 - December 31, 2009. The report is required by Public Act 128 of 2009, the General Government Appropriations Act. Section 947 of the Act provides, in part, as follows:

(2) Of the funds appropriated in part 1, \$500,000.00 shall be used for the principal residence exemption compliance program. The department shall submit quarterly progress reports that include the number of exemptions denied and the revenue received under this program. The legislative auditor general shall complete a performance audit of the principal residence exemption compliance program prior to April 1, 2010. Revenue generated to the state from the principal residence exemption compliance program shall be used to reimburse the state general fund for the \$500,000.00 appropriation prior to any other allocation.

Frederick Headen, Director  
Bureau of Local Government Services

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, January 21:  
**House Bill Nos. 5141 5495**

The Secretary announced the enrollment printing and presentation to the Governor on Friday, January 22, for her approval the following bill:

**Enrolled Senate Bill No. 689 at 3:44 p.m.**

The Secretary announced that the following official bills were printed on Thursday, January 21, and are available at the legislative website:

**House Bill Nos. 5756 5757 5758 5759 5760 5761**

The Secretary announced that the following official bills and joint resolution were printed on Friday, January 22, and are available at the legislative website:

**Senate Bill Nos. 1077 1078 1079 1080 1081 1082 1083 1084 1085 1086**

**Senate Joint Resolution Q**

**House Bill Nos. 5762 5763 5764 5765**

### Messages from the Governor

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

**Senate Bill No. 254**

**Senate Bill No. 237**

**Senate Bill No. 243**

**Senate Bill No. 245**

**Senate Bill No. 248**

The motion prevailed.

The following message from the Governor was received and read:

January 22, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to office under Section 2 of 1975 PA 164, MCL 18.302:

#### **Commission on Spanish-Speaking Affairs**

Mr. Gilberto R. Guzman of 5706 Cranston Street, Portage, Michigan 49002, county of Kalamazoo, succeeding Jose Reyna, whose term has expired, is appointed to represent the general public, for a term commencing January 22, 2009 and expiring December 10, 2012.

Mr. Arturo Reyes III of 5200 Spinning Wheel Drive, Grand Blanc, Michigan 48439, county of Genesee, succeeding Danette Duron-Willner, whose term has expired, is appointed to represent the general public, for a term commencing January 22, 2009 and expiring December 10, 2012.

Mr. Lawrence T. Garcia of 26005 Berkley Avenue, Huntington Woods, Michigan 48070, county of Oakland, is reappointed to represent the general public, for a term expiring December 10, 2012.

Ms. Olga N. Hernandez-Patino, Ph.D., of 11774 Stone Bluff Drive, Grand Ledge, Michigan 48837, county of Eaton, is reappointed to represent the general public, for a term expiring December 10, 2012.

Ms. Maria Elena Rodriguez of 6829 Shenandoah, Allen Park, Michigan 48101, county of Wayne, is reappointed to represent the general public, for a term expiring December 10, 2012.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of  
**General Orders**

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Clarke as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

**Senate Bill No. 1061, entitled**

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

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

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

**Senate Bill No. 325, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 539I. 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.

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

**Senate Bill No. 413, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 473a. Substitute (S-1).

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

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

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

**Senate Bill No. 402**

**Senate Bill No. 468**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 402, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 602b.

The question being on the passage of the bill,

Senator Patterson offered the following amendment:

1. Amend page 2, line 15, by striking out all of subsection (3) and renumbering the remaining subsections.

The question being on the adoption of the amendment,

Senator Basham requested the yeas and nays.

