

No. 9
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Tuesday, February 8, 2011.

10:00 a.m.

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

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

Anderson—present
Bieda—present
Booher—present
Brandenburg—present
Casperson—present
Caswell—present
Colbeck—present
Emmons—present
Gleason—present
Green—present
Gregory—present
Hansen—present
Hildenbrand—present

Hood—present
Hopgood—present
Hune—present
Hunter—present
Jansen—present
Johnson—present
Jones—present
Kahn—present
Kowall—present
Marleau—present
Meekhof—excused
Moolenaar—present
Nofs—present

Pappageorge—excused
Pavlov—present
Proos—present
Richardville—present
Robertson—present
Rocca—present
Schuitmaker—present
Smith—excused
Walker—present
Warren—present
Whitmer—present
Young—present

Pastor Lyle Joseph Ohman of Juniata Baptist Church of Vassar offered the following invocation:

Heavenly Father, we thank You for the opportunity that is ours as the creature to gather before the Creator this morning. We thank You for the gift of life. We thank You, God, that we have this privilege to be here today.

You told us in Your word that when a man lacks wisdom, let him ask of God, who giveth to all men liberally and upbraideth not. So, Lord, today we ask for these Senators as they deliberate and vote that You would give them the wisdom that they need to make the right decisions for this great state.

Lord, our state has many needs today. We thank You, God, that You have given these people the opportunity to be in this place at just this time. God, I pray that You would bless them that they would have a keen awareness of Your desire to use them today for Your purposes and for the advancement for the great state of Michigan. Lord, direct us today. Direct each one of these.

In Jesus' name. Amen.

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

Motions and Communications

Senators Kahn, Warren, Gleason and Johnson entered the Senate Chamber.

The following communication was received and read:

Office of the Auditor General

January 28, 2011

Enclosed is a copy of the following audit report:

Performance audit on the D.J. Jacobetti Home for Veterans, Department of Military and Veterans Affairs.
Auditor General

The audit report was referred to the Committee on Government Operations.

Senator Pavlov moved that Senators Meekhof and Pappageorge be excused from today's session.

The motion prevailed.

Senator Hunter moved that Senator Smith be excused from today's session.

The motion prevailed.

Senator Pavlov moved that rule 3.902 be suspended to allow the guests of Senator Marleau admittance to the Senate floor, including the center aisle.

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

Senator Pavlov moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle.

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

Recess

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

The motion prevailed, the time being 10:06 a.m.

10:16 a.m.

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

During the recess, Senator Marleau introduced Brad Keselowski, 2010 NASCAR Nationwide Series Champion, and presented him with a Special Tribute.

Mr. Keselowski responded briefly.

The following communications were received:

Public Service Commission

February 1, 2011

The enclosed annual report, *Status of Competition for Video Services in Michigan*, is submitted on behalf of the Michigan Public Service Commission in accordance with MCL 484.3312(2), Section 12(2) of the Uniform Video Services Local

Franchise Act (2006 PA 480). This report will be made available on the Commission's website at michigan.gov/mpsc. The purpose of this report is to describe the status of competition for video services in Michigan. This report also details Commission activities for 2010 and provides an overview of the survey responses from franchise entities and video/cable service providers.

The video/cable market in Michigan saw a 2.5 percent decrease in subscribership this past year. Though this is the first year that there has been a reported decrease in overall subscribers, the Commission does not believe this represents a significant trend. Michigan is simply following in a national trend of decreased subscribers, likely attributable to the economy or users opting for Internet-based programming solutions. There continues to be encouraging signs that competition in the video services market is still increasing. Providers are continuing to report more competition in their franchise areas, with one new company entering the market in 2010. In addition, video/cable providers report that they have invested over \$400 million into the Michigan market in 2010.

Even though there continue to be areas throughout Michigan that still do not have a video/cable provider or have just one provider (as reported by municipalities), the information that has been provided for this report presents a positive sign that competition is developing in communities throughout Michigan. It is important to understand that video/cable competition and the entrance of new providers will continue to take time to develop fully.

Similar to previous years' reports, it is noted that the Video Franchise Act does not cover satellite providers, and as such this report does not include information on satellite providers, which may be viewed as a competitor to video service. Attempts have been made to gather data and information about satellite television, but without much success. Also of note, in 2010, the Commission exercised its remedy/penalty authority (pursuant to 2006 PA 480) against two companies that were found to have violated the Act.

The Commission also provides recommendations for legislative revisions pursuant to Section 12(2) of 2006 PA 480 to help improve the Commission's ability to more effectively implement 2006 PA 480.

The Commission will continue to monitor the status of video services competition in Michigan, which includes receiving and analyzing information from both franchise entities and video/cable service providers throughout Michigan. The Commission will also continue to assist individual customers, franchise entities, and providers with their questions and/or complaints. Finally, the Commission will inform the Governor and Legislature of any future developments and make the appropriate recommendations for needed legislation.

February 1, 2011

The enclosed annual report for 2010, *Status of Electric Competition in Michigan*, is submitted on behalf of the Michigan Public Service Commission in accordance with Section 10u of 2000 PA 141, MCL 460.10u, and represents the ninth year of electric choice in Michigan. The report is available on the Commission's website at michigan.gov/mpsc.

During 2010, the Consumers Energy Company service territory had over 1,000 customers participating in the electric choice program and the Detroit Edison service territory had over 6,300 choice customers participating. The electric choice programs for both companies were fully subscribed at the 10 percent cap throughout the year.

To date, Michigan remains one of about 16 states that have full or limited restructuring of the competitive electric market. In comparison to the 10 largest states, Michigan was benchmarked as having the seventh lowest average retail electricity rates for residential customers, the seventh lowest for commercial customers, and the fifth lowest for industrial customers.

In 2010, the Commission issued numerous orders that adhere to the established framework for Michigan's electric customer choice programs and support the provisions of Public Act 141 of 2000 and Public Acts 286 and 295 of 2008.

Highlights of the report include:

- Approximately 7,470 commercial and industrial customers in the Detroit Edison and Consumers Energy service territories participated in Michigan's customer choice programs, representing 2,043 MW of total sales.
- Description of the orders issued pertaining to alternative electric suppliers, implementation of new energy laws, associated rate cases, power supply cost recoveries, securitization and optimization surcharges, etc.
- There were a total of 23 licensed alternative electric suppliers in Michigan during 2010.
- The administration and allocation of electric load allowed to be served by alternative electric suppliers with respect to the 10 percent cap on electric choice pursuant to Public Act 286 of 2008 is monitored and annually reviewed.

