

**No. 25**  
**STATE OF MICHIGAN**  
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Senate Chamber, Lansing, Thursday, March 26, 2009.

10:00 a.m.

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

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

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

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

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

Senator Gerald Van Woerkom of the 34th District offered the following invocation:

Heavenly Father, we come to You this morning to bring some requests before You. We come knowing that You are our Heavenly Father and that You love and care for us. We pray that You will look upon us with Your favor and grant our requests.

Lord, we face some serious challenges here in the state of Michigan. We have shrinking resources in our state, and yet we have so many needs out there. We are wrestling with the budget right now. We pray that You will give us wisdom and discretion as we work with the budget, and help us to provide for those who really are in need. Help us to use and manage our resources in such a way that we get the most benefit out of that for our citizens here in our state.

Lord, in the past month or two, we have had a number of deaths here in the Legislature that have affected some of the families here. We pray that You will continue to grant them comfort through these difficult times. Lord, as we see spring coming, our hearts are lifted with joy. We start to see the crocuses pop up, and we praise You because we know that You are the Lord of lords, the King of kings, and we offer You our praise and honor.

In Your Son's name. Amen.

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

### Motions and Communications

Senators Brown, Kahn, Stamas, Gleason and Jelinek entered the Senate Chamber.

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

**House Bill No. 4582**

**House Bill No. 4515**

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

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

**Senate Resolution No. 21**

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

Senator Jansen entered the Senate Chamber.

### Recess

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

The motion prevailed, the time being 10:09 a.m.

12:04 p.m.

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

During the recess, Senator Garcia entered the Senate Chamber.

The Secretary announced that the following House bills and joint resolution were received in the Senate and filed on Wednesday, March 25:

**House Bill Nos. 4378 4381 4668 4669 4670**

**House Joint Resolution N**

The Secretary announced that the following official bills were printed on Wednesday, March 25, and are available at the legislative website:

**Senate Bill No. 402**

**House Bill Nos. 4675 4676 4677 4678 4679 4680**

### Messages from the House

#### Senate Bill No. 319, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 434 (MCL 208.1434), as added by 2008 PA 580.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

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

#### Roll Call No. 81

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate proceeded to the order of

#### Resolutions

Senator Cropsey moved that rule 3.204 be suspended to permit immediate consideration of the following concurrent resolution:

#### Senate Concurrent Resolution No. 11

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

Senators Kahn, Bishop, Cropsey, Pappageorge and Jansen offered the following concurrent resolution:

#### Senate Concurrent Resolution No. 11.

A concurrent resolution to approve the State Officers Compensation Commission determinations.

Whereas, Pursuant to the provisions of Article IV, Section 12 of the Michigan Constitution, the State Officers Compensation Commission is responsible for making determinations regarding the salaries and expense allowances of the members

of the Legislature, the Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, and the Justices of the Supreme Court; and

Whereas, The State Officers Compensation Commission met on February 12, 2009, and March 9, 2009, to determine the salaries and expense allowances for the members of the Legislature, the Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, and the Justices of the Supreme Court; and

Whereas, The State Officers Compensation Commission has concluded its proceedings and on March 9, 2009, made its determinations that a 10 percent reduction to current salaries, supplemental salaries, and expense allowances for legislative and executive branch positions is appropriate. The commission recommended no reduction in salary for the Justices of the Supreme Court; and

Whereas, On March 23, 2009, the Legislature received the determinations of the State Officers Compensation Commission; and

Whereas, These determinations shall be the salaries and expense allowances only if the legislature approves them by a concurrent resolution adopted by a majority of the members elected to and serving in each house. If the salary and expense determinations are approved, the salary and expense determinations shall become effective for the legislative session immediately following the next general election, which will commence January 1, 2011; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That, pursuant to Article IV, Section 12 of the Michigan Constitution and MCL 15.217, we hereby approve the determinations of the State Officers Compensation Commission that put in place a 10 percent reduction in the salaries and expense allowances of the members of the Legislature, the Governor, the Lieutenant Governor, the Attorney General, and the Secretary of State and make no reduction in the salaries of the Justices of the Supreme Court; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor, the Attorney General, the Secretary of State, the State Court Administrator, and the Director of the Department of Management and Budget.