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

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

**Roll Call No. 15****Yeas—18**

Anderson	Clarke	Jelinek	Patterson
Barcia	Cropsey	Nofs	Prusi
Basham	George	Olshove	Stamas
Brater	Gleason	Pappageorge	Whitmer
Cassis	Hunter		

**Nays—18**

Allen	Gilbert	Kuipers	Scott
Birkholz	Hardiman	McManus	Switalski
Bishop	Jacobs	Richardville	Thomas
Brown	Jansen	Sanborn	Van Woerkom
Cherry	Kahn		

**Excused—1**

Garcia

**Not Voting—1**

Clark-Coleman

In The Chair: President

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—31**

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

**Nays—6**

Brown	Kuipers	Nofs	Stamas
Jansen	McManus		

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senator Patterson asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Patterson's first statement is as follows:

My amendment would simply make this a real law. It would make it a primary enforcement law. To make it a secondary enforcement suggests a great insult, an insult to law enforcement officers everywhere. We really don't trust you to uphold your oath and to make a legitimate stop and enforce the law, even in what is in a very dangerous situation.

My learned colleague from the 8th District has circulated a letter from Sergeant Christopher Hawkins, legislative liaison for the Department of State Police: "The purpose of traffic enforcement is to identify and stop dangerous driving behaviors before it becomes an accident. By making text messaging while driving a secondary traffic offense, you take away an officer's ability to be proactive in stopping such obviously distracting behavior before it results in a traffic crash."

We are suggesting that, in fact, we should turn a blind eye and a deaf ear to what all the studies suggest is dangerous driving behavior. I submit to you that if you really have read the studies, and you are serious about being a legislator, and you are serious about enforcing laws that prevent accidents, we must make this a real law, not just perfume on a pig.

Senator Patterson's second statement is as follows:

Having been around Lansing for a number of years, the yeas and nays vote was quite telling. I find the Senator from the 4th District's argument and opposition to my amendment to be quite interesting—articulate, but obfuscating. We should let the law evolve, kind of like drunk driving. We certainly should not make that a primary offense because, after all, back in the '70s, three-martini lunches were the norm. Everybody expected to drink and drive, and then MADD came in. The same thing you will notice is happening now. It has evolved in the time that the Senator from the 4th District was a House member; a lot of studies have been conducted. The bill that he had before me back then had nothing to do with texting. We didn't even know what texting was ten years ago.

However, I find it very interesting and skilled to argue in the alternative as he did. We should not have primary enforcement because we have careless driving, and we have reckless driving. While law enforcement can't be trusted, they have all sorts of pretext to use in order to pull somebody over for driving while black, which is exactly what his concern is.

We are a country of free men and women, and as the Senator from the 8th District suggested, driving is not a right. It is a privilege, and we have an obligation to provide certain safeguards and standards. We are not alone. The studies have come in, and they are replete. The Department of Transportation bars commercial drivers from texting. If you think that the law-abiding citizens are all going to obey the law if it is a secondary offense, think again.

Here is an interesting article with regard to the most egregious driving tactics by teens who completely, willfully ignore the laws with regard to texting. Either we trust law enforcement or we don't. We don't need to argue in the alternative. We need to protect the citizens from those who do not obey the law.

We need to put teeth in this, and as an afterthought, to suggest that this was merely a poison pill, in my mind, is to impugn my motivation which is violative of the Senate Rules. I know the learned gentleman from the 4th District didn't mean anything by that, but I did catch your point. This is not a poison pill.

Senator Patterson's third statement is as follows:

I can see where I am going to go back into law practice. I am going to have to start a defense firm. I have in my never-nicotine-stained fingers a hand-held communication device. According to this law or this bill that has been arduously worked on for years and years, it says, "or send a text message on a wireless 2-way communication device"—exhibit A—"is located in the person's hand or in the person's lap." However, I am driving my car and I put this little two-way device on my dashboard. It is not in my hand, and it is not in my lap. I am texting up here. It is not illegal. I put it over here on the passenger seat and texting over here; I am looking over here. It is not illegal.

Those are defenses, secondary offense. You will never get a conviction. This is nothing but a charade.

The following bill was read a third time:

**Senate Bill No. 468, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320a (MCL 257.320a), as amended by 2008 PA 463, and by adding section 602b.

The question being on the passage of the bill,

Senator Patterson offered the following amendment:

1. Amend page 6, line 18, by striking out all of subsection (3) and renumbering the remaining subsections.

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

Senator Patterson requested the yeas and nays.