Statutory changes and policy decisions with respect to electric customer choice can have complex ramifications for the citizens and economy of Michigan. The Commission remains committed to working with legislative members and staff to help ensure that the best possible public policy for Michigan is achieved.

Very truly yours,
Orjiako N. Isiogu
Chairman

Monica Martinez
Commissioner

Greg R. White
Commissioner

The communications were referred to the Secretary for record.

The Secretary announced that the following official bills were printed on Tuesday, February 1, and are available at the legislative website:

Senate Bill Nos. 94 95 96 97 98 99 100

The Secretary announced that the following official bills were printed on Thursday, February 3, and are available at the legislative website:

**House Bill Nos. 4161 4162 4163 4164 4165 4166 4167 4168 4169 4170 4171 4172 4173 4174
 4175 4176 4177 4178 4179 4180 4181 4182 4183 4184 4185 4186 4187 4188
 4189**

Messages from the Governor

The following message from the Governor was received on February 7, 2011, and read:

EXECUTIVE ORDER
No. 2011-3

Executive Reorganization

Abolishing the Michigan Parole and Commutation Board and the Executive Clemency Advisory Council

Creating the Michigan Parole Board Department of Corrections

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor; and

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration; and

WHEREAS, there is a continuing need to reorganize functions among state departments to ensure efficient administration and effectiveness of government; and

WHEREAS, abolishing the Michigan Parole and Commutation Board will lead to more effective implementation of corrections policy and greater administrative efficiencies in the Department of Corrections;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Civil Service Commission" means the Michigan Civil Service Commission created under Section 5 of Article XI of the Michigan Constitution of 1963.

B. "Department of Corrections" or "Department" means the principal department of state government created under Section 1 of the Corrections Code of 1953, 1953 PA 232, MCL 791.201, Section 275 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.375, and Executive Order 1991-12, MCL 791.302.

C. "Executive Clemency Advisory Council" means the Executive Clemency Advisory Council created by Section II of Executive Order 2007-2.

D. "Michigan Parole and Commutation Board" means the Michigan Parole and Commutation Board established by executive order 2009-5 and amended by Executive Order 2009-20.

E. "Michigan Parole Board" or "Board" means the Parole Board established under Section III of this Order.

F. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of the Management and Budget Act, 1984 PA 431, MCL 18.1321.

II. ABOLISHMENT OF MICHIGAN PAROLE AND COMMUTATION BOARD

A. All of the authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Michigan Parole and Commutation Board are transferred to the Michigan Parole Board created under Section III of this Order.

B. The Michigan Parole and Commutation Board is abolished.

III. CREATION OF THE MICHIGAN PAROLE BOARD

A. The Michigan Parole Board is established within the Department of Corrections. The Michigan Parole Board shall consist of 10 members appointed by the Director of the Department of Corrections. Members of the Board shall not be within the classified state civil service.

B. Members of the Board shall be appointed to terms of 4 years each, except that of the members first appointed, 4 shall serve for terms of 4 years each, 3 shall serve for terms of 3 years each, and 3 shall serve for terms of 2 year each. A member may be reappointed. The director may remove a member of the Board for incompetency, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office.

C. A member of the Board shall continue to serve until a successor is appointed. If a vacancy occurs on the Board, the director shall make an appointment for the unexpired term in the same manner as an original appointment. At least 4 members of the Board shall be persons who, at the time of their initial appointment, have never been employed by the Department of Corrections, other than as a member of the Michigan Parole and Commutation Board or the Parole Board established under MCL 791.231a.

D. The chairperson of the Board shall be designated by the director. The chairperson of the Board shall be responsible for the administration and operation of the Board. The chairperson may conduct interviews, public hearings, and participate in the parole decision making process. The chairperson shall select secretaries and other assistants as the chairperson considers to be necessary.

E. Each member of the Board shall receive an annual salary as appropriated by law and shall be entitled to actual and necessary expenses incurred in the performance of official duties subject to the standardized travel regulations of the state.

IV. TRANSFERS FROM THE MICHIGAN PAROLE AND COMMUTATION BOARD TO THE MICHIGAN PAROLE BOARD

A. The authority, powers, duties, and functions of the Michigan Parole and Commutation Board transferred under this Order to the Michigan Parole Board, include, but are not limited to, the authority, powers, duties, and functions of the Michigan Parole and Commutation Board under any of the following:

1. Section 9 of the Sex Offenders Registration Act, 1994 PA 295, MCL 28.729.
2. Section 36 of Title VIII of The Code of Criminal Procedure, 1927 PA 175, MCL 768.36.
3. Sections 1a, 1f, and 1g of Title IX of The Code of Criminal Procedure, 1927 PA 175, MCL 769.1a, 769.1f, and 769.1g.
4. Section 22 of the Uniform Criminal Extradition Act, 1937 PA 144, MCL 780.22.
5. Section 1 of 1957 PA 177, MCL 780.131.
6. Sections 16, 19, 21, and 48 of the William Van Regenmorter Crime Victim's Rights Act, 1985 PA 87, MCL 780.766, 780.769, 780.771, and 780.798.
7. The Corrections Code of 1953, 1953 PA 232, MCL 791.201 to 791.285.
8. Section 5 of the Special Alternative Incarceration Act, 1988 PA 287, MCL 798.15.
9. Sections 33 to 35 of 1893 PA 118, MCL 800.33 to 800.35.

B. After the effective date of this Order, any statutory and other legal references to the "Michigan Parole Board" or the "Parole Board" shall be deemed references to the Michigan Parole Board created under this Order.

V. IMPLEMENTATION OF TRANSFER

A. The Director of the Department of Corrections shall provide executive direction and supervision for the implementation of the transfers under this Order and shall make internal organizational changes necessary to effectuate the transfers.

B. The authority, powers, duties, functions, and responsibilities transferred to the Michigan Parole Board under this Order shall be administered in such ways as to promote efficient administration.

C. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available for the activities, powers, duties, functions, and responsibilities transferred to the Michigan Parole Board under this Order are transferred to the Michigan Parole Board.

V. ABOLISHMENT OF THE EXECUTIVE CLEMENCY ADVISORY COUNCIL

Executive Order 2007- 2 is rescinded in its entirety and the Executive Clemency Advisory Council is abolished.

V. MISCELLANEOUS

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary for the implementation of this Order.