The question being on the adoption of the concurrent resolution,

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

### **Point of Order**

Senator Patterson raised the Point of Order that Senate Concurrent Resolution No. 11, in the Whereas clause, included a reduction in “supplemental salaries,” and the Resolving clause does not. The resolution did not appear to contain the State Officers Compensation Commission recommendation in its entirety.

The President pro tempore, Senator Richardville, ruled that because “supplemental salaries” was referenced for reduction in the Whereas clause, a clarification could be in order to also include “supplemental salaries” in the Resolving clause. An amendment to the resolution would clarify the intent.

### **Recess**

Senator Bishop moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 12:31 p.m.

12:36 p.m.

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

The question being on the adoption of the concurrent resolution,  
Senator Patterson offered the following amendment:

1. Amend the first Resolving clause, line 4, after “salaries” by inserting a comma and “supplemental salaries.”

The amendment was adopted.

The concurrent resolution, as amended, was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Senator Whitmer's statement is as follow:

I will vote in favor of the pay-cut resolution. In fact, I think it is something we probably should have done awhile ago. However, let's be honest. In comparison to the entire \$42 billion state budget, \$3 million from the State Senate is symbolic. There is no doubt that in times of crisis, symbols matter. It's the right thing to do, but let's take it a step further and be honest and candid. This doesn't even apply to at least 30 of the 38 members in this chamber.

The fact of the matter is that the Senate majority leadership runs it both ways. They like to beat up on state employees and ask for another year of concessions and say, "Look, we've taken some cuts," when the truth is these cuts don't impact any of us. They just impact the next Legislature. So you still haven't given up a darn thing. No nominations for profiles in courage here today.

For the nine years I have served in the Legislature, we have asked and asked again for concessions for our state employees, yet never making concessions ourselves. We have even asked the business community to pitch in. Whatever happened to leading by example? Now why doesn't someone around here show some real leadership and pass Senate Resolution No. 15 along with this resolution to assure that everyone in Michigan has equal resources on their behalf at the State Senate? Treat every office equally whether it is a Democrat or a Republican serving.

Now I am not talking about raising Democrats \$100,000 to the level that the Republicans have. I am suggesting that you learn to tighten your belts and serve your constituents with \$100,000 less like we on the Democratic side do. Senate Resolution No. 15 represents at least \$3 million in savings that could be done now and equitably—not to mention that it requires that all expenditures in the Senate be available on the Internet. Transparency, equity, and immediate savings—now that is meaningful.

I am going to vote in favor of this because I think it is overdue and the right symbol to send to the people of the state of Michigan. But for the reasons that I suggest, we should be moving Senate Resolution No. 15 as well.

Senator Kahn's statement is as follows:

Senate Concurrent Resolution No. 11 would reduce salaries and expense allowances of members of the Legislature, Governor, Lieutenant Governor, Attorney General, and the Secretary of State by 10 percent starting in 2011. It would provide a projected cost savings of \$1.2 million beginning in that year.

These are tough economic times for our people. These are times when we have growing unemployment and times of suffering. The chair pointed out to me today that the newspapers are saying we have a 12 percent unemployment rate in Michigan this month, and there is now worry that it will be 13 percent next month. The leadership is about being with the people. Leaders do not eat when those they lead do not eat. We do not sleep when they do not sleep. We do not joke when they cannot joke.

This resolution is about understanding our people—coming together with them in this very difficult time and sharing their miseries. As we move into further legislation in the coming two years and thereafter, it is all of our hope it will lead to a rebirth of Michigan. It is true that the people across Michigan wonder if we are sharing in their burdens, and there may not be thanks for doing this. But part of leadership is also doing things without expecting things. Part of leadership is passing this resolution and letting our people know that elected officials are with them and not apart from them.

Senator Basham's statement is as follows:

This is like one-upmanship, Mr. President. It is like the House did something, so the Senate has to do something that won't affect either chamber. This doesn't affect me; I'm fine. I am a former vet and a former auto worker. If you really want the trains to run on time, Mussolini had the trains running on time, but we have a branch of government that is supposed to be civil discourse—about agreements and disagreements. I personally don't think, coming out of the auto industry as an auto worker, that this is too much money. We do not make any more money than a school teacher, police officer, or firefighter. As a matter of fact, some \$70,000 is what one of my mayors said her dogcatcher makes. So I will look anyone in the eye and say I earn my pay, and I hope that other legislators would do their work and earn their pay too.