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

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

**Roll Call No. 17**

**Yeas—17**

Anderson	Clark-Coleman	Gleason	Patterson
Barcia	Clarke	Hunter	Prusi
Basham	Cropsey	Nofs	Stamas
Brater	George	Olshove	Whitmer
Cassis			

**Nays—20**

Allen	Gilbert	Kahn	Sanborn
Birkholz	Hardiman	Kuipers	Scott
Bishop	Jacobs	McManus	Switalski
Brown	Jansen	Pappageorge	Thomas
Cherry	Jelinek	Richardville	Van Woerkom

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: President

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. 18**

**Yeas—31**

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



**Nays—6**Brown  
JansenKuipers  
McManus

Nofs

Stamas

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senators Patterson and Kahn asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Patterson's statement is as follows:

You have heard enough from me today. The remarks that I made in the previous amendment will stand for this one. If it was a poison pill before, it is still a poison pill. But since I voted for the bill on its final passage, I guess it really wasn't a poison pill after all.

Senator Kahn's statement is as follows:

This bill, as pointed out by the Senator from the 4th District, has been a long time developing. I congratulate him on his perseverance. But this bill ends up being the hard work of people across the United States, though our part, of course, is for Michigan; 23 states are currently debating texting bills, 19 states have them, and 6 other states have bills that deal with other issues. For example: *novicius* or novice drivers.

We know that nearly 80 percent of vehicle crashes and 65 percent of near-crashes involve driver inattention, distracted drivers. Six thousand people across our country are killed—were killed in 2008 by distracted drivers. Five hundred thousand people were injured by distracted drivers in 2008. *Car and Driver* magazine showed that when you brake, if you are drunk at the .08 level, they add about four feet at 70 miles per hour to your ability to stop.

If you are reading an e-mail, it adds—hold to your seat—36 feet; 70 feet if you are texting. Between 16 percent and 28 percent, depending upon what statistics you are looking for, of accidents are felt to be related to texting or inattention or both, and the number on 16 percent is of the fatalities.

Yes, there are other types of inattentions besides texting, but texting is the No. 1 cause, and thus, this bill. It is companion to Senate Bill No. 402. In my district, a young woman, Michelle Munsch, suffered a closed head injury when she was rear-ended by a distracted driver, leaving her to have post-traumatic stress disorder. She is incapacitated more than 18 months later with headaches and has not returned to work.

Recently in Utah, the deaths of two men were caused by a distracted texting driver. They passed a penalty of up to fifteen years in prison on the theory that this goes well beyond inadvertently or disapproved type of behavior, and it is reckless as they view it. AAA and State Farm Insurance support these bills. Depending upon which authority you look at, between two and six times is the number of increased likelihood you will have an accident and twenty-three times more likely to have some safety event. Ninety percent of our people, according to a Harris Poll, would like to see texting outlawed.

There is a recent editorial in the *Lansing State Journal* you may have seen. Let me read to you two brief paragraphs: "So, let's get this straight: In Michigan, it is against the law not to wear a seat belt. That is a primary enforcement matter. The rationale is that people who don't wear seat belts are at a greater risk of personal injury and thereby present a greater cost to society.

In Michigan, though, it remains legal to engage in conduct as a driver that makes you a far greater threat to other people on the road - a threat equal to that posed by drunken drivers"—and actually a threat greater than a drunken driver.

We heard earlier the Senator from the 25th District who talked about education. In this chamber, if there is one thing that we ought to understand, it is that behavior changes over time, and laws are incremental. Let's look at our current .08 level for drunken drivers. That started at .15, and over time and ultimately as a result of a request by the federal government, it is now .08. What was that request? Either we changed to .08, or they were going to take some of our highway funding dollars away from us.

Just today the Department of Transportation has federally barred commercial drivers from texting. Recently, a federal Senator introduced legislation that says 25 percent of your state dollars, the federal state dollars going to states, will be withheld if we don't enact texting laws. Sound familiar?