B. All rules, orders, contracts, and agreements relating to the transfers under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

C. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

This Executive Order shall become effective on April 15, 2011, consistent with Section 2 of Article V of the Michigan Constitution of 1963.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 7th day of February in the year of our Lord, two thousand eleven.

Richard D. Snyder
Governor

By the Governor:
Ruth Johnson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

January 26, 2011

I respectfully submit to the Senate the following appointments to office:

Eastern Michigan University Board of Control

Michael D. Hawks of 3494 Riverside Drive, Saugatuck, Michigan 49453, county of Allegan, succeeding Philip A. Incarnati, for a term expiring December 31, 2018.

Michael G. Morris of 48070 Bellagio Court, Northville, Michigan 48167, county of Wayne, succeeding Gary Hawks, for a term expiring December 31, 2018.

January 31, 2011

I respectfully submit to the Senate the following appointment to office:

Chairman, Qualifications Advisory Committee

Jeffrey V. Stuckey of 1087 Nautical Drive, Okemos, Michigan 48864, county of Ingham, for a term expiring at the pleasure of the Governor.

January 31, 2011

I respectfully submit to the Senate the following appointments to office:

Board of State Canvassers

Julie Matuzak of 84 Lodewyck Street, Mount Clemens, Michigan 48043, county of Macomb, succeeding Erane Chrysade Washington-Kendrick, for a term expiring January 31, 2015.

Norman D. Shinkle of 2683 Donna Drive, Williamston, Michigan 48895, county of Ingham, is reappointed for a term expiring January 31, 2015.

January 31, 2011

I respectfully submit to the Senate the following appointment to office:

Chair, Workers' Compensation Appellate Commission

Gregory A. Przybylo of 7150 Harris Drive, Lansing, Michigan 48909, county of Ingham, for a term expiring at the pleasure of the Governor.

January 31, 2011

I respectfully submit to the Senate the following appointments to office:

Workers' Compensation Board of Magistrates

Lisa Klaeren of 6248 Valley Forge Drive, Kalamazoo, Michigan 49009, county of Kalamazoo, is reappointed for a term expiring January 26, 2015.

Beatrice B. Logan of 25171 Delphi Court, Farmington Hills, Michigan 48336, county of Oakland, is reappointed for a term expiring January 26, 2015.

Chris D. Slater of 1695 Flowers Mill Drive, Grand Rapids, Michigan 49525, county of Kent, succeeding David B. Merwin, for a term expiring January 26, 2015.

E. Louis Ognisanti of 625 Westfield Road, Saginaw, Michigan 48602, county of Saginaw, succeeding Lee A. Decker, for a term expiring January 26, 2015.

Carol R. Guyton of 5231 Lannoo Street, Detroit, Michigan 48236, county of Wayne, succeeding Jennifer L. Barnes, for a term expiring January 26, 2015.

January 31, 2011

I respectfully submit to the Senate the following appointment to office:

Chief Magistrate, Workers' Compensation Board of Magistrates

G. Jay Quist of 3678 Oak Bluff, S.E., Grand Rapids, Michigan 49546, county of Kent, for a term expiring at the pleasure of the Governor.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

February 4, 2011

Please be advised of the withdrawal of the appointment of Carol R. Guyton as a member of the Workers' Compensation Board of Magistrates. The appointment was filed with the Secretary of the Senate on January 31, 2011 and transmitted to the Office of the Great Seal on the same day.

Sincerely,
Rick Snyder
Governor

The message was referred to the Committee on Government Operations.

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 53, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2155.

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. 10

Yeas—35

Anderson	Green	Johnson	Richardville
Bieda	Gregory	Jones	Robertson
Booher	Hansen	Kahn	Rocca
Brandenburg	Hildenbrand	Kowall	Schuitmaker
Casperson	Hood	Marleau	Walker
Caswell	Hopgood	Moolenaar	Warren
Colbeck	Hune	Nofs	Whitmer
Emmons	Hunter	Pavlov	Young
Gleason	Jansen	Pros	

Nays—0

Excused—3

Meekhof	Pappageorge	Smith
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Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

General Orders

Senator Pavlov 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 Schuitmaker, designated Senator Hildenbrand as Chairperson.

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

Senate Bill No. 19, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 169 (MCL 750.169).

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

Resolutions

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

Senate Resolution No. 8

Senate Resolution No. 9

Senate Resolution No. 11

Senate Resolution No. 12

The resolution consent calendar was adopted.

Senators Pavlov, Hildenbrand, Proos, Green, Bieda, Casperson, Gleason, Marleau, Moolenaar, Emmons, Colbeck, Robertson, Jones, Hansen, Kowall, Nofs and Jansen offered the following resolution:

Senate Resolution No. 8.

A resolution recognizing January 30 - February 5, 2011, as Catholic Schools Week in the state of Michigan.

Whereas, There are 59,857 students attending 246 Catholic elementary and high schools throughout our great state; and

Whereas, The Constitution of Michigan states: "Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged"; and

Whereas, Catholic schools provide young people with a strong foundation of values and academic skills needed to become responsible citizens of our state and nation; and

Whereas, The Catholic Church views the parents as the primary educators and that parental supervision and involvement play a major role in the education of students; and

Whereas, Catholic school parents pay tuition in addition to supporting public schools through their taxes; and

Whereas, The viability of Catholic schools should be encouraged so that declines in Catholic school enrollment, which necessitate increases in public expenditures in the School Aid Fund, can be avoided; and

Whereas, Catholic schools educate many students who are non-Catholic and many students who are economically disadvantaged; and

Whereas, With their traditionally high academic standards and high graduation rates, all supported by strong moral values, Catholic schools and their graduates make a positive contribution to American society; and

Whereas, "Giving back to the community" and "helping others" are values instilled in every Catholic school student; and

Whereas, January 30 - February 5, 2011, has been designated as Catholic Schools Week, with the theme "Catholic Schools: A+ For America," as denoted by the National Catholic Educational Association (NCEA) and the United States Conference of Catholic Bishops; and

Whereas, the common good of the state of Michigan is strengthened through the continued existence of Catholic schools; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize January 30 - February 5, 2011, as Catholic Schools Week in the state of Michigan, in recognition of the great accomplishments and contributions of Catholic schools in and to our state; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Catholic Conference with our highest esteem.

Senators Anderson, Booher, Brandenburg, Caswell, Hopgood, Hunter and Richardville were named co-sponsors of the resolution.

Senators Bieda, Kowall, Anderson and Gleason offered the following resolution:

Senate Resolution No. 9.