One of the things that I would do to earn my pay is to make Michigan smoke-free. If we would move on those kinds of bills, we could save billions of dollars, regardless of partisan politics. We could save billions of dollars in health care costs. So I could go down a list. Of course, no one wants to hear what I have to say, but I could find lots of savings in the state's budget other than this tokenism of affecting the next group of legislators, while 31 out of 38 of us won't be returning.

So I am going to vote "no" on this out of pure principle.

Senator Patterson's first statement is as follows:

Times are tough. I read today in the *Detroit Free Press* that the Detroit Tigers have to confront the harsh reality of a down economy. Their top nine ballplayers have to face the fact that \$99 million is not enough to pay their top nine ballplayers. It is a harsh reality.

But I have a point of parliamentary inquiry with regard to one of the whereas clauses in the Senate concurrent resolution. In pertinent part it reads, "Whereas, The State Officers Compensation Commission has concluded its proceedings and on March 9, 2009, made its determination that a 10 percent reduction to current salaries, supplemental salaries, and expense allowances..." But the resolved clause in our resolution speaks about "putting in place a 10 percent reduction in salaries and expense allowances of the members..."

Is there a distinction between the determination of the State Officers Compensation Commission and what the resolution embraces? And should we not also talk in terms of compensation in its totality? That is my point of parliamentary inquiry, and I ask for clarification before being asked to vote.

Senator Sanborn's statement is as follows:

I would like to welcome the opening day season. We all knew opening day was just around the corner, so, media, welcome to the opening day of the election season of 2010. It has just been kicked off, and the first pitch has just been thrown out, oh, by golly.

The world has been turned upon its ear. The right honorable Senator from the 23rd District will be voting together on this issue. I assure you, I will be voting "yes" on this issue. The Senator from the 23rd District and candidate for Attorney General, you are correct, except it doesn't go far enough. I was outraged when we passed that 38 percent pay raise 12 years ago. This resolution does not go far enough, but I will acknowledge that it is a heck of a good start. I expect all of the other candidates for 2010 to rise up now and speak in support of this.

There are other things that we need to be doing. Cutting the pay is not enough. Let's go to a part-time Legislature. Let's talk about some real serious reforms. Let's downsize government. Let's cut down the cost of government, and ask ourselves what do we want our government to really be? What are the essential services that we want to provide and why? By golly, I am just so happy to see the Democrats over in the House taking leadership on ethics reform. I find it a bit ironic that the party that brought you Kwame Kilpatrick and Bernie Frank would be leading on ethics reform. I am from Macomb County and the headline today in Macomb County, "County board"—led by Paul Gielegghem, former legislator "has just voted to raise taxes for the first time in 27 years." They say we just can't afford to cut any further.

Governor Granholm promised she wouldn't raise taxes. What is the first thing she did when she got elected? Join me, she raised taxes and then she promised she wouldn't raise taxes again. Well, another promise from a politician. Speaker Pelosi is out there with an outlandish budget that is going to force Congress to raise taxes, and Harry Reid is joining in. And Obama, well, there he is, "We're not raising taxes. This year we are going to take care of my friends because 12 percent of the economic stimulus program is actually going to the economic stimulus. We will raise taxes next year. We are going to take care of these guys this year—the guys who got me elected."

The public is asking us for a life preserver and our leadership keeps throwing them an anchor at every level of government—the President, Congress, the U.S. Senate, Jennifer Granholm, Paul Gielegghem of Macomb County. I speak the truth. I didn't come here to be a lapdog for tax raisers.

I will speak to the resolution at hand, and I realize that the truth sometimes hurts. With that being said, again the public is asking for a life line; don't throw them an anchor. Cut our pay today. OK, I am with you. Let's do it 38 percent. Let's downsize government. Let's go to a part-time Legislature. Let's continue the theatrics of the election season. Media and general public, welcome to the opening season of Election Day 2010.

Senator Patterson's second statement is as follows:

I will try not to bloviate my amendment to succinct. It amounts to two words—"supplemental salaries." It is my attempt to make sure that we discharge our constitutional responsibility and embrace the SOCC committee's recommendation in its entirety.

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

**Senate Resolution No. 30**

The resolution consent calendar was adopted.

Senator Pappageorge offered the following resolution:

**Senate Resolution No. 30.**

A resolution to express support for the people of India and our constituents of Indian origin who may have been affected by the terrorist attacks in Mumbai and to urge the President and Congress to work with Indian authorities in both humanitarian and strategic capacities.

Whereas, The nightmarish terrorist attacks in Mumbai, India, have sent shockwaves around the world. With echoes of 2001, Americans are reminded of the challenge all free people face in resisting organizations committed to hatred and murder. As we express our solidarity and sympathy to the Indian people and the Indian-American community here in Michigan, we also urge the President and Congress to do all they can to extend assistance at this critical juncture; and

Whereas, It has become increasingly clear that no nation is immune from the threat of terrorism. Measures taken in the past to safeguard borders from attacks by armies, navies, or aircraft are inadequate against suicide missions carried out by extremist groups bent on killing innocent people. Dealing with these threats requires unprecedented cooperation among peace-loving nations and full cooperation in sharing intelligence and strategies; and

Whereas, As has been expressed by the United States Secretary of State, our countries must bring to bear on these issues all of the tools at our disposal, including technology, if we are to put an end to attacks such as the one that has brought so much death and sadness to Mumbai. This cooperation must also extend far beyond our two nations; now, therefore, be it

Resolved by the Senate, That we express support for the people of India following the terrorist attacks in Mumbai and memorialize the President and Congress to work with Indian authorities in both humanitarian and strategic capacities; 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.

Senators Barcia, Cherry, Clarke, Cropsy, Gleason, Jacobs and Kahn were named co-sponsors of the resolution.

#### **Senate Concurrent Resolution No. 6.**

A concurrent resolution to urge the government of Turkey to cease all discrimination against the Ecumenical Patriarchate. (For text of resolution, see Senate Journal No. 22, p. 376.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of

#### **General Orders**

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

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

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

#### **House Bill No. 4582, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2009; and to provide for the expenditure of the appropriations.

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:

#### **House Bill No. 4515, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 434 (MCL 208.1434), as added by 2008 PA 580.

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 Cropsy moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage at the head of the Third Reading of Bills calendar:

#### **House Bill No. 4582**

#### **House Bill No. 4515**

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

The following bill was read a third time:

#### **House Bill No. 4582, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2009; and to provide for the expenditure of the appropriations.

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. 82****Yeas—37**

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

**Nays—0****Excused—0****Not Voting—0**

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the title of the bill.

Senators Switalski, Cherry and Gleason asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Switalski's statement is as follows:

I was critical when my Republican colleagues created a special committee to oversee federal stimulus expenditures. I feared an additional committee would slow us down and make us miss critical deadlines. I challenged my colleagues to prove me wrong.

Today, you proved me wrong. This \$900 million transportation stimulus bill is passing one week ahead of the deadline I called for. Think of it. We set up the subcommittee on March 12; we had hearings for a week; and this week it passed through the subcommittee on Tuesday. It went through the full Appropriations Committee on Wednesday, and here we are on Thursday passing it today. That is pretty awesome. We will open the bids on April 2 and can let contracts directly. We will have 25,000 people working in this summer's construction season.

I am not bashful about yanking your chain when I think you are making bad policy or acting fiscally irresponsible. But I have to be man enough to admit when I am wrong, and I apologize for doubting you. Thank you for the speedy, bipartisan passage of House Bill No. 4582.

Now, I must ask you, would it be bad form to set a new challenge and deadline for the \$2 billion March 13 multi-departmental stimulus supplemental? It probably would be bad form, but you've earned some trust. We have already started hearings on the next stimulus bill, and I hope we pass it next week. I look forward to that action.

Senator Cherry's statement is as follows:

Today is the beginning of the spending of the stimulus dollars, and we should all be congratulated. As you know, this bill will create projects in all of our districts, creating jobs for Michigan workers who have been waiting for employment opportunities to open up. These projects will create for assisting nearly 25,000 jobs. That is 25,000 workers who will not have to worry about how they will make the house payments, pay their electric bill, or put food on their table for their children. That is 25,000 workers who will be putting the dollars they earn back into Michigan's economy.

A solid system of roads, bridges, and highways will encourage travel, encourage commerce, and encourage business to give Michigan a second look when deciding where to open a new office or factory. The dollars allocated to these projects



will not address all of our state's transportation needs. There are still many, many more. But, as we emerge from one of the worst potholes seasons we have ever seen, it is obvious that improvements are needed to make travel safer and more comfortable for everyone who uses Michigan roads.

House Bill No. 4582 must be approved quickly, as was stated earlier, for these projects to begin. I am looking forward to seeing these projects begin putting people back to work. I know that all of you are too. Make sure that we don't lose one more dollar that could help get our economy back on track, as we continue to work on spending those stimulus dollars and projects that will help bring jobs to people in our districts.

I urge a "yes" vote.

Senator Gleason's statement is as follows:

I rise to again offer a recommendation. This is a marvelous thing that we are doing today—long overdue—but we respect the process that we have been given. We never know when we are going to be given these opportunities. Six months ago, few, if any, in this room would have suggested that we would be having this money to spend on enhancements of the much-needed projects across this state.

Nearly two years ago, I rose and offered an amendment, at that time, on another piece of legislation that said we should direct the resources of the taxpayers of Michigan in the direction of Michigan workers. Last year, we tried to enact legislation to put Michigan workers first, knowing full well that we cannot expect another change. As much as we'd hoped for one, we may not have another chance to put Michigan workers to work with another opportunity of a stimulus—an infusion, injection of dollars into our local communities to put our locals to work.

So I believe that what we are doing today is important. But because we have hesitated in putting Michigan workers first, once again, our workers may not get the best chance to be employed on these projects. We understand that there is a national concern with the economy and there are contractors all across this country. Many could do this work, but I think Michigan contractors and workers should be hired and employed on these projects that we are talking about today.

So I commend the great effort over the past few weeks to offer this infusion of cash across our state. But let's not be hesitant in offering these future opportunities to Michigan workers. We know we have talked since the day I came to Lansing that we had the highest unemployment. Many suggested that we had a singular-state recession. Let's do the best we can to put Michigan workers first in line on these stimulus jobs.

Let's move the Michigan Workers First legislation to give our workers every chance and advantage at working in our communities, so that they don't have to go across the country to other states to work on stimulus-package jobs. Let's put our workers in line for the jobs we are moving forward today.

The following bill was read a third time:

**House Bill No. 4515, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 434 (MCL 208.1434), as added by 2008 PA 580.

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. 83**

**Yeas—37**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senator Barcia introduced

**Senate Bill No. 409, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 43542 (MCL 324.43542), as added by 1995 PA 57.

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

Senator Richardville introduced

**Senate Bill No. 410, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending the title, the heading of chapter 61, and sections 3301, 3330, 4501, 6101, 6105, 6107, and 6110 (MCL 500.3301, 500.3330, 500.4501, 500.6101, 500.6105, 500.6107, and 500.6110), the title as amended by 2002 PA 304, section 4501 as added by 1995 PA 276, and sections 6101, 6105, 6107, and 6110 as added by 1992 PA 174, and by adding sections 6104, 6104a, 6104b, and 6108; and to repeal acts and parts of acts.

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

**House Joint Resolution N, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 55 to article IV, to reduce compensation for state legislators who have unexcused absences from legislative session.

The House of Representatives has adopted the joint resolution by a 2/3 vote.

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

**House Bill No. 4313, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1212 (MCL 380.1212), as amended by 2003 PA 299.

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

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

**House Bill No. 4378, entitled**

A bill to amend 1978 PA 472, entitled “An act to regulate political activity; to regulate lobbyists, lobbyist agents, and lobbying activities; to require registration of lobbyists and lobbyist agents; to require the filing of reports; to prescribe

the powers and duties of the department of state; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending section 6a (MCL 4.416a), as added by 1994 PA 383.

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 Campaign and Election Oversight.

**House Bill No. 4381, entitled**

A bill to regulate political activity; to regulate certain candidates for elective office and state officials; to require financial statements and reports; to prescribe the powers and duties of certain state and local governmental officers and agencies; to impose fees; to prescribe penalties and civil sanctions; and to provide remedies.

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 Campaign and Election Oversight.

**House Bill No. 4668, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 17 (MCL 421.17), as amended by 2003 PA 174.

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 Commerce and Tourism.

**House Bill No. 4669, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 20 (MCL 421.20), as amended by 2008 PA 479.

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 Commerce and Tourism.

**House Bill No. 4670, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 64 (MCL 421.64), as amended by 2003 PA 174.

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 Commerce and Tourism.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

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

March 26, 2009

Pursuant to MCL 125.1893(1)(e), I am nominating the following individuals for possible appointment to the Michigan supply chain management development commission:

Ms. Margaret Garry, 1655 Clark, Detroit, Michigan 48209

Mr. David Haynes, 813 Lakeview Avenue, Port Huron, Michigan 48060

Ms. Olga Stella, 1300 E. Lafayette, Detroit, Michigan 48207

Mr. Roger Thomas, 1725 Scott Avenue, Port Huron, Michigan 48060

If you have any questions, please call Bill Sullivan in my office at 3-2417.

Sincerely,  
Michael D. Bishop  
Senate Majority Leader

The communication was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

**Statements**

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

The motion prevailed.

Senator Scott's statement is as follows:

In January 1965, Malcolm X said, "If you can come through the snow and the rain and the sleet, you know you can make it easily when the sun is out and everything is all right." Well, I have been fighting through the snow, rain, and sleet of unreasonably high auto insurance rates for my constituents and yours for over four years now.

There really is no reason why we shouldn't sit down and talk through how we are going to solve this problem for all of our constituents. We have tackled other big issues, and we can tackle this one. I certainly am ready to solve the problem of unfair auto insurance rates, and enjoy the sunshine and better times of rates that are based on your driving record instead of your address.

The people of Michigan are waiting for us to solve this problem. They've lived with these problematic rates for far too long. Let's not make them wait any longer. Let's move my bills.

Senator Kahn's statement is as follows:

Yesterday in *MIRS*, there was an article regarding House Bill No. 4582 and myself that was written in which Harvard lawyer and Michigan Democratic Party chair Mark Brewer said, "Kahn's lack of support is putting thousands of local jobs at risk and he needs to explain to the men and women of his district who need jobs why he is willing to stand between them and a badly needed paycheck."

I am more than glad to respond. On March 2 of this year, the Federal Highway Administration announced the apportionment of highway infrastructure funds to the states under the American Recovery and Reinvestment Act. The act apportioned over \$635 million to MDOT to improve state trunkline roads and bridges. Two weeks later, MDOT released its final stimulus state trunkline project list. The list is comprised of 178 state trunkline projects that exceed \$756 million. Although House Bill No. 4582 appropriates only \$635 million for state trunkline projects, MDOT fully expects to receive an additional \$120 million shortly.

Today, when we voted for it, I got on my knees and held my nose and prayed for the strength to vote for the bill, which I did. Why? With state unemployment at 12 percent, this stimulus revenue will put people back to work, and thus, I pressed the green button. However, I find it very disturbing that my district, which consists of Saginaw and Gratiot Counties, receives virtually no transportation stimulus revenue. In fact, Saginaw County is a recipient of one paltry MDOT stimulus project.

I guess MDOT expects me to be forever grateful that Saginaw County got a share of two other regional transportation projects. During the hearings, I asked MDOT just exactly what they were and how much went to Saginaw. They promised to get back to me, and they functionally never did. I am not ungrateful, therefore, but rather appalled at their callousness to Saginaw and Gratiot Counties and their lack of responsiveness to me or any other Senator.

Let me be blunt. Saginaw County is the tenth-largest county in the state and receives one stimulus road project. Saginaw County's unemployment rate exceeds 12 percent, the highest in five years, and is among the highest in the nation. And it receives one stimulus road project. Nearly 15 percent of the population of Saginaw County reside below the poverty line, but we received one project. In terms of per capita transportation funding, Saginaw County ranks 68th in the state and receives one project. Last year, the Michigan Infrastructure and Transportation Association (MITA) reported that state bridges in Saginaw County were the worst in the state, yet we received one stimulus road project, though 49 of our 97 bridges are in poor, serious, or critical condition.

Let me repeat. Out of \$756 million in federal stimulus funding, Saginaw County received one project. The people of Saginaw County deserve a better rate of return on their state and federal tax dollars. Conditions are not any better in Gratiot County, where MDOT didn't even give them one.

Well, we need jobs in Saginaw and Gratiot Counties too, and we need projects that will put people back to work there. We are people too, and if you prick us, do we not bleed? If you tickle us, do we not laugh? And if you poison us, do we not die too? If you wrong us, shall we not remember?

Senator Gleason's statement is as follows:

I rise today, along with Senator Whitmer, because we have a mutual friend, a young lady whom we deeply admire. The old saying is that God didn't make any junk. Well, Lois English is with us here today. She began her governmental career in 1998. She is celebrating her 10th anniversary working here on behalf of the citizens of the state of Michigan. She even has a longer, more significant date to celebrate today. Today is her 50th birthday.

My grandfather told me at a young age, "Johnny, why live to be 100 when you can do it up in 50." Well, Lois has been a longtime and hardworking servant on behalf of the citizens of Genesee County and the state of Michigan. She is a grandmother now, and you would never know it by taking a look at her. You would never understand that someone who is beautiful and youthful could actually be a grandmother, but she is. She is joining us today to celebrate her 10th anniversary on behalf of the state of Michigan and her 50th birthday.

If we could all be kind enough to recognize both milestones today, she is up in the Gallery.

Senator Sanborn's statement is as follows:

For those of you who might think, because of the passion that exhibited earlier in the day, that I don't hold the utmost respect for this chamber, you are seriously misinformed. I am a legacy. My father served in this chamber before me, and I have been raised to know that you must hold respect for this chamber. If I offended anyone, I apologize. But I do respect

this esteemed body, and I understand that we are all in the same boat together—Republicans and Democrats alike. We have to fight together, sink or swim. Let's fight together. I apologize if I have offended anyone in any way today.

Please understand my passion. When I see the slight of hand that is going on, which means watch this hand while the other hand is robbing the people of the United States and the state of Michigan, again and again, by raising taxes at every level, federally, statewide, county, and local, the people beg us for a lifeline and we throw them an anchor again and again. Today's theatrical performance, which I participated in, said I know we are raising taxes at every level, but we are going to run this pay cut thing because that really looks like something and the public really wants it. Despite the fact, as I pointed out earlier, if we shut both these chambers down, lay everyone off, the Senators and everyone who works in this building, it is less than 1 percent of the budget. So, certainly, if we are going to do anything of substance, we need to cut those areas, downsize government, cut spending. Decide what essential services are—police, fire, and quality education. What do we want our government to be?

So I apologize if I have offended anybody, but know the passion that I feel. I was sent here to be an attack dog for the taxpayers, not a lapdog for anybody who wants to raise taxes. We need real serious reform, and I am always here to work along with somebody who is willing to be in that boat with me, sink or swim.

I ask that you recognize the slight of hand that goes on—raising taxes with this hand while we are robbing the public, making it so unaffordable to even live in your own homes. People are begging for help and we keep throwing them anchors.

### Committee Reports

The Committee on Commerce and Tourism reported

**Senate Resolution No. 21.**

A resolution to memorialize the United States Congress and the U.S. Army Corps of Engineers to fully fund the expansion of the shipping locks at Sault Ste. Marie.

(For text of resolution, see Senate Journal No. 20, p. 346.)

With the recommendation that the resolution be adopted.

Jason E. Allen  
Chairperson

To Report Out:

Yeas: Senators Allen, Stamas and Clarke

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Commerce and Tourism reported

**House Bill No. 4045, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2008 PA 284.

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.

Jason E. Allen  
Chairperson

To Report Out:

Yeas: Senators Allen, Stamas and Clarke

Nays: None

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

The Committee on Commerce and Tourism reported

**Senate Bill No. 362, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 216 and 719a (MCL 257.216 and 257.719a), section 216 as amended by 2008 PA 539 and section 719a as amended by 1996 PA 136, and by adding sections 38a, 49a, and 74a.

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.

Jason E. Allen  
Chairperson

## To Report Out:

Yeas: Senators Allen, Gilbert, Stamas and Clarke

Nays: None

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

The Committee on Commerce and Tourism reported

**Senate Bill No. 363, entitled**

A bill to regulate recreational vehicle dealers, manufacturers, wholesalers, warrantors, and their representatives; to regulate dealings between recreational vehicle manufacturers, wholesalers, warrantors, and dealers; to regulate dealings between consumers and recreational vehicle manufacturers, wholesalers, warrantors, and dealers; to prohibit certain trade practices; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide remedies.

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.

Jason E. Allen  
Chairperson

## To Report Out:

Yeas: Senators Allen, Gilbert, Stamas and Clarke

Nays: None

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

The Committee on Commerce and Tourism reported

**House Bill No. 4515, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 434 (MCL 208.1434), as added by 2008 PA 580.

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.

Jason E. Allen  
Chairperson

## To Report Out:

Yeas: Senators Allen, Gilbert, Stamas and Clarke

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 Commerce and Tourism submitted the following:

Meeting held on Tuesday, March 24, 2009, at 2:30 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Stamas and Clarke

Excused: Senators Gilbert and Hunter

The Committee on Banking and Financial Institutions reported

**House Bill No. 4453, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending the title and section 3204 (MCL 600.3204), the title as amended by 1999 PA 239 and section 3204 as amended by 2004 PA 186, and by adding section 3205.

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.

Randy Richardville  
Chairperson

## To Report Out:

Yeas: Senators Richardville, Sanborn, Cassis and Stamas

Nays: Senators Hunter, Clarke and Olshove

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

The Committee on Banking and Financial Institutions reported

**House Bill No. 4454, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 3205a and 3205b.

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.

Randy Richardville  
Chairperson

To Report Out:

Yeas: Senators Richardville, Sanborn, Cassis and Stamas

Nays: Senators Hunter, Clarke and Olshove

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

The Committee on Banking and Financial Institutions reported

**House Bill No. 4455, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 3205c, 3205d, and 3205e; and to repeal acts and parts of acts.

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.

Randy Richardville  
Chairperson

To Report Out:

Yeas: Senators Richardville, Sanborn, Cassis and Stamas

Nays: Senators Hunter, Clarke and Olshove

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Wednesday, March 25, 2009, at 8:30 a.m., Room 210, Farnum Building

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

The Committee on Natural Resources and Environmental Affairs reported

**Senate Bill No. 34, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 78101 and 78110 (MCL 324.78101 and 324.78110), section 78101 as amended by 2006 PA 466 and section 78110 as amended by 2004 PA 587.

With the recommendation that the bill pass.

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

Patricia L. Birkholz  
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Patterson, Basham and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Wednesday, March 25, 2009, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Birkholz (C), Van Woerkom, Patterson, Basham and Gleason

The Committee on Appropriations reported

**House Bill No. 4582, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2009; and to provide for the expenditure of the appropriations.

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

Ron Jelinek  
Chairperson

**To Report Out:**

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Nays: None

The bill was referred to the Committee of the Whole.

**COMMITTEE ATTENDANCE REPORT**

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, March 25, 2009, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building  
Present: Senators Jelinek (C), Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

**COMMITTEE ATTENDANCE REPORT**

The Committee on Campaign and Election Oversight submitted the following:

Meeting held on Wednesday, March 25, 2009, at 12:30 p.m., Room 405, Capitol Building  
Present: Senators McManus (C), Brown, Jansen, Jacobs and Olshove

**COMMITTEE ATTENDANCE REPORT**

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

Meeting held on Thursday, March 26, 2009, at 9:00 a.m., Rooms 402 and 403, Capitol Building  
Present: Senators Garcia (C), Cropsey and Barcia

**Scheduled Meetings**

**Administrative Rules** - Tuesday, March 31, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-6476)

**Appropriations -**

**Subcommittees -**

**Capital Outlay** - Thursday, April 2, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**Environmental Quality Department** - Tuesday, March 31 and Wednesdays, May 6, May 13 and May 20, 3:00 p.m., Room 405, Capitol Building (373-2768)

**Higher Education** - Wednesday, April 1, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-2768)

**Natural Resources Department** - Tuesday, April 28, 12:00 noon or later immediately following session, Room 405, Capitol Building; Tuesday, May 5, 12:00 noon or later immediately following session, Rooms 402 and 403, Capitol Building; and Tuesday, May 19, 12:00 noon or later immediately following session, Room 405, Capitol Building (373-2768)

**Legislative Commission on Government Efficiency** - Thursday, April 2, 10:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

**Natural Resources and Environmental Affairs and House Great Lakes and Environment** - Wednesday, April 1, 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3447)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 1:18 p.m.



The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, March 31, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