In regard to the education issue, we saw it before us also, as well, mentioned seat belts. That started as a secondary offense, and then ultimately it became a primary offense. Well, part of what we are doing is educating our public, educating our citizens as well as scolding them or fining them.

So as we come to the end of this debate, and now at this second companion bill with the sentencing guidelines, I believe we all can go and talk to our newspapers and say—and I speak in particular to those who would like it to be a primary offense—the good is what we have done, and remember, please remember, that the perfect is the enemy of the good.

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

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

**Senate Resolution No. 41**

**Senate Resolution No. 75**

**Senate Resolution No. 88**

**Senate Concurrent Resolution No. 24**

**House Concurrent Resolution No. 28**

The motion prevailed.

**Senate Concurrent Resolution No. 19.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Control of Saginaw Valley State University relative to the Saginaw Valley State University Health Sciences Facility.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Boji Tower.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 19**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: President

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

The motion prevailed.

Senator Kahn's statement is as follows:

Senate Concurrent Resolution No. 19 approves the conveyance of property, i.e., it approves the lease between the state and the State Building Authority and Saginaw Valley State University for the construction project that we approved last year. That project is for the College of Health and Human Services building. This project has met all of the planning approval requirements of the Joint Capital Outlay Subcommittee, the Department of Management and Budget, and The Management and Budget Act itself.

Approval of this concurrent resolution creates a contractual obligation between the state and the State Building Authority, requiring the state to make the annual rental payments to the State Building Authority, as we have done before with other building projects. The State Building Authority uses these rental payments to pay the bonds sold to finance the construction. The building itself is a 90,000-square-foot facility housing the College of Health and Human Services, but it also includes the Departments of Nursing, Kinesiology, Occupational Therapy, Health Science, and Social Work.

Consistent with other State Building Authority projects for universities, this funding is based on the 75/25 state institution match. I urge the passage of this concurrent resolution.

**Introduction and Referral of Bills**

Senators Pappageorge, Hunter, Birkholz, Kahn and Jansen introduced

**Senate Bill No. 1087, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 460a. The bill was read a first and second time by title and referred to the Committee on Finance.

Senator McManus introduced

**Senate Bill No. 1088, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 301 (MCL 324.301), as amended by 2004 PA 587, and by adding section 501b.

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

Senators George and Anderson introduced

**Senate Bill No. 1089, entitled**

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 11 (MCL 722.121), as amended by 1980 PA 232.

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

Senator George introduced

**Senate Bill No. 1090, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17025 (MCL 333.17025), as amended by 2006 PA 161.

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

**House Bill No. 5141, entitled**

A bill to amend 1917 PA 253, entitled “An act to authorize the transfer of moneys from the general fund of counties, in certain instances, to the county road fund of said counties, to be used in the construction, maintenance and repair of highways,” by amending section 1 (MCL 247.121).

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

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

**House Bill No. 5495, entitled**

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 12 (MCL 207.782), as amended by 2006 PA 661.

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

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

### Statements

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

The motion prevailed.

Senator George’s statement is as follows:

As we heard earlier, today is the 173rd birthday of the great state of Michigan. Birthdays are a chance to reflect on the past and an opportunity to look ahead to the future.

In 1835, in preparation for statehood, Michigan had ratified its first Constitution. But by 1850, for a variety of reasons, that document had outlived its purpose and was replaced. In 1908, another Constitutional Convention was called by voters who believed a mid-19th century document written in the days of the horse and buggy no longer reflected the needs of a state engaged in building highways and motor cars. The Constitution of 1908 was approved by nearly a 2-to-1 margin.

This Constitution served the state well for decades, but in the 1950s, Michigan’s economy crashed along with a slump in the auto industry. Over 100,000 jobs were lost in 1953. Despite enacting a business tax, revenues fell. In 1958 and 1959, the state could not meet its payroll, state employees experienced payless paydays, and the state defaulted on payments to local schools and contractors. Michigan became known as the state that was broke.