A resolution to recognize the Peace Corps on the occasion of its 50th Anniversary on March 1, 2011.

Whereas, On October 14, 1960, then-United States Senator John F. Kennedy spoke before students at the University of Michigan to challenge America's youth to realize a greater purpose for their education than a mere economic advantage; and

Whereas, Since the institution's establishment on March 1, 1961, more than 200,000 Peace Corps volunteers have served in 139 host countries to help meet the need for trained individuals while promoting better understanding between Americans and the other people of the world; and

Whereas, Across the globe, Peace Corps volunteers have fought the HIV/AIDS epidemic, administered technical training for organizations, promoted cross-cultural understanding, and provided education and support in the areas of the environment, youth development, agriculture, and business development; and

Whereas, Since 1961, the Peace Corps has enriched the lives of 6,564 of Michigan's finest citizens by allowing them to explore new lands and cultures while making tangible, immediate differences in the wider world around them; and

Whereas, Michigan public universities have consistently ranked among the top 25 universities with graduates in the Peace Corps, as exemplified by former Michigan State University graduate and past Michigan State University President M. Peter McPherson, who served in Peru from 1964-1966; and

Whereas, The Peace Corps has enhanced the education and personal growth of young college graduates and volunteers in general by connecting them with a grander world where any possibility can become a reality through hard work and perseverance; and

Whereas, The Peace Corps will celebrate 50 years of promoting peace and service throughout the world on March 1, 2011; now, therefore, be it

Resolved by the Senate, That we honor the Peace Corps for its inspiring humanitarian mission of peace and cooperation; and be it further

Resolved, That copies of this resolution be transmitted to the Peace Corps Headquarters in Washington, D.C., and the Chicago Regional Office which covers Michigan's Peace Corps activities.

Senators Booher, Brandenburg, Caswell, Hopgood, Hunter, Marleau, Moolenaar, Nofs, Proos and Richardville were named co-sponsors of the resolution.

Senator Anderson offered the following resolution:

Senate Resolution No. 11.

A resolution to proclaim February 7-14, 2011, as Congenital Heart Defect Awareness Week in the state of Michigan.

Whereas, Congenital heart defects are the most frequently occurring birth defect and the leading cause of birth defect-related deaths worldwide; and

Whereas, Over a million families across America are facing the challenges and hardships of raising children with congenital heart defects; and

Whereas, Every year, 40,000 babies are born in the United States with congenital heart defects; and

Whereas, Some congenital heart defects are not diagnosed until months or years after birth. Undiagnosed congenital heart conditions cause many cases of sudden cardiac death in young athletes; and

Whereas, Despite these statistics, newborns and young athletes are not routinely screened for congenital heart defects; and

Whereas, A disproportionately small amount of funding is available for congenital heart defect research and support; and

Whereas, Congenital Heart Defect Awareness Week provides an opportunity for families whose lives have been affected to celebrate life and remember loved ones lost, to honor dedicated health professionals, and to meet others and know they are not alone; and

Whereas, The establishment of Congenital Heart Defect Awareness Week will also provide the opportunity to share experiences and information with the public and the media in order to raise public awareness about congenital heart defects; now, therefore, be it

Resolved by the Senate, That we hereby proclaim February 7-14, 2011, as Congenital Heart Defect Awareness Week. We encourage all citizens to increase awareness, education, and services for congenital heart defects which each year affect thousands of babies in Michigan; and be it further

Resolved, That copies of this resolution be transmitted to It's My Heart - Metro Detroit with our highest esteem.

Senators Bieda, Booher, Caswell, Emmons, Green, Hansen, Hildenbrand, Hopgood, Hunter, Kowall, Marleau, Moolenaar, Proos and Richardville were named co-sponsors of the resolution.

Senator Marleau offered the following resolution:

Senate Resolution No. 12.

A resolution honoring Brad Keselowski, winner of the 2010 NASCAR Nationwide Series Championship.

Whereas, Brad Keselowski was born in 1984 in Rochester Hills, Michigan, to Bob and Kay Keselowski, who own their family racing company K-Automotive Motorsports, for whom Brad Keselowski and his brother Brian have competed for; and

Whereas, While working for his family's racing shop, Brad Keselowski began competing at the age of 14. He completed his high school diploma through a work-study program and night school, graduating early; and

Whereas, Brad Keselowski continued to advance in racing divisions until making his first NASCAR appearance in the NASCAR Camping World Truck Series in 2004, racing for his family's team. He made his first NASCAR Nationwide Series appearance in 2006 and won his first NASCAR race two years later in Nashville. He also began competing in the NASCAR Sprint Cup Series in 2008 with his first win in 2009 at Talladega; and

Whereas, Brad Keselowski won the 2010 NASCAR Nationwide Series Championship, finishing 445 points ahead of Carl Edwards. He finished the season with 6 wins, 26 top-five finishes, and 29 top-ten finishes, setting the highest single-season top-five total in Series history; and

Whereas, In 2010, Brad Keselowski was named NASCAR Nationwide Series' Most Popular Driver for the third year in a row; and

Whereas, Beyond his achievements on the race track, Brad Keselowski has translated his success into helping others through his charitable Checkered Flag Foundation that was incorporated in July 2010. The foundation strives to support those who have sacrificed greatly, and since its inception, has hosted or participated in events with the Wounded Warrior Project, the Armed Forces Foundation, the Paralyzed Veterans of America, the National Fallen Firefighters Foundation, and the Detroit F.I.R.E. Benefit Team; now, therefore, be it

Resolved by the Senate, That we offer this expression of our highest tribute to honor Brad Keselowski for his achievements in the field of auto racing, as well as his continued support and dedication to those who have given to the greater good; and be it further

Resolved, That a copy of this resolution be transmitted to Brad Keselowski as evidence of our highest esteem.

Senators Casperson, Green, Caswell, Brandenburg, Proos, Hildenbrand, Pappageorge, Meekhof, Moolenaar, Robertson and Walker offered the following resolution:

Senate Resolution No. 10.

A resolution to memorialize the United States Congress to take immediate steps to impose a moratorium on greenhouse gas, air quality, and other regulatory actions by the Environmental Protection Agency.