This and other reasons led to a call for a Constitutional Convention which was approved by the voters in 1961. The Constitution of 1963 served Michigan during a time of unprecedented economic and population growth. In the ’60s, Michigan was one of the wealthiest states in the nation. In the 1960s, multiple layers of government—a large, full-time Legislature, an extensive judiciary, and autonomous universities and state commissions—were all seen to be important elements of good government.

The Constitution of 1963, our fourth Constitution, moved Michigan from the gasoline age to the atomic age. In fact, this Constitution specifically admonishes the Legislature to regulate atomic forms of energy. Now Michigan is embroiled in one of the longest economic slumps in its history—having lost nearly a million jobs. In two out of the last three years, the State House has passed budgets which make appropriations without identifying all the necessary revenue sources, leading to near government shutdowns. This is permissible because the language in the 1963 Constitution requires the Legislature as a whole, but not the chambers separately, to pass balanced budgets.

As people leave the state and our economy falters, we must ask ourselves if a government from the 1960s is still affordable and practical. It seems to the public as if we are stuck in a time warp in Lansing, oblivious to what is happening outside on the street, it is clear that major reforms are necessary. And, indeed, several constitutional amendments dealing with public employees’ wages and benefits and the budgeting process have been introduced in this chamber for our consideration.

These measures alone, even if they are successfully adopted, will be insufficient. A Constitutional Convention, therefore, offers the best single opportunity to recraft Michigan and put it on a new path.

Now the naysayers, the alliance for the status quo, will say that it is both too expensive and unnecessary. They are wrong. It is affordable because its work can be web-based and done over the Internet, and it is necessary because it is the best and perhaps the only way to fix Michigan. Fortunately, the crafters of the 1963 Constitution included a provision placing a call for a Constitutional Convention on the ballot automatically every 16 years. They foresaw that someday there would be a need to reconsider their work. Well, that day has arrived.

As we reflect on our past, it is fitting and proper that we plan for our future. It is time to bring Michigan from the atomic age to the age of the Internet. It is time to reopen Michigan for business. It is time for a Constitutional Convention.

Senator Scott's statement is as follows:

The great Russian writer Leo Tolstoy said of this kind of service, "The vocation of every man and woman is to serve other people." We chose to run for office because we believe that we have talents that will make Michigan better for our constituents. We became elected officials so that we could serve our fellow citizens.

I believe that one of the best ways we can serve the people of Michigan is through meaningful auto insurance reforms. People are being asked to make many sacrifices. They are being asked to take furlough days, to take pay cuts, and to pay more for their health care.

There comes a time when we need to step in and give our constituents some economic relief. We can do that with auto insurance reform. There are bills that we could pass that would immediately reduce a person's insurance bill. We should serve the people and pass those bills as quickly as possible. In these difficult times, this is one of the best things that we can do for our constituents.

Senator Brown's statement is as follows:

At this time of economic challenge in our state's history, it is good to gain a little perspective. And on this Michigan birthday, let's do just that. If the past is prolonged, then our future is bright. And why is that? Michigan is the state that gave the much-needed protection to our nation's capital at the time of critical need during the Civil War. Michigan is the state, the group of people, the statewide community that made the world safe for democracy; Detroit being the Arsenal of Democracy.

Michigan is the state that put the world on wheels. Michigan is the place and Port Huron that was the home for a time of a young man who lighted the world—Thomas Edison. Michigan is the place that put a song in people's hearts—Motown Records.

Our future is as bright as the rich legacy of our past. Happy birthday, Michigan.