Whereas, Concern is growing that, with cap-and-trade legislation having failed in Congress, the Environmental Protection Agency (EPA) is attempting to obtain the same results through the adoption of regulations. The EPA has proposed or is proposing numerous new regulations, particularly in the area of air quality, greenhouse gases, cooling water intake, and coal ash management, that are likely to have major negative effects on the economy, jobs, and U.S. competitiveness in worldwide markets. The aggregate of EPA's regulatory activity and its aggressive timeline has become known to many as the "train wreck" because of the numerous and overlapping requirements and because of the potentially devastating consequences this regulatory activity may have on the economy; and

Whereas, These new regulatory actions are ill-conceived, ill-advised, and understudied. Neither the EPA nor any other executive agency has undertaken a comprehensive study of what the cumulative effect all of this new regulatory activity will have on the economy, jobs, and competitiveness. Furthermore, the EPA has not performed any comprehensive study of what the environmental benefits of its greenhouse regulation will be in terms of impacts on global climate; and

Whereas, Michigan and other states struggling to rebound from the loss of manufacturing jobs and high unemployment face further hardship if the EPA irresponsibly and prematurely imposes greenhouse gas, air quality, coal by-products, and water use restrictions. Coal dominates electricity generation in Michigan, supplying nearly two-thirds of the electric energy produced in the state. The regulatory package proposed by the EPA will push energy prices higher, hurting consumers, as well as the manufacturers the state is counting on to supply jobs. Manufacturers could face a double impact, paying higher energy prices and having to deal with these restrictions themselves; and

Whereas, The Michigan Legislature supports continuing improvements in the quality of the state's and the nation's air and water and believes that such improvements can be made in a sensible fashion without unjustifiably damaging the economy, so long as there is a full understanding of the cost of the regulations at issue and those regulations are based upon sound science. Since the EPA has identified "taking action on climate change and improving air quality" as its first strategic goal for the 2011-2015 time period, the EPA should be required to identify the specific actions it intends to take to achieve these goals and to assess the total cost, economic impact, and benefits of all these actions together; and

Whereas, A primary goal of government at the present time must be to promote economic recovery and to foster a stable and predictable business environment that will lead to the creation of jobs. Public health and welfare will suffer without significant new job creation and economic improvement because people with good jobs are better able to take care of themselves and their families than the unemployed, and environmental improvement is best achieved in a society that generates wealth; now, therefore, be it

Resolved by the Senate, That we memorialize Congress to take the following actions: Adopt legislation prohibiting the EPA from unilaterally regulating greenhouse gas emissions, including if necessary by removing appropriations from EPA greenhouse gas regulatory activities; impose a moratorium on the promulgation of any new air quality, water use, and waste management regulations by the EPA for a period of two years, except those necessary to directly address an imminent health or environmental emergency when subject to court order; direct appropriations for EPA air quality regulatory activities towards updating the agency's scientific models and data; require the administration to undertake a multiagency study identifying all regulatory activity that the EPA intends to undertake in furtherance of its goals of taking action on climate change and improving air quality, limiting water use, and expanding coal ash regulations; and specify the cumulative effect of all of these regulations on the economy, jobs, and American economic competitiveness; and be it further

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

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Pavlov 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 Pavlov moved that the resolution be referred to the Committee on Natural Resources, Environment and Great Lakes.

The motion prevailed.

Senators Booher, Emmons, Hansen, Kowall and Marleau were named co-sponsors of the resolution.

Senators Green, Casperson, Caswell, Brandenburg, Proos, Kowall, Hildenbrand, Pappageorge, Meekhof, Moolenaar, Robertson and Walker offered the following concurrent resolution:

Senate Concurrent Resolution No. 6.

A concurrent resolution to memorialize the United States Congress to take immediate steps to impose a moratorium on greenhouse gas, air quality, and other regulatory actions by the Environmental Protection Agency.

Whereas, Concern is growing that, with cap-and-trade legislation having failed in Congress, the Environmental Protection Agency (EPA) is attempting to obtain the same results through the adoption of regulations. The EPA has proposed or is proposing numerous new regulations, particularly in the area of air quality, greenhouse gases, cooling water intake, and coal ash management, that are likely to have major negative effects on the economy, jobs, and U.S. competitiveness in worldwide markets. The aggregate of EPA's regulatory activity and its aggressive timeline has become known to many as the "train wreck" because of the numerous and overlapping requirements and because of the potentially devastating consequences this regulatory activity may have on the economy; and

Whereas, These new regulatory actions are ill-conceived, ill-advised, and understudied. Neither the EPA nor any other executive agency has undertaken a comprehensive study of what the cumulative effect all of this new regulatory activity will have on the economy, jobs, and competitiveness. Furthermore, the EPA has not performed any comprehensive study of what the environmental benefits of its greenhouse regulation will be in terms of impacts on global climate; and

Whereas, Michigan and other states struggling to rebound from the loss of manufacturing jobs and high unemployment face further hardship if the EPA irresponsibly and prematurely imposes greenhouse gas, air quality, coal by-products, and water use restrictions. Coal dominates electricity generation in Michigan, supplying nearly two-thirds of the electric energy produced in the state. The regulatory package proposed by the EPA will push energy prices higher, hurting consumers, as well as the manufacturers the state is counting on to supply jobs. Manufacturers could face a double impact, paying higher energy prices and having to deal with these restrictions themselves; and

Whereas, The Michigan Legislature supports continuing improvements in the quality of the state's and the nation's air and water and believes that such improvements can be made in a sensible fashion without unjustifiably damaging the economy, so long as there is a full understanding of the cost of the regulations at issue and those regulations are based upon sound science. Since the EPA has identified "taking action on climate change and improving air quality" as its first strategic goal for the 2011-2015 time period, the EPA should be required to identify the specific actions it intends to take to achieve these goals and to assess the total cost, economic impact, and benefits of all these actions together; and

Whereas, A primary goal of government at the present time must be to promote economic recovery and to foster a stable and predictable business environment that will lead to the creation of jobs. Public health and welfare will suffer without significant new job creation and economic improvement because people with good jobs are better able to take care of themselves and their families than the unemployed, and environmental improvement is best achieved in a society that generates wealth; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize Congress to take the following actions: Adopt legislation prohibiting the EPA from unilaterally regulating greenhouse gas emissions, including if necessary by removing appropriations from EPA greenhouse gas regulatory activities; impose a moratorium on the promulgation of any new air quality, water use, and waste management regulations by the EPA for a period of two years, except

those necessary to directly address an imminent health or environmental emergency when subject to court order; direct appropriations for EPA air quality regulatory activities towards updating the agency's scientific models and data; require the administration to undertake a multiagency study identifying all regulatory activity that the EPA intends to undertake in furtherance of its goals of taking action on climate change and improving air quality, limiting water use, and expanding coal ash regulations; and specify the cumulative effect of all of these regulations on the economy, jobs, and American economic competitiveness; and be it further

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

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

Senator Pavlov moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Pavlov moved that the concurrent resolution be referred to the Committee on Natural Resources, Environment and Great Lakes.

The motion prevailed.

Senators Booher, Emmons, Hansen and Marleau were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senators Hildenbrand, Proos, Hune, Kowall, Pavlov, Jones, Schuitmaker, Emmons, Moolenaar, Meekhof, Booher, Robertson, Marleau, Casperson, Pappageorge, Hansen and Jansen introduced

Senate Joint Resolution E, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 31 of article IV and by adding section 55 to article IV, to provide that certain state budget bills be presented to the governor on or before a certain date and to reduce compensation of state legislators when certain state budget bills are not presented on or before a certain date.

The joint resolution was read a first and second time by title and referred to the Committee on Reforms, Restructuring and Reinventing.

Senator Hune introduced

Senate Joint Resolution F, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 28 to article I, to prohibit illegal aliens from receiving public assistance in this state.

The joint resolution was read a first and second time by title and referred to the Committee on Reforms, Restructuring and Reinventing.

Senators Bieda, Hunter, Hopgood, Kowall, Anderson, Smith, Gleason, Nofs, Moolenaar, Whitmer, Gregory, Johnson, Warren, Schuitmaker, Young, Jansen, Proos, Kahn, Meekhof, Casperson and Pappageorge introduced

Senate Bill No. 101, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 496a.

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

Senators Pappageorge, Rocca, Emmons, Nofs, Proos, Caswell, Gleason, Marleau, Bieda, Booher, Colbeck, Robertson, Jones and Kowall introduced

Senate Bill No. 102, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803e (MCL 257.803e), as amended by 2003 PA 30.

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

Senators Kahn, Nofs, Pavlov, Meekhof, Jones, Brandenburg and Booher introduced

Senate Bill No. 103, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 272 (MCL 206.272), as added by 2006 PA 372.

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

Senators Kahn, Marleau, Proos, Meekhof, Jones, Brandenburg and Booher introduced

Senate Bill No. 104, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2009 PA 99, and by adding section 811r.

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

Senators Hunter, Gleason, Young, Hood, Smith and Bieda introduced

Senate Bill No. 105, entitled

A bill to establish the imagine fund in the department of treasury; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

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

Senators Hunter, Gleason, Young, Hood and Smith introduced

Senate Bill No. 106, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2010 PA 346.

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

Senators Hunter, Gleason, Smith, Bieda and Warren introduced

Senate Bill No. 107, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4q (MCL 205.54q), as amended by 2004 PA 173.

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

Senators Hunter, Rocca, Gleason, Young, Hood, Smith and Bieda introduced

Senate Bill No. 108, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 273.

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

Senator Jones introduced

Senate Bill No. 109, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57v.

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

Senators Hansen, Walker, Hildenbrand, Proos, Emmons, Booher, Casperson and Meekhof introduced

Senate Bill No. 110, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 88b (MCL 125.2088b), as amended by 2010 PA 271.

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

Senator Hansen introduced

Senate Bill No. 111, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 3 (MCL 125.2683), as amended by 2010 PA 277, and by adding section 8i.

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

Statements

Senators Bieda, Anderson, Kahn, Gleason, Whitmer and Caswell asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Bieda's statement is as follows:

Today, I introduced a resolution honoring the 50th anniversary of the United States Peace Corps. In 1961, President John F. Kennedy established the Peace Corps, and the mission was three simple goals: helping other countries meet their needs for trained men and women, helping other countries understand Americans, and helping Americans understand other countries and their people.

Since 1961, 200,000 volunteers have served in 139 host countries around the globe. Of this, 6,564 were from Michigan. Although college students make up a large portion of the Peace Corps volunteers each year, volunteers with special knowledge and training join the Peace Corps from all 50 states—engineers, doctors, lawyers, teachers, carpenters, the list goes on and on.

The present United States Congress has six former Peace Corps volunteers, Pulitzer Prize winners, numerous CEOs, and captains of industry. Former volunteers run the *Associated Press*, *Business Week*, *Time*, *Incorporated*, *Vanity Fair*, *Washington Post*, and the *Wall Street Journal*, just to mention a few. From college presidents to the chairmen of the board, they all express their years in the Peace Corps as a gift that introduced them to a different world and a new way of understanding other cultures—all this good from the simple effort to promote world peace and friendship.

I would like to invite any legislator with constituents who served as a volunteer in the Peace Corps to attend a presentation and contact my office—details will be following. The anniversary is on March 1, 2011.

Senator Anderson's statement is as follows:

I rise today to make a statement and recognition regarding my resolution that was on today's consent calendar. I appreciate my colleagues co-sponsoring and it being passed. That would establish February 7-14 of this year as Congenital Heart Defect Awareness Week.

Earlier this month, my good colleague from the 32nd District recognized February as Heart Health Awareness Month, highlighting the importance of increasing the awareness and educating the public about preventative heart health and treatment. Today, I offer another resolution to bring attention to a group of individuals who are never given the choice to maintain their heart health—those born with congenital heart defects or CHDs. For the families of children born with congenital heart defects, these children are called CHD angels. These children are blessings from heaven, with a joy for life that many may take for granted and courage that few possess. From the moment they are born, they face a struggle for survival. For far too many children with congenital heart defects, they never come home from the hospital, and for many others, they are with their families for only a few months or years.

In the Gallery, this morning in the north Gallery is the Kain family from Livonia: Rachel and Michael Kain and their two sons Ethan and Austin. The Kain family knows all too well the seriousness of this issue, the need for routine heart screenings, infant screenings, the need for early diagnosis, and the need for further research because they are the parents of a CHD angel. Their baby son Colin Kain was born with a congenital heart defect. After four months of struggling to recover from surgery to correct the defects in his heart, Colin passed away.

After Colin's death, his mother Rachel devoted herself to helping others with CHD angels through the Metropolitan Detroit Chapter of It's My Heart, an organization dedicated to raising awareness about congenital heart defects and providing support for other families.

Congenital heart defects affect over 1 million families in America. Every 13 minutes, a baby is born with a congenital heart defect, approximately 40,000 each year. Nearly 1 in every 100 newborns has a congenital heart defect. Tragically, many infants with congenital heart defects go undiagnosed, as newborns are still not routinely screened for these defects.

Despite the fact that congenital heart defects are the most frequent type of birth defect and despite the fact that congenital heart defects are the No. 1 cause of birth defects and are the No. 1 type of defects-related deaths worldwide, funding for research and public awareness in this area have been woefully insufficient.

This resolution is part of a greater effort to encourage all states to recognize and echo the national CHD Awareness Week occurring this week. By joining efforts across the United States and recognizing this week as Congenital Heart Defect Awareness Week, we help groups like It's My Heart to share their important message with others while continuing the work to learn about and prevent those crippling defects.

I would ask that my colleagues join me in welcoming the Kain family in the north Gallery to the Michigan Senate, and thank them for their work on this great cause.

Senator Kahn's statement is as follows:

Last week, my good friend, the Senator from the 27th District, rose to speak about the EITC. We are \$1.8 billion in the red. That is the deficit that Michigan is facing this very moment, now, and it might be more. We have no pots of money left and no way to hide this problem. No rainy day fund. No federal stimulus dollars. We've spent them all. My friends, we have a lot of hard work and tough decisions staring at us. It is time to ask ourselves questions like: What services do the citizens of Michigan need? What can we afford?

No longer can we ask what services would we like? Our family can't afford a winter trip to the Bahamas any more, and we don't need that. We need snow shovels. Although it would be nice to keep first-dollar health care coverage, as a physician, I know it is time to ask can we afford this? Funding likes rather than needs got us here, and it just won't work anymore.

I have introduced legislation to sunset Michigan's earned income tax credit. My opinion is that elimination of the EITC is a proper discussion. We cannot afford sacred cows. Why would I eliminate this credit? First, let's look at affordability. The EITC would cost \$340 million this year and is estimated to cost \$370 million in 2012. Let me put that in perspective. All in, the budgets of Agriculture, the Attorney General, Civil Rights, Education, DELEG, the Executive Office, Judiciary, Auditor General, Military Affairs, and the Secretary of State would only total \$357 million. Think of that. These ten budgets do not even amount to the \$370 million that the EITC will cost Michigan in 2012. Its costs grow every year.

For the EITC, it is time to ask do we need it? Can we afford \$370 million for it? I believe continuance of this structurally unsound credit is simply no longer a sound choice. We don't need it, and it is certainly not worth the equivalent of the entire budgets of ten state departments.

Worth is another concept we must include in our budgeting now. We should have done so always. It means that programs should be weighed one against another for the value that they bring to the people of Michigan. It is fair and proper that we demand comparative value for our people's dollars. How does the EITC stack up? According to Edwin Rubenstein, the GAO has found that between a quarter and a third of EITC payments are improperly made. In fact, the EITC ranks second among all federal programs in fraudulent payments.

Make no mistake, we are not making an argument that the government should not lend a helping hand. In DCH alone, we spend over \$12 billion. We are making an argument that our spending needs to be cost-effective and that each and every program needs to show its comparative value and worth. The EITC is about encouraging work for the under-employed. This was originally a federal program, not a state program. The Michigan program is just a 20 percent echo of the federal. Yet, for us, it is the equivalent of ten whole state departments.

Simply put, government must live within its means. Gone are the days that we can demand programs without looking at what we can afford. Each and every time we debate, we must ask: Do we need it? Can we afford it? What is it worth? For the EITC, the answers are no, no, and not enough.

Senator Gleason's statement is as follows:

It's easy to say no to the poor, and it's easy to say no to the sick. I didn't choose to run for office or to represent this state by taking my legislative or political efforts out on the poor, particularly the working poor. To say that we can't afford to help the least of these is a pretty powerful statement. All of us in this chamber and those who work in this building have a fairly comfortable life. Now is it not bad enough we will take the tax dollars of the working poor and supplement our compensation with their sweat? I think it is unreasonable as elected officials to not understand what has transpired in our state over the last decade.

We must put appropriate emphasis on the word "earned" and not the word "tax." These families across this state have suffered during this recession through no blame of their own. When we have such a vibrant—and many would say and I join those many—and responsible debate on whether we are going to alleviate the Michigan businesses from their tax obligation, we can't use the same fervor or the same effort to stick up for our poor—those who are working.

As I mentioned before, my grandparents immigrated to this country. They came to this state because there were jobs. There were well-paid jobs, and they could provide for their families. Even under the verbiage, I think this is a very important discussion that we are having today. We are picking which side we are on. You all can pick on the poorest, or you can side with the most affluent. But my granddaddy told us many times, "Nothing beats a failure like a try." We're telling Michigan families to go to work. We told, I think not in the best fashion for too long, the welfare mom to put down her home business and go to work. Most of those jobs entail minimum wage or slightly higher wages that they have to provide for their families.

I think it was very thoughtful and I think it was more than compassionate when a few years ago we passed the earned income tax credit under similar economic conditions. But today, we are not given the same balance on behalf of the poor as we are those who are in business. We should really think about what we are doing here today. Do we really want people to look at our state and say, "The Michigan Senate attacked the least of these. I want to move my family, and I want to move my business to a state that will overtly attack the poor."

This \$3,000 or \$5,000 which these families get for working should be considered compensation for their efforts because we know that businesses throughout this state have lost revenue, and therefore, many times limit the ability to pay their workers what they would like to pay them themselves. But I think if you ask the businesses which have these responsible workers, they would say that they would like to pay their workers more. One way to do that may be the public support to the earned income tax credit.

We should think seriously about what we are doing today when we're talking about taking a big percentage of compensation away from the poor during these tough times; when we're saying if you make \$15,000, we can't give you a few more to keep your heat on. When you're making \$15,000, we can't give you a few more thousand dollars so that you can take your kid to the doctor and meet your co-pay. There is not one cent of the \$3,000 that we give these families for the earned income tax credit that goes in your stock market. It goes for these family needs. We should be more responsible about our verbiage and more responsible about our actions.

Senator Whitmer's statement is as follows:

I stand to reply to the remarks of my colleague from the 32nd District on the earned income tax credit. My colleague has said that there are over \$300 million in savings, but let's be straight with the voters. It represents a tax increase on those who can least afford it if you get rid of the earned income tax policy.

Now there are many people in state government who, frankly, I don't think understand what this earned income tax credit is. I have heard comments from people in the Executive Office to people who hold gavels in this body saying that it is a handout for people who are not working. Let's really talk about the facts. This is about helping people who are working and doing the best they can. As Ronald Reagan said, "This is the best anti-poverty, best pro-family, the best job creation measure to come out of Congress."

The earned income tax dollars are spent directly into our commerce stream. So when the chair of the Appropriations Committee asks if we need it, can we afford it, what's it worth? I agree that is the test we should be applying. We should be applying that test to all \$38 billion of tax expenditures. If it is good public policy, let's keep it. If it is bad public policy, let's vote it out. But that requires real scrutiny of the entire tax code and every gimmick therein.

I would say that if you put the metrics up—and we are all talking about metrics these days—that earned income tax credit metrics you can put them up against any of the glorified earmarks in our tax code, and you couldn't find any that has a better return on our investment. It helps people and returns money to the stream of commerce.

So I have to tell you, I'm with the Gipper on this one. I think the earned income tax credit should stay because it is one of the best public policies we have on the books to actually help the working people in the state of Michigan.

Senator Caswell's statement is as follows:

As you all know, we in the Legislature received a pay cut this year. Our office budgets have been cut. We're making the type of sacrifices which everyone in the state is going to have to make. I remember last year visiting a home in my district while campaigning, and as I talked with the mother, she asked me inside to meet her son who had cerebral palsy very badly—in a wheel chair, couldn't speak. We talked a little bit. I talked to him, and then the mother took me into the living room. She said to me, "My son's had a few benefits, which he was able to get, cut. He no longer can get them." She looked me in the eye and she said, "That's OK because in order for us to get out of this, everybody in this state is going to have to sacrifice and give a little."

My own son gets an EITC. He won't get it next year if this goes through. That's OK because everybody is going to have to give a little.

A bigger picture, though, which this discussion has engendered is the whole discussion of our social service programs in general. We did a very wise thing in this state about six or seven years ago. We took the income cap off the mentally impaired and our developmentally disabled folks so that they could go out and work and earn money above the cap and not lose their Medicaid, not lose all of their food stamps. We put in a phase-out. As this body discusses the issues which we are discussing today and others, I would suggest that we need to do that with every social program in the state.

The mother who broke down in tears in Coldwater years ago, who told me she was on welfare and that she couldn't get off because every time she made a dollar over her income cap, her Medicaid disappeared, her food stamps disappeared, her rent subsidy disappeared, and she couldn't make enough above that cap to come out even.

It makes sense as we move ahead to take a good hard look at phasing those types of benefits out; encouraging people strongly to go to work on any program that we have. So as we discuss this and the value of work—and work is valuable—I hope that some of the ideas which I presented here today may be considered by this body as we move ahead, as we encourage our people.

But make no mistake about it, we will all have to give a little. We all know that. It will not be easy. We do have to make sure that we take care of our most vulnerable. That term is sometimes used in a wide-ranging way, but I will tell you very matter-of-factly that I believe our most vulnerable are our mentally impaired, our developmentally disabled, and our senior citizens who have nowhere else to go other than government. Our very poor senior citizens are dual-eligibles.

I know that opens me up to political attacks in the future. We elect this group out of that group. Well, everyone can't be included. We don't have the money, but as we look to reduce things, my friends, I think it's very important that we consider encouraging people, not discouraging people, to go to work, get jobs, and try to improve themselves; and to phase out their benefits from the state as opposed to just cutting them off and leaving them with nothing.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 29, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 224a (MCL 750.224a), as amended by 2006 PA 457.

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.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 30, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending the title and sections 5f, 5k, and 5o (MCL 28.425f, 28.425k, and 28.425o), the title as amended and section 5k as added by 2000 PA 381, section 5f as amended by 2008 PA 194, and section 5o as amended by 2008 PA 407.

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.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 93, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 11b and 16m of chapter XVII (MCL 777.11b and 777.16m), section 11b as amended by 2008 PA 538 and section 16m as amended by 2005 PA 106.

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.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, February 1, 2011, at 2:30 p.m., Room 110, Farnum Building

Present: Senators Jones (C), Schuitmaker, Rocca and Bieda

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, February 1, 2011, at 12:30 p.m., Room 100, Farnum Building

Present: Senators Casperson (C), Kowall, Pavlov, Gleason and Hood

Excused: Senator Brandenburg

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Tuesday, February 1, 2011, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Nofs (C), Proos, Jones, Marleau, Schuitmaker, Walker, Hopgood, Bieda and Young

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture and Rural Development submitted the following:

Meeting held on Tuesday, February 1, 2011, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Green (C), Moolenaar and Hopgood

Scheduled Meetings

Agriculture - Thursday, February 10, 8:30 a.m., Room 110, Farnum Building (373-5312)

Appropriations -

Subcommittees -

Community Colleges and House Community Colleges Appropriations Subcommittee - Friday, February 18, 1:00 p.m., Jackson Community College, Board Room #214, Potter Center, 2111 Emmons Road, Jackson (373-2768)

Corrections Department and House Corrections Appropriations Subcommittee - Thursday, February 10, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Human Services Department - Thursday, February 10, 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

K-12, School Aid, Education - Wednesday, February 9, 9:00 a.m., Room 405, Capitol Building (373-2768)

State Police and Military Affairs - Thursdays, February 10, February 24, March 3, March 10 and March 17, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Banking and Financial Institutions - Thursday, February 10, 1:30 p.m., Room 100, Farnum Building (373-5314)

Economic Development - Wednesday, February 9, 1:30 p.m., Room 110, Farnum Building (373-5312)

Education and House Education - Wednesday, February 9, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5324)

Education and Local Government and Elections - Wednesday, February 9, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5324)

Finance - Wednesday, February 9, 12:30 p.m., Room 210, Farnum Building (373-5307)

Local Government and Elections - Wednesday, February 9, 3:00 p.m., Room 100, Farnum Building (CANCELED) and Wednesday, February 9, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5323)

Local Government and Elections and Education - Wednesday, February 9, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5323)

Natural Resources, Environment and Great Lakes - Thursday, February 10, 8:30 a.m., Room 210, Farnum Building (373-5323)

Outdoor Recreation and Tourism - Thursday, February 10, 12:30 p.m., Room 210, Farnum Building (373-5323)

Reforms, Restructuring and Reinventing - Wednesday, February 9, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-5314)

Regulatory Reform - Thursday, February 10, 12:30 p.m., Room 110, Farnum Building (373-5307)

Senator Pavlov moved that the Senate adjourn.
The motion prevailed, the time being 11:00 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Wednesday, February 9, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