### Committee Reports

The Committee on Health Policy reported

**Senate Bill No. 647, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2685, 2690, 2691, and 2692 (MCL 333.2685, 333.2690, 333.2691, and 333.2692) and by adding sections 2693 and 2696.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Thomas M. George  
Chairperson

To Report Out:

Yeas: Senators George, Allen, Patterson and Sanborn

Nays: Senators Clarke and Jacobs

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

The Committee on Health Policy reported

**Senate Bill No. 648, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13k of chapter XVII (MCL 777.13k), as added by 2002 PA 30.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Thomas M. George  
Chairperson

To Report Out:

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

Nays: Senators Clarke and Jacobs

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

The Committee on Health Policy reported

**Senate Bill No. 649, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 2694 and 2695.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.  
The committee further recommends that the bill be given immediate effect.

Thomas M. George  
Chairperson

To Report Out:

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

Nays: Senators Clarke and Jacobs

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

The Committee on Health Policy reported

**Senate Bill No. 650, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13k of chapter XVII (MCL 777.13k), as added by 2002 PA 30.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Thomas M. George  
Chairperson

To Report Out:

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

Nays: Senators Clarke and Jacobs

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

The Committee on Health Policy reported

**Senate Bill No. 651, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 430a (MCL 750.430a), as added by 1998 PA 110.

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, Allen, Patterson, Sanborn and Gleason

Nays: Senators Clarke and Jacobs

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

**Senate Bill No. 652, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16v of chapter XVII (MCL 777.16v), as amended by 2008 PA 412.

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, Allen, Patterson, Sanborn and Gleason

Nays: Senators Clarke and 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 20, 2010, at 3:06 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

The Committee on Education reported:

**Senate Bill No. 1010, entitled**

A bill to amend an act of the Territorial Laws, p. 1131, vol. III, approved April 22, 1833, entitled "An act to establish Kalamazoo college and to prescribe its powers and duties," by amending section 3 (MCL 390.753), as amended by 1985 PA 203.

With the recommendation that the bill pass.

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

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom, Cassis, Whitmer and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported:

**House Bill No. 4202, entitled**

A bill to amend 2000 PA 161, entitled "Michigan education savings program act," by amending sections 2 and 7 (MCL 390.1472 and 390.1477), as amended by 2007 PA 153.

With the recommendation that the bill pass.

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

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom, Cassis, Whitmer and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, January 21, 2010, at 2:30 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Van Woerkom, Cassis, Whitmer and Gleason

#### Scheduled Meetings

#### Appropriations -

##### Subcommittees -

**Agriculture** - Wednesday, February 17, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Community Colleges** - Thursday, February 18, 1:30 p.m., Lansing Community College, Administration Building Board Room, 610 North Capitol Avenue; Friday, February 26, 10:30 a.m., Muskegon Community College, Stevenson Center, Room 1100, 221 South Quarterline Road, Muskegon; Monday, March 1, 1:30 p.m., Schoolcraft Community College, VisTaTech Center, Sutherland Room, 18600 Haggerty Road, Livonia (373-2768)

**Economic Development and House Economic Development Appropriations Subcommittee** - Wednesday, February 17, 10:30 a.m., Room 426, Capitol Building (373-2768)

**General Government** - Wednesday, January 27, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768) (CANCELED)

**Higher Education** - Friday, February 19, 10:00 a.m., Saginaw Valley State University, Curtiss Hall, 7400 Bay Road, University Center; Monday, February 22, 10:00 a.m., Western Michigan University, Room 2028, Brown Hall, 1903 West Michigan Avenue, Kalamazoo; Monday, March 1, 10:00 a.m., Madonna University, Franciscan Center, 36600 Schoolcraft Road, Livonia; and Monday, March 8, 10:30 a.m., Ferris State University, Interdisciplinary Resource Center, 1301 South State Street, Big Rapids (373-2768)

**K-12, School Aid, Education** - Wednesday, February 17, and Thursday, February 18, 9:00 a.m., and Tuesdays, February 23, March 2 and March 9, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**State Police and Military Affairs** - Tuesday, February 16, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**Commerce and Tourism** - Monday, February 1, 10:00 a.m., University of Michigan Detroit Center, 3663 Woodward Avenue, Detroit (373-2413)

**Reforms and Restructuring** - Wednesday, January 27, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2417)

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

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, January 27, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate