

No. 68
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Thursday, September 10, 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—excused
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

Pastor Rodger Moyer of Sturgis Evangelical Church of Sturgis offered the following invocation:

Our precious heavenly Father, we come to Thee today with all of our heart, soul, mind, and strength. We acknowledge that Thou art God and God alone. We thank Thee for that. We thank You that You love us. We thank You that You care for us. We thank You, Lord, that You are all-powerful and able to do exceedingly, abundantly above all that we ask or think.

Father, we are asking that You would come into this State Senate meeting today and the days ahead. These men and women have the whole state on their shoulders. They need Your help; they need Your presence; they need Your wisdom; they need Your grace. Father, it is almost unimaginable for me not being a part of this to gather the fact that the decisions will affect millions of people—on these people's plate.

We pray that, Lord, You would pour out Your mind upon them; Your heart upon them. We pray that in every decision love would rule and that Your name alone would be glorified. I pray that each heart would be open to Your voice; every decision made is up to Your will; and, Lord, when things are said and done, this state would be blessed by You for the decisions that are made here.

We pray that You would rest upon each one and give them all the help they need. You are able to do that. We ask this in the name of Jesus. Amen.

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

Motions and Communications

Senator Van Woerkom entered the Senate Chamber.

Senator Thomas moved that Senators Clarke and Barcia be temporarily excused from today's session. The motion prevailed.

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

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

Senate Bill No. 777

House Bill No. 4523

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

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

The motion prevailed.

Senator Stamas' statement is as follows:

I rise today to mourn the loss of a soldier from Gladwin County who lost his life in Iraq during his sixth deployment to the war zones in Iraq and Afghanistan. Army Sergeant Timothy David, who was 28 years old, died June 28 after an improvised explosive device detonated near his vehicle in Iraq. Timothy David joined the Army nine days after graduating from Beaverton High School in 1999, serving both as a ranger and then as a sniper. It is with a heavy heart that I would now like to read a tribute prepared for the David family, followed by a moment of silence:

“LET IT BE KNOWN, That we offer this memorial in honor of Army Sergeant Timothy A. David with our deep respect for his many contributions to uphold freedom and his commitment to the noble ideals of our country. As friends and family honor the life of this patriotic man, we proudly add our own thanks for the contributions he and his family have made in protecting our cherished liberties.

It was with deep sadness that we learned of the death of Sergeant Timothy A. David while serving in Iraq with the 2nd Battalion, 5th Cavalry Regiment, 1st Brigade Combat Team, 1st Cavalry Division of Fort Hood, Texas. He was a dedicated American and caring person who enriched many lives. We join with the community in extending our condolences to his parents, Michael and Linda, and to the rest of his family and many friends. He will be sincerely missed and long-remembered.

Serving others and always being the first to lend a hand were characteristics that were second nature to Timothy. Sergeant David's commitment to his nation and its citizens was unquestionable, as he served on six tours of duty, two in Afghanistan and four in Iraq. His dedication and commitment to preserving the freedom and well-being of our nation will never be forgotten.

The life of Sergeant Timothy A. David is a study in the power of hard work, dedication and commitment to his family, his state and his nation. We are extremely grateful for his achievements.

IN SPECIAL TRIBUTE, Therefore, this document is signed and dedicated to offer our words of praise as a memorial to Army Sergeant Timothy A. David. May his family find comfort in their faith and their memories of this fine young man, and may they know of our respect and gratitude for his outstanding contributions to our country.”

Signed by Governor Jennifer Granholm, myself, and Representative Tim Moore.

A moment of silence was observed in memory of Army Sergeant Timothy A. David.

The following communication was received and read:
Office of the Auditor General

September 3, 2009

Enclosed is a copy of the financial statements, together with the Auditors' Report, of the Bureau of State Lottery for the six-month periods ended March 31, 2009 and 2008.

If you have questions regarding this report, please call me; Scott M. Strong, C.P.A., Deputy Auditor General; or Laura J. Hirst, C.P.A., Audit Division Administrator, who administers our contractual audits.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

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

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, September 9:

House Bill Nos. 4325 4326 4729 4730 4731 4732 4733 4734 4735 4736 4737 4738

Messages from the Governor

Senators Kahn, Kuipers, Barcia, Clarke and Garcia entered the Senate Chamber.

The following message from the Governor was received on September 9, 2009, and read:

EXECUTIVE ORDER
No. 2009-43

Amending Executive Order 2009-36

Executive Reorganization

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

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;

WHEREAS, on July 13, 2009, Executive Order 2009-36 was issued, consolidating the functions of the Department of History, Arts, and Libraries among various other state departments that already perform similar or related functions to assure a more efficient and effective organization of the executive branch of state government;

WHEREAS, Executive Order 2009-36, by its terms, is effective October 1, 2009 and, until September 11, 2009, remains subject to a 60-day review period under Section 2 of Article V of the Michigan Constitution of 1963;

WHEREAS, the purpose and intent of Executive Order 2009-36 is to achieve essential cost savings while, to the extent feasible consistent with diminishing state revenues, preserving both the integrity of and public access to the vital collections and other public resources currently managed by the Department of History, Arts, and Libraries;

WHEREAS, the purpose and intent of Executive Order 2009-36 also is to protect and preserve important state treasures housed in the Michigan Library and Historical Center during a time of severe fiscal constraints;

WHEREAS, it is in the best interests of an efficient and effective government that Executive Order 2009-36 be amended; NOW, THEREFORE, I, Jennifer M. Granholm, 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. Section II.B.4 of Executive Order 2009-36 is amended to read as follows:

“4. The unclassified position of State Librarian created by Section 5 of the Library of Michigan Act, 1982 PA 540, MCL 397.15, is abolished. The Superintendent of Public Instruction, in cooperation with the Civil Service Commission if necessary, shall designate a qualified employee of the Department of Education to serve as the state librarian as soon as practicable.”

II. Section II.H.7 of Executive Order 2009-36 is amended to read as follows:

“7. The Director of the Department of Natural Resources shall supervise and administer the assigned functions transferred to the Department of Natural Resources under Section II.H of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order. To achieve efficient administration and effectuate necessary cost savings consistent with appropriations provided by law, the Director shall evaluate and implement measures designed to reduce expenditures, eliminate duplicative services, and generate revenue while protecting the core functions of the former Department of History, Arts, and Libraries transferred to the Department of Natural Resources. The guiding purpose of any and all such measures, consistent with the purpose and intent of this Order, shall be to strike a careful and prudent balance between the goal of achieving efficient administration and necessary cost savings and that of preserving and maintaining public access to the important and unique collections and resources entrusted to the former Department of History, Arts, and Libraries, including, but not limited to, Michigan’s Civil War and other military flags. Unless the Director determines it to be impracticable, the measures may include, but shall not be limited to, all of the following:

a. Instituting an admission fee for museum facilities and exhibits.

b. If the Department of History, Arts, and Libraries has not already done so, entering into a memorandum of understanding with a qualified non-profit organization, society, or foundation willing to assume responsibility for the publication of any or all magazines or journals published by the Department or taking other steps to eliminate the expenditure of state funds appropriated for the publications while preserving these important functions to the extent feasible.

c. Entering into a memorandum of understanding with a qualified non-profit organization, society, or foundation willing to assume responsibility for the staffing and operation of the museum store and for the development and operation of online sales of merchandise from, or related to, this state’s museums or archives, if the Director determines that such an agreement will reduce state expenditures or enhance state revenues and is otherwise in the best interests of this state.

d. If the Department of History, Arts, and Libraries has not already done so, entering into a memorandum of understanding with a qualified non-profit organization, society, or foundation willing to assume responsibility for the administration and preservation of the Michigan historical markers program under the Michigan Historical Markers Act, 1955 PA 10, MCL 399.151, if the Director determines that such an agreement will reduce state expenditures or enhance state revenues and is otherwise in the best interests of this state.

e. Depositing any state funds generated by such activities into the general fund of this state.

f. Taking such other measures as may be necessary or appropriate to limit expenditures consistent with available appropriations.”

III. Section II.B.8 of Executive Order 2009-36 is amended to read as follows:

“8. The Superintendent of Public Instruction shall administer the assigned functions transferred to the Department of Education under Section II.B of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order. To achieve efficient administration and effectuate necessary cost savings consistent with appropriations provided by law, the Library of Michigan shall evaluate and implement measures designed to reduce expenditures and eliminate duplicative services. Subject to available appropriations, the Library of Michigan shall focus on the provision of leadership and critical services to libraries and patrons throughout this state, including, but not limited to, all of the following:

a. Continuing this state’s vital role in maintaining and delivering online services to libraries around this state, including prioritizing the provision of services that affect libraries and their patrons throughout this state such as continued support for, and availability of, the Michigan eLibrary (MeL) and MeLCat, the statewide online catalog and resource sharing systems.

b. Continuing state-level support for the cost savings and effective delivery of statewide library services achieved through the leadership of the Library of Michigan and the collaboration and resource sharing of libraries throughout this state.

c. Preserving important collections maintained by the Library of Michigan, including the Michigan Collection, the Rare Books Collection, and the Genealogy Collection.”

IV. Section II of Executive Order 2009-36 is amended to add the following new Section II.P to read as follows:

“P. Michigan Library and Historical Center

1. Subject to available appropriations, the Department of Education, the Department of Natural Resources, the Michigan Commission for the Blind, and other state department and agencies shall actively cooperate to facilitate the continued

operation of the Michigan Library and Historical Center and the preservation of the important historical resources and library collections maintained at the Center on behalf of the People of the State of Michigan.”

IV. Section IV.A of Executive Order 2009-36 is amended to read as follows:

“A. The Michigan Center for Innovation and Reinvention Board is created as an advisory body within the Department of Natural Resources. The Board will, among other tasks, consider potential ideas to preserve and maximize the benefits to the public of the existing Michigan Library and Historical Center, including public input and scrutiny regarding the most effective delivery of state library and historical services and facilities including, but not limited to, collections, buildings, and skilled personnel. The Board shall recognize the importance of preserving unique historical assets and collections, including, but not limited to, Michigan’s Civil War and other military flags, the Michigan Collection, the Rare Books Collection, and the Genealogy Collection of the Library of Michigan. Qualified individuals recommended for consideration for appointment to the Board should include librarians, historians, archivists, and others with relevant expertise.”

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this amendatory order are effective 60 days after the issuance of this amendatory order.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 9th day of September in the year of our Lord, two thousand nine.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

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

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

The motion prevailed.

Senator Cropsey’s statement is as follows:

I don’t know how much we really think about it, but we work in an environment that in other countries can be a very dangerous place to work. I’m convinced that one of the reasons why we are safe here is because of the outstanding service rendered by our sergeants at arms. They are a registered police agency, they are MCOLES-certified, and they perform all normal law enforcement activities in a professional and courteous manner.

We rarely hear about their interventions with boisterous or even occasionally inebriated visitors. They respond to telephone threats and personal threats. Most importantly, their very presence here is deterrence to danger.

So today it is with some regret that I rise to thank Assistant Sergeant Denny Aven for his service on behalf of all of us. Denny is a highly-qualified law enforcement officer who came to the Senate from the East Lansing Police Department two years ago, but today will be his last day, as he has accepted an investigator position with the Gaming Commission at the newly-opened FireKeepers Casino in Battle Creek.

He will be difficult to replace. Denny, I extend to you best wishes in your new position, knowing you will continue to provide outstanding service to the people of Michigan. Thank you for your service to the Michigan State Senate.

By unanimous consent the Senate proceeded to the order of

General Orders

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

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

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 777, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 434 (MCL 208.1434), as amended by 2009 PA 26.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4523, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 430 (MCL 208.1430), as added by 2008 PA 270.

Substitute (S-2).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 2, line 17, after "~~(3)~~" by striking out "The" and inserting "**EXCEPT AS OTHERWISE PROVIDED UNDER THIS SUBSECTION, THE**".

2. Amend page 2, line 19, after "issued." by inserting "**THE MICHIGAN ECONOMIC GROWTH AUTHORITY MAY ALLOW ONLY 1 TAXPAYER WITH WHOM IT HAS ENTERED INTO AN AGREEMENT FOR A CREDIT UNDER THIS SECTION OF \$15,000,000.00 OR LESS TO CLAIM THE TOTAL AMOUNT OF THE CREDIT ALLOWED IN THE SAME TAX YEAR IN WHICH THE CERTIFICATION WAS ISSUED.**".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 2, entitled

A bill to create a small business ombudsman's office and a small business compliance advisory panel; and to provide for certain powers and duties of certain state officers and agencies.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 340, entitled

A bill to create certain offices in the Michigan economic development corporation; to provide for the appointment of certain officers with the advice and consent of the senate; and to impose certain duties and responsibilities on those officers and on certain state employees and public employees.

Substitute (S-2).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 3, line 10, after "**AUTHORITIES**" by striking out "**WITHOUT NOTICE TO THAT PERSON**".

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

Resolutions

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

Senate Resolution No. 41

Senate Resolution No. 17

Senate Concurrent Resolution No. 4

Senate Resolution No. 75

The motion prevailed.

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

Senate Resolution No. 78

Senate Resolution No. 79

The resolution consent calendar was adopted.

Senator Cropsey offered the following resolution:

Senate Resolution No. 78.

A resolution commemorating September 2009 as Childhood Cancer Awareness Month in the state of Michigan.

Whereas, One in 330 children will develop cancer by age 20, and each school day, 46 children are diagnosed with cancer; and

Whereas, Every year, over 12,500 children are diagnosed with cancer; and

Whereas, Cancer is the No. 1 killer of children by disease; and

Whereas, Childhood cancer forever changes the lives of children and families in the state of Michigan; and

Whereas, Although the five-year survival rate is steadily increasing, one-quarter of children diagnosed with cancer will die within five years of diagnosis; and

Whereas, While great improvements have been made, some childhood cancers still have a grim prognosis; and

Whereas, Currently, there is estimated to be over 270,000 survivors of childhood cancer in the United States; now, therefore, be it

Resolved by the Senate, That we hereby proclaim September 2009 as Childhood Cancer Awareness Month in the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to Michigan residents Shawn and Sandy Smith, who originated this idea, as a token of our highest esteem.

Senators Anderson, Birkholz, Gleason, Kuipers, Olshove, Pappageorge and Switalski were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Cropsey's statement is as follows:

Today, in the east Gallery, I have Pastor Sean Smith and Sandy Smith, along with their children Stephen, Charis Joy, and Andrew. Every once in a while you see a family where you say, wow, they are going through tough times and really tough times. Perhaps the toughest one was several months ago when Andrew was diagnosed with brain cell cancer in October 2007. The family requested that I introduce a resolution making September Childhood Cancer Awareness Month, which is on today's consent calendar.

This family, when you hear their whole story, is a powerful example of faith, hope, and love. I would ask that the family, as well as any other families who may be here for Childhood Cancer Awareness Month, stand and be recognized at this time.

Senator Hunter offered the following resolution:

Senate Resolution No. 79.

A resolution to urge the United States Department of Defense to direct contracts to Michigan companies.

Whereas, Southeast Michigan earned the title "Arsenal of Democracy" in World War II. Despite this legacy, our region's role in the defense industries has declined a great deal. Nonetheless, Michigan retains a wealth of defense and defense-related expertise that the United States Department of Defense should utilize in building a 21st century military; and

Whereas, A recent example of southeast Michigan hosting a defense-related firm is the city of Inkster's success in having one of its high-tech companies secure a contract for developing a web security system for use by the United States Navy. Such a contract demonstrates the potential for further defense work in a particularly hard hit area in our state. The benefits of such contracts have an impact throughout southeast Michigan and our entire state; and

Whereas, As Michigan seeks to diversify its economy from over-reliance on automobile manufacturing, the knowledge and infrastructure that supported these older industries are still invaluable in building new industries. Michigan remains a powerful asset that can host defense initiatives that seek to harness advanced technology for our nation's defense; now, therefore, be it

Resolved by the Senate, That we urge the United States Department of Defense to direct contracts to Michigan companies; and be it further

Resolved, That copies of this resolution be transmitted to the United States Secretary of Defense.

Senators Anderson, Birkholz, Clark-Coleman, Gleason, Kuipers, Olshove, Switalski and Thomas were named co-sponsors of the resolution.

Senators Brown, Patterson, Kuipers, Cropsey, Pappageorge, Jelinek and Barcia offered the following resolution:

Senate Resolution No. 77.

A resolution to memorialize the Congress of the United States to oppose the implementation of a cap and trade program that would negatively impact Michigan residents through the elimination of jobs and by increasing the costs of goods and services.

Whereas, In the face of dire economic circumstances and increasing evidence that other strategies could prove more effective in cleaning up carbon emissions, Congress and the White House are advancing cap and trade legislation. This initiative, often referred to as the Waxman-Markey bill, is predicated on limited levels of permissible carbon dioxide

emissions that would decrease over time. This program holds serious long- and short-term perils for our state and nation; and

Whereas, The true impact of the cap and trade concept is that it would result in immediately raised costs for energy produced through the burning of fossil fuels. While estimates vary, there is no doubt that the extra costs come at a time in which our economy faces grave challenges. For individual families and businesses, any jump in energy costs could prove devastating. The potential damage this move could have on employment is frightening to many; and

Whereas, Evidence reveals that cap and trade is a job killer. Michigan's unemployment rate reached 15.4 percent in June while the national unemployment rate was 9.7 percent. Estimates of net job losses associated with cap and trade are 1.2 million to 2.3 million by 2015. Some of these jobs will be lost for good due to the impact of higher energy costs on economic activity. Others, chiefly in the manufacturing sector, will be sent overseas. Given the very likely combination of significantly higher domestic manufacturing costs and developing nations refusing to impose similar restrictions, the American economy could experience a substantial outsourcing of manufacturing jobs to those nations with lower energy costs; and

Whereas, Estimates show that for a household of four, the higher cost of energy associated with cap and trade will cost an average of \$2,979 annually from 2012 to 2035. This amount includes cost increases for direct energy use, with conservative estimates indicating electricity rising by 90 percent, gasoline increasing by 58 percent, and natural gas climbing by 55 percent by 2035. Higher energy costs will also affect the price of all items purchased by families, individuals, and businesses, including food, clothing, and furniture, as those items require energy for their production and transport; and

Whereas, Without global participation from China and India and other less-developed countries, our businesses will be at a competitive disadvantage to businesses in those countries that generally use energy less efficiently. Global energy demand is expected to rise rapidly over the next two decades, and much of the demand will come from developing countries. The cap and trade legislation fails to consider the growth of emissions in countries such as China and India, where the increasing emissions will negate American sacrifices. Cap and trade will shift jobs overseas, harming the U.S. economy; and

Whereas, Americans should know the deeply unequal ways that climate costs would be distributed across regions and income groups. According to a March 9, 2009, article in the *Wall Street Journal* entitled "Who Pays for Cap and Trade?," hit hardest would be the "95 percent of working families." Adding this governmental cost on carbon is regressive by definition because poor and middle-income households spend more of their paychecks on items or commodities such as gasoline to drive to work, groceries, or home heating; and

Whereas, The greatest inequities are geographic and would be imposed on the parts of the U.S.—including Michigan—that rely most on manufacturing or fossil fuels—particularly coal, which generates most power in the Midwest, Southern, and Plains states; and

Whereas, Coal provides more than half of U.S. electricity, and 25 states get more than 50 percent of their electricity from conventional coal-fired generation. Taxpayers in Michigan (where it totals 60 percent), Indiana (94 percent), Ohio (86 percent), Missouri (85 percent), New Mexico (80 percent), Pennsylvania (56 percent), West Virginia (98 percent), and Wyoming (95 percent) will be impacted significantly; and

Whereas, Michigan's industrial base puts the state in position to be disproportionately impacted by higher costs under the bill than other states and other regions of the country. This is why U.S. Senator Debbie Stabenow and 15 of her Senate Democrat colleagues have already parted from the administration by demanding that the bill be rewritten so that "consumers and workers in all regions of the U.S. are protected from undue hardship." The net effect of this would be to call for more corporate welfare for carbon-heavy businesses subjected to the new tax; and

Whereas, Cap and trade is truly a proposal to redistribute income and wealth—in a very curious way. It takes from the working class and gives to the affluent; it takes from Michigan and Ohio and gives to California and Florida; and it takes from an industrial America that is already struggling and gives to rich Silicon Valley and Wall Street "green tech" investors who know how to leverage political clout; and

Whereas, In addition to the notably higher costs imposed on businesses, utilities, and individuals, a cap and trade program will create a more hostile trade environment that costs U.S. firms access to global markets. Job losses are so certain under this new cap and tax plan that it includes a provision accommodating newly unemployed workers from the resulting dried-up energy sector to the tune of \$4.2 billion over eight years. The program does not recognize that American prosperity has always been driven by the steady supply of abundant, affordable energy. Consequently, policymakers should maintain the integrity and freedom of global markets as a means to transfer clean technologies, keep international investment flowing, and promote economic growth and prosperity in the U.S. and around the world; and

Whereas, The *Wall Street Journal*, March 9, 2009, stated: "Cap and trade is the tax that dare[s] not speak its name, and supporters hope in particular that no one notices who would pay for their climate ambitions . . . with President Obama depending on vast new carbon revenues in his budget"; and

Whereas, President Obama proudly declared on taking office that his administration would not politicize science, but the record reflects that the Environmental Protection Agency (EPA) recently ordered the suppression of a report by one of its own researchers who criticized the agency's plan to regulate carbon dioxide as a pollutant and accused it of relying

on outdated science in setting climate change policy. It also dared to suggest that the Earth is actually cooling. Just before the House of Representatives voted, by a narrow margin (219-212), to pass the Waxman-Markey bill, a series of internal EPA e-mails were released that showed an internal report prepared by a 35-year career EPA analyst who criticized EPA's recent pronouncement on climate change. These e-mails had been squelched for political reasons, with the senior analyst forbidden from speaking on the issue to anyone outside his office; and

Whereas, The e-mails disclosed that the EPA had deliberately ignored major new research developments in providing its most recent declaration on climate change prior to the vote on the cap and trade bill. Those developments include a continued decline in global temperatures over the last 10 years, a new consensus that future hurricanes will not be more frequent or intense, and new findings that water vapor will moderate, rather than exacerbate, temperature; and

Whereas, The e-mails also disclosed that the EPA's Director of Environmental Economics told the senior analyst who prepared the report that the EPA research would not be shared with lawmakers before their vote on the legislation because the "Administration has decided to move forward on endangerment and those comments do not help the legal or policy case for this decision"; and

Whereas, The end result of the EPA's actions denied public access to important agency information. Despite the President's previous claims to the contrary, it appears the EPA became so committed to a particular result in the cap and trade debate that it resisted engaging in a genuine reconsideration of the underlying issue of climate change. It appears the administration's extensive pronouncements about transparency and scientific honesty may simply be political rhetoric, including a speech by President Obama on April 27, 2009, to the National Academy of Sciences in which he proclaimed: "Under my administration the days of science taking a back seat to ideology are over"; and

Whereas, Prominent atmospheric scientists recently sent a letter to Congress saying, "You are being deceived about global warming . . . The Earth has been cooling for 10 years . . . The present cooling was not predicted by the computer models which have hereto been relied upon since political leaders gathered in Kyoto, Japan, in December 1997 to consider a world treaty restricting human production of 'greenhouse gases,' chiefly carbon dioxide"; and

Whereas, Increasing new data has emerged that shows that instead of there being global warming, the Earth has been cooling for the last 10 years and that the reasons for the climate change were not analyzed by the Kyoto summit. Last March, more than 700 international scientists went on record dissenting over the man-made global warming claims. About 31,500 American scientists have signed a petition that reads, in part: "There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gases is causing or will, in the foreseeable future, cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate"; and

Whereas, If doubts are raised about the reality of global warming, it threatens the administration's ambition to use climate change legislation to fundamentally reorder American society. This is because the cap and trade bill promises to be both a massive indirect tax on the American people and a profound controller of economic activity. The cap and trade program would result in a massive windfall of billions of dollars for the federal government but result in the loss of hundreds of thousands of jobs. It amounts to the largest tax increase in American history—arguably taxation without representation. The program also reflects Congress once again overstepping its constitutional boundaries by usurping states' powers under the 10th Amendment of the United States Constitution by preempting states from enacting their own energy standards from 2012 to 2017; and

Whereas, Approximately 99.72 percent of the "greenhouse effect" is due to natural causes—mostly water vapor and traces of other gases—which we can do nothing at all about. Eliminating human activity altogether would have little impact on climate change. Moreover, the cap and trade program will ultimately have a minimal impact on global industry emissions because it creates an incentive for industries to simply relocate to countries with less stringent standards; and

Whereas, Instead of trying to masquerade wealth distribution schemes as energy reform, we would be better served by focusing our attention on providing incentives to advance cleaner energy, reducing inefficiencies in our current distribution system, removing tax and regulatory barriers to innovation and investment in energy technology, and fostering stronger partnerships with developing economies to help clean up emissions where the rate of growth is far greater than in our country; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to oppose the implementation of a cap and trade program; 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 and Reform,

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Cropsey requested the yeas and nays.

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

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

Roll Call No. 444**Yeas—22**

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

Nays—14

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

Excused—1

Jansen

Not Voting—0

In The Chair: President

Senator Hardiman was named co-sponsor of the resolution.

Protest

Senator Brater, under her constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Resolution No. 77 and moved that the statement she made during the discussion of the resolution be printed as her reasons for voting “no.”

The motion prevailed.

Senator Brater’s statement is as follows:

I rise to oppose Senate Resolution No. 77. Global warming and the escape of greenhouse gases into our atmosphere from human activity has been shown to have a greatly adverse effect on our environment and ongoing human sustainability of life as we know it on this planet. It has even been named a domestic security threat by federal sources that are looking at the effects of climate change in various parts of the globe. The drying up of water and food resources can greatly affect the stability of populations around the globe.

Here in Michigan we have seen instability in lake levels that have cost resorts and other tourist industry-related enterprises to have effects on their prosperity. We have seen projected changes in habitat that could affect our ongoing tourism, hunting, and fishing activities in this state; also the effects on Michigan agriculture and the growing season. There are real economic costs to do nothing. Research has shown that it is more costly to do nothing to contain greenhouse gases than to try to implement programs such as cap and trade.

Research has shown that we can stabilize CO2 at 450 parts per million for the net cost of zero. Cap and trade unleashes creativity of private enterprise in a way that is very exciting. We know that when a similar program was implemented to contain the effects of acid rain, the dire predictions for costs never came to be. In fact, with many environmental programs for environmental protection, this is the pattern that we see. Cries of the sky is falling and that this is going to ruin our economy, in fact, these numbers that are thrown around never materialize.

I am grateful for the work that the Congress is doing to implement a cap and trade program to contain global warming in a timely way. It is actually very urgent that we move forward to implement this program. I strongly oppose this resolution.

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

The motion prevailed.

Senator Brown's statement is as follows:

Senate Resolution No. 77 urges Congress to reject the cap and trade bill now before the U.S. Senate because the legislation, if enacted, would negatively impact Michigan residents through the elimination of jobs and also by significantly increasing the costs of goods and services. Many observers have characterized cap and trade as a jobs killer. Estimates of net job losses associated with cap and trade are 1.2 million to 2.3 million by 2015. This makes the bill particularly problematic for Michigan as Michigan's unemployment rate reached 15.4 percent in June with no relief in sight. Higher domestic manufacturing costs and the refusal of developing nations to abide by similar environmental restrictions will cause American manufacturing jobs to be outsourced to foreign lands.

In addition, Michigan residents will see cost increases in nearly all goods and services. Estimates show that for a household of four, cost increases translate to an average tax increase of \$2,979 from 2012 to 2035. For example, by 2035, estimates show that electricity rates will go up—some say by as much as 90 percent—gasoline will increase by 58 percent, and natural gas by 55 percent by 2035.

Higher energy costs will also affect the price of all items purchased by families, individuals, and businesses that require energy for either transport or production. That is why the *Detroit News* said the cap and trade bill will break the budget of U.S. households. Michigan will be especially hard hit as a manufacturing state with 60 percent of our electrical supply coming from coal. Science has not played a significant enough role in the current discussion on cap and trade. Reports indicated that key research by Environmental Protection Agency officials was deliberately suppressed by the administration to hide evidence that contends the earth is actually cooling.

Turning our back on coal, the planet's most abundant source of energy, in the midst of the worst recession in 70 years is unwise. Americans should not be taxed trillions of dollars to fund this fundamental energy shift. Congress should oppose cap and trade as it will result in capping our growth and trading our jobs. Please support Senate Resolution No. 77.

Senator Cropsey's statement is as follows:

The economic impacts of the cap and trade legislation is not only devastating to the national economy, but it represents an uneven burden on the states. For example, Michigan is No. 8 out of the 50 states as far as job losses are concerned under the cap and trade legislation. We are already reeling under the impacts of the changes going on in the automobile industry. Now we add onto it cap and trade.

Gas price increases in Michigan will be uneven. We will be No. 4 as far as the gas price increases in the state of Michigan because of cap and trade. Our gross state product would be losing \$844 per person because of cap and trade. Also the average cost of electricity for households will go up by \$444 because of cap and trade. This is suicide legislation for an economy. I would hope that this body from Michigan would send a strong message to the United States government that we do not need any more of their help in trying to kill our economy.

This is devastating. The President of the United States said that cap and trade legislation that he has proposed would cost nationwide \$646 billion—\$646 billion. Michigan is going to be especially hit hard in this. I would hope that this body would send a really strong message to Washington, D.C.: Do not do anything more to destroy Michigan's economy.

Senators Brown, Garcia, Kuipers and Birkholz offered the following resolution:

Senate Resolution No. 80.

A resolution expressing the intent of the Michigan State Legislature to formulate and adopt, with our neighboring states and provinces, a Great Lakes States Homeland Security Compact.

Whereas, The 10th Amendment to the United States Constitution guarantees that each state is responsible for the health and welfare of its citizens and may call upon the federal government only when an incident overwhelms its capabilities; and

Whereas, The Stafford Act, 42 USC 5121, constitutes the statutory authority for most federal disaster response activities and confers on the governor of each state the authority to request federal assistance in responding to incidents beyond the response capacity of the state and local governments. In 1996, Congress enacted the Emergency Management Assistance Compact Act (EMAC), as a uniform interstate compact (PL 104-321) authorizing member states to provide assistance after disasters overwhelm a state's capacity to manage the consequences; and

Whereas, Our federal system of government has both strengths and weaknesses in responding to emergencies. While the federal government can mobilize resources that exceed the capacity of any individual state, experience shows that the federal government is too distant to respond as rapidly as events may require. As Hurricane Katrina demonstrated, the federal government may need 72 hours to marshal the national resources and reach the scene of the emergency; and

Whereas, While an individual state is positioned to react faster, our resources may be inadequate to cope with national security emergencies that are national in scope and impact. An initiative to create a regional emergency management system that strengthens state and local preparedness among the states with a common set of problems and issues would help bridge the gap between the speed that a state may react and the scale of resources that the federal government can deploy; and

Whereas, The conclusions of the Department of Homeland Security (DHS) National Plan Review's Phase 2 Report, dated June 16, 2006, were that states and urban areas need to coordinate planning across jurisdictions and levels of government for issues such as evacuation, special needs populations, plans for continuity of operations, assuring a command structure, patient tracking, resource management, and both operational and public communications. While EMAC is a successful tool for states to respond to incidents on a regional basis, it is limited in that its role is to support responses rather than to help states become better prepared. Nor does it account for the specific needs, capabilities, and nuances of individual states; and

Whereas, A Regional Emergency Management Support System (REMSS) developed by self-selected states through interstate compacts would strengthen collaboration and coordination, improve emergency communications, create incentives for planning and planning excellence, strengthen regional planning capabilities, develop a common reference system, and be a supplement to existing EMAC activities; and

Whereas, Under this regional system, each REMSS would have a regional implementing entity (RIE) that would work with each signatory state and the regional office of the Department of Homeland Security to strengthen each state's capabilities in all facets of the emergency management cycle. The federal government, through its grant design and requirements, encourages structures and practices associated with effective regional efforts. For example, the DHS Urban Area Security Initiative (UASI) grant program has previously allowed multiple local jurisdictions to pool some of their grant resources to establish a regionwide UASI effort; and

Whereas, Coordinated multistate efforts would allow member states to better leverage federal funding as an effective regional effort. Staffed by emergency management experts from each state and representatives from the federal government, each RIE would become the focal point for emergency response within its region. The RIEs would build baseline databases of resources available within each signatory state, coordinate interstate exercises, and work closely with first responders and others during triggering events. When a triggering event occurred, the RIE would quickly identify and locate needed resources and provide them to the affected state. In a dangerous and unpredictable world, we must make use of existing state-level resources to maximize our ability to respond to regional homeland security emergencies; now, therefore, be it

Resolved by the Senate, That we express the intent of the Michigan State Legislature to formulate and adopt, with our neighboring states and provinces, a Great Lakes States Homeland Security Compact; and be it further

Resolved, That copies of this resolution be transmitted to Governor Granholm; the executive and legislative branches of Minnesota, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, New York, Quebec, and Ontario; the President of the United States Senate; the Speaker of the United States House of Representatives; and the members of the Michigan congressional delegation, as an invitation to our neighboring states and provinces to engage in good faith negotiations to complete such a security compact.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Cropsey moved that the resolution be referred to the Committee on Homeland Security and Emerging Technologies.

The motion prevailed.

Senators Gleason, Pappageorge, Patterson, Switalski and Thomas were named co-sponsors of the resolution.

Senators Brown, Garcia, Kuipers, Birkholz and Pappageorge offered the following concurrent resolution:

Senate Concurrent Resolution No. 20.

A concurrent resolution expressing the intent of the Michigan State Legislature to formulate and adopt, with our neighboring states and provinces, a Great Lakes States Homeland Security Compact.

Whereas, The 10th Amendment to the United States Constitution guarantees that each state is responsible for the health and welfare of its citizens and may call upon the federal government only when an incident overwhelms its capabilities; and

Whereas, The Stafford Act, 42 USC 5121, constitutes the statutory authority for most federal disaster response activities and confers on the governor of each state the authority to request federal assistance in responding to incidents beyond the response capacity of the state and local governments. In 1996, Congress enacted the Emergency Management Assistance Compact Act (EMAC), as a uniform interstate compact (PL 104-321) authorizing member states to provide assistance after disasters overwhelm a state's capacity to manage the consequences; and

Whereas, Our federal system of government has both strengths and weaknesses in responding to emergencies. While the federal government can mobilize resources that exceed the capacity of any individual state, experience shows that the federal government is too distant to respond as rapidly as events may require. As Hurricane Katrina demonstrated, the federal government may need 72 hours to marshal the national resources and reach the scene of the emergency; and

Whereas, While an individual state is positioned to react faster, our resources may be inadequate to cope with national security emergencies that are national in scope and impact. An initiative to create a regional emergency management system that strengthens state and local preparedness among the states with a common set of problems and issues would help bridge the gap between the speed that a state may react and the scale of resources that the federal government can deploy; and

Whereas, The conclusions of the Department of Homeland Security (DHS) National Plan Review's Phase 2 Report, dated June 16, 2006, were that states and urban areas need to coordinate planning across jurisdictions and levels of government for issues such as evacuation, special needs populations, plans for continuity of operations, assuring a command structure, patient tracking, resource management, and both operational and public communications. While EMAC is a successful tool for states to respond to incidents on a regional basis, it is limited in that its role is to support responses rather than to help states become better prepared. Nor does it account for the specific needs, capabilities, and nuances of individual states; and

Whereas, A Regional Emergency Management Support System (REMSS) developed by self-selected states through interstate compacts would strengthen collaboration and coordination, improve emergency communications, create incentives for planning and planning excellence, strengthen regional planning capabilities, develop a common reference system, and be a supplement to existing EMAC activities; and

Whereas, Under this regional system, each REMSS would have a regional implementing entity (RIE) that would work with each signatory state and the regional office of the Department of Homeland Security to strengthen each state's capabilities in all facets of the emergency management cycle. The federal government, through its grant design and requirements, encourages structures and practices associated with effective regional efforts. For example, the DHS Urban Area Security Initiative (UASI) grant program has previously allowed multiple local jurisdictions to pool some of their grant resources to establish a regionwide UASI effort; and

Whereas, Coordinated multistate efforts would allow member states to better leverage federal funding as an effective regional effort. Staffed by emergency management experts from each state and representatives from the federal government, each RIE would become the focal point for emergency response within its region. The RIEs would build baseline databases of resources available within each signatory state, coordinate interstate exercises, and work closely with first responders and others during triggering events. When a triggering event occurred, the RIE would quickly identify and locate needed resources and provide them to the affected state. In a dangerous and unpredictable world, we must make use of existing state-level resources to maximize our ability to respond to regional homeland security emergencies; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we express the intent of the Michigan State Legislature to formulate and adopt, with our neighboring states and provinces, a Great Lakes States Homeland Security Compact; and be it further

Resolved, That copies of this resolution be transmitted to Governor Granholm; the executive and legislative branches of Minnesota, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, New York, Quebec, and Ontario; the President of the United States Senate; the Speaker of the United States House of Representatives; and the members of the Michigan congressional delegation, as an invitation to our neighboring states and provinces to engage in good faith negotiations to complete such a security compact.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Homeland Security and Emerging Technologies.

The motion prevailed.

Senators Gleason, Patterson, Switalski and Thomas were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senator Jelinek introduced

Senate Bill No. 797, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2010; and to provide for the expenditure of the appropriations.

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

Senator Gleason introduced

Senate Bill No. 798, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 51 (MCL 206.51), as amended by 2007 PA 94.

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

Senators Kahn, Richardville, Van Woerkom, Garcia, Brown, Kuipers, Birkholz, Pappageorge, Barcia and Sanborn introduced

Senate Bill No. 799, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221 and 16226 (MCL 333.16221 and 333.16226), as amended by 2004 PA 214, and by adding sections 17015a and 17515a.

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

Senator Kahn introduced

Senate Bill No. 800, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 5 (MCL 52.205), as amended by 2006 PA 569.

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

Senators Patterson, Gilbert, Kuipers, Birkholz, Barcia and Whitmer introduced

Senate Bill No. 801, entitled

A bill to amend 1968 PA 318, entitled "An act to implement the provisions of section 10 of article 4 of the constitution relating to substantial conflicts of interest on the part of members of the legislature and state officers in respect to contracts with the state and the political subdivisions thereof; to provide for penalties for the violation thereof; to repeal all acts and parts of acts in conflict with this act; and to validate certain contracts," (MCL 15.301 to 15.310) by adding section 2a.

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

House Bill No. 4325, entitled

A bill to amend 2004 PA 452, entitled "Identity theft protection act," (MCL 445.61 to 445.77) by adding sections 14, 14a, 14b, 14c, and 14d.

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 Judiciary.

House Bill No. 4326, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 159g (MCL 750.159g), as amended by 2009 PA 82.

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 Judiciary.

House Bill No. 4729, entitled

A bill to amend 2004 PA 452, entitled "Identity theft protection act," (MCL 445.61 to 445.77) by adding section 14; and to repeal acts and parts of acts.

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 Judiciary.

House Bill No. 4730, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 4a, 33b, and 64a (MCL 780.754a, 780.783b, and 780.814a), as added by 2004 PA 456.

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 Judiciary.

House Bill No. 4731, entitled

A bill to amend 2004 PA 452, entitled "Identity theft protection act," by amending section 5 (MCL 445.65), as amended by 2006 PA 246.

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 Judiciary.

House Bill No. 4732, entitled

A bill to amend 2004 PA 452, entitled "Identity theft protection act," (MCL 445.61 to 445.77) by adding section 12c.

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 Judiciary.

House Bill No. 4733, entitled

A bill to amend 2004 PA 452, entitled "Identity theft protection act," (MCL 445.61 to 445.77) by adding section 12d.

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 Judiciary.

House Bill No. 4734, entitled

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

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 Judiciary.

House Bill No. 4735, entitled

A bill to amend 2004 PA 452, entitled "Identity theft protection act," (MCL 445.61 to 445.77) by adding section 11a.

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 Judiciary.

House Bill No. 4736, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1a of chapter IX (MCL 769.1a), as amended by 2009 PA 27, and by adding section 30 to chapter IV.

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 Judiciary.

House Bill No. 4737, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 4a, 16, 33b, 44, 64a, and 76 (MCL 780.754a, 780.766, 780.783b, 780.794, 780.814a, and 780.826), sections 4a, 33b, and 64a as added by 2004 PA 456 and sections 16, 44, and 76 as amended by 2009 PA 28.

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 Judiciary.

House Bill No. 4738, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 30 and 31 of chapter XIIA (MCL 712A.30 and 712A.31), as amended by 1996 PA 561.

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 Judiciary.

By unanimous consent the Senate returned to the order of

General Orders

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

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

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 773, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 8 and 10 (MCL 207.808 and 207.810), section 8 as amended by 2008 PA 257 and section 10 as amended by 2006 PA 283.

Substitute (S-6).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 15, following line 16, by inserting:

"(12) NOTWITHSTANDING SECTION 3, BEGINNING JANUARY 1, 2009, FOR A PERIOD OF 2 YEARS AS DETERMINED BY THE AUTHORIZED BUSINESS, "FULL-TIME JOB" ALSO MEANS A JOB PERFORMED BY AN INDIVIDUAL FOR 30 HOURS OR MORE EACH WEEK AND FOR WHICH HEALTH CARE BENEFITS ARE PROVIDED AND INCOME AND SOCIAL SECURITY TAXES ARE WITHHELD BY AN AUTHORIZED BUSINESS THAT MEETS ALL OF THE FOLLOWING:

(A) WAS A DEBTOR-IN-POSSESSION IN A BANKRUPTCY PROCEEDING IN THE IMMEDIATELY PRECEDING 5-YEAR PERIOD.

(B) MEETS THE REQUIREMENTS OF SUBSECTION (1)(E) IN THE MANNER PROVIDED IN SUBSECTION (3)(G).

(C) IS SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT."

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Cropsey moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

Senate Bill No. 773

Senate Bill No. 777

House Bill No. 4523

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

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

Senate Bill No. 774

Senate Bill No. 773

Senate Bill No. 777

House Bill No. 4523

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 774, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 431 (MCL 208.1431), as amended by 2008 PA 111.

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. 445

Yeas—35

Allen	Cherry	Hunter	Richardville
Anderson	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Scott
Basham	Cropsey	Kahn	Stamas
Birkholz	Garcia	McManus	Switalski
Bishop	George	Olshove	Thomas
Brater	Gilbert	Pappageorge	Van Woerkom

Brown
CassisGleason
HardimanPatterson
Prusi

Whitmer

Nays—0**Excused—1**

Jansen

Not Voting—1

Kuipers

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 773, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 8 and 10 (MCL 207.808 and 207.810), section 8 as amended by 2008 PA 257 and section 10 as amended by 2006 PA 283.

The question being on the passage of the bill,

Senator Jacobs offered the following amendment:

1. Amend page 5, line 22, by striking out all of subdivision (j).

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

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 446**Yeas—16**Anderson
Barcia
Basham
BraterCherry
Clark-Coleman
Clarke
GleasonHunter
Jacobs
Olshove
PrusiScott
Switalski
Thomas
Whitmer**Nays—20**Allen
Birkholz
Bishop
Brown
CassisCropsey
Garcia
George
Gilbert
HardimanJelinek
Kahn
Kuipers
McManus
PappageorgePatterson
Richardville
Sanborn
Stamas
Van Woerkom**Excused—1**

Jansen

Not Voting—0

In The Chair: President

Senator Whitmer offered the following amendments:

1. Amend page 5, line 12, after “state.” by striking out the balance of the subdivision through “**10(1).**” on line 21.
2. Amend page 6, line 27, after “state.” by striking out the balance of the subdivision through “**PURPOSES.**” on line 2, page 7.

3. Amend page 7, following line 7, by inserting:

“(I) THE PROJECT’S EFFECTS ON OTHER MICHIGAN BUSINESSES WITHIN THE SAME INDUSTRY.”.

The question being on the adoption of the amendments,

Senator Thomas requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 447**Yeas—16**

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

Nays—20

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

Excused—1

Jansen

Not Voting—0

In The Chair: President

Senator Cherry offered the following amendments:

1. Amend page 12, line 5, after “**AUTHORITY.**” by inserting “**FOR PURPOSES OF THIS SUBSECTION, YEARLY CREDIT IS DEFINED AS THE NUMBER OF YEARS OVER THE TERM OF AN AGREEMENT MULTIPLIED BY THE PERCENTAGE AMOUNT AUTHORIZED IN THE AGREEMENT.**”.

2. Amend page 12, line 16, by striking out all of subdivision (B) and relettering the remaining subdivisions.

3. Amend page 12, line 21, after “**AUTHORIZED**” by striking out the balance of the subdivision and inserting a period.

4. Amend page 16, line 19, after “**AGREEMENT**” by inserting “**THE MAXIMUM NUMBER OF JOBS WHICH CAN BE UTILIZED TO CALCULATE THE CREDIT FOR EACH AUTHORIZED BUSINESS UNDER THE WRITTEN AGREEMENT**”.

5. Amend page 16, line 27, after “of” by striking out “new”.
6. Amend page 17, line 1, after “**REQUIRED**” by inserting “**OR OTHERWISE ANTICIPATED**”.
7. Amend page 17, line 15, by striking out all of subdivision (J) and relettering the remaining subdivisions.
8. Amend page 17, line 21, by striking out all of subdivision (I) and relettering the remaining subdivisions.

The question being on the adoption of the amendments,

Senator Thomas requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 448**Yeas—16**

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

Nays—20

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

Excused—1

Jansen

Not Voting—0

In The Chair: President

Senator Gleason offered the following amendment:

1. Amend page 15, following line 16, by inserting:

“(12) BEGINNING JANUARY 1, 2010, THE AUTHORITY SHALL NOT ENTER INTO A WRITTEN AGREEMENT WITH AN ELIGIBLE BUSINESS UNLESS THE ELIGIBLE BUSINESS STATES, IN WRITING, THAT THE ELIGIBLE BUSINESS WILL PAY A WAGE EQUAL TO OR GREATER THAN THE PREVAILING WAGE PAID IN THE LOCAL GOVERNMENTAL UNIT FOR EACH RETAINED JOB OR QUALIFIED NEW JOB, AS DETERMINED BY THE AUTHORITY. AS USED IN THIS SUBSECTION, “PREVAILING WAGE” MEANS THE PREVAILING WAGE DETERMINED UNDER 1965 PA 166, MCL 408.551 TO 408.558.”

The question being on the adoption of the amendment,

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 449**Yeas—17**

Anderson	Clark-Coleman	Jacobs	Scott
Barcia	Clarke	Olshove	Switalski

Basham
Brater
Cherry

Gleason
Hunter

Prusi
Richardville

Thomas
Whitmer

Nays—19

Allen
Birkholz
Bishop
Brown
Cassis

Cropsey
Garcia
George
Gilbert
Hardiman

Jelinek
Kahn
Kuipers
McManus
Pappageorge

Patterson
Sanborn
Stamas
Van Woerkom

Excused—1

Jansen

Not Voting—0

In The Chair: President

The question being on the passage of the bill,
The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 450

Yeas—23

Allen
Anderson
Birkholz
Bishop
Brown
Cassis

Clarke
Cropsey
Garcia
George
Gilbert
Hardiman

Jelinek
Kahn
Kuipers
McManus
Pappageorge
Patterson

Richardville
Sanborn
Stamas
Switalski
Van Woerkom

Nays—13

Barcia
Basham
Brater
Cherry

Clark-Coleman
Gleason
Hunter

Jacobs
Olshove
Prusi

Scott
Thomas
Whitmer

Excused—1

Jansen

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Jacobs and Gleason, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 773.

Senator Jacobs’ statement is as follows:

This was a very tough vote for me to take, certainly, because Federal Mogul is in my district. As minority vice chair of the Finance Committee, I need to look at the big picture. That is really what I try to do as I ended up pressing my red button. I really feel that this bill is regressive; it goes too far. We just revamped MEGA last year.

As I look at what other states are doing, and we want to be the most competitive state, I think we should be trying to strengthen MEDC as we move forward so that we are competitive with Indiana, Texas, and some of the other states that seem to be attracting more of our businesses.

It is with that in mind in terms of trying to strengthen our tools and our toolbox that I voted “no” on this.

Senator Gleason’s statement is as follows:

I believe there were some misstatements made in regard to the opposition to my amendment with regard to the prevailing wage. It is not unusual to have documentation that fully explains that those jobs that typically incorporate prevailing wage saves money at the end of the job by completing it in a more timely fashion and under budget. Typically, the jobs that are bid out and utilize prevailing wage save money at the end of the day. Also there are less workers who are hurt, historically, using the highest skilled, most qualified, most safety-oriented workers in the state.

It was mentioned that there has been an exodus from Michigan to other states with job losses and losing workers. I think our first obligation ought to be to retain the most qualified and highest skilled from leaving our state and going to other regions. Only last year, this chamber with great wisdom voted on a boiler bill because we don’t even have enough contractors with prevailing wage employees to build the projects that we would like to implement here in the state because there has been an exodus of hard-hats from Michigan to surrounding states because they have to go there to go to work.

I am sticking up for the highest qualified, highest skilled, safest, and least expensive workers on behalf of my district and the state as a whole.

The following bill was read a third time:

Senate Bill No. 777, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 434 (MCL 208.1434), as amended by 2009 PA 26.

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. 451

Yeas—33

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

Nays—2

Gilbert	Sanborn
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Excused—1

Jansen

Not Voting—1

Birkholz

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Gilbert and Sanborn, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 777.

Senator Gilbert moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Gilbert’s statement, in which Senator Sanborn concurred, is as follows:

Every time we turn around, it seems we are passing another one of these refundable tax credits. I have heard of other areas of the state that may have companies interested in a battery credit. Of course, unless we treat them in the same generous fashion, we are told that they will go elsewhere. How many of these credits can we afford?

I would like to point out that this credit before us today in this bill isn’t the only one being proposed for this project. They may be eligible for numerous other credits such as MEGA’s brownfield and anchor credits and may be designated a renaissance zone. It’s interesting that as our unemployment rate rises; the number of these credits have increased dramatically. I am not saying that these credits are a cause of our high unemployment, but they are obviously not the answer.

Why don’t we try some broad-based tax relief that would create jobs and treat everyone equally? One of these tax credits affects one company or three or four. A cut in surcharge would help 100,000 companies—small, medium, and large. All of these refundable credits come at the expense of individuals and businesses that are already established in Michigan paying taxes and employing people—some who have made a commitment to Michigan for decades.

We are told repeatedly that we cannot fix the MBT surcharge, the tax on the tax and the gross receipts, or increase the compensation allowance for small businesses because we can’t afford it. We are always asked how are you going to pay for it?

In addition, we have cut funding for state troopers who serve to protect residents of our state—the most fundamental function of government. It has been proposed that we cut funding for Medicaid provider rates, clothing allowances for the poor, and early childhood education programs. Refundable tax credits directly affect our ability to pay for these programs. On top of all of this, there have been proposals to increase existing taxes and create new taxes, such as a tax on bottled water and live entertainment, to help balance our budget.

I am well aware that these credits are pushed to some outyears, but there is no indication that our economy will be any better then. This year alone, we are paying out roughly \$350 million in refundable tax credits. When will we ask how we are going to pay for these tax credits, just as we do with any other tax cut? Let’s do something for our home team for a change.

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

The motion prevailed.

Senator Cassis’ statement is as follows:

As chair of the Senate Finance Committee and as the Senator who hopefully will be seeing a mothballed Ford Motor plant turned into a rejuvenated, reclaimed energy park, this battery bill is certainly the first step in doing that. We applaud these efforts to create jobs.

But I also want to raise an important point. Linked to what we are doing today—although not directly to this bill, but it surrounds it and embraces it—is the issue of transparency. Transparency will allow us as legislators to have adequate data before us when we try to make decisions and not just uninformed guesses. I see a possibility which has come up in these discussions this week. We may need even further steps. One would be this: I would want to clearly state that our state should not ever, ever be accused of potentially changing its standards for a credit in the midst of a company coming

in and asking and going on the premise that there were other credits of a similar nature afforded, but then the rules are being changed.

I would urge our Legislature to take another approach, and that is if there are to be any kind of rule changes, it be done on a go-forward basis. Otherwise, I'm concerned, as others are, that we would be sending a very chilling message to those businesses which might want to come here to Michigan because it affects credibility. It affects whether they can have confidence and whether or not the rules will remain the same. But if you do it on a go-forward basis, then everyone knows the standards and the rules that will apply.

So I raise this as a future challenge as we go forward.

Senator Cropsey moved that Senator Birkholz be excused from the balance of today's session.
The motion prevailed.

The following bill was read a third time:

House Bill No. 4523, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 430 (MCL 208.1430), as added by 2008 PA 270.

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. 452

Yeas—33

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

Nays—2

Gilbert	Sanborn
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Excused—2

Birkholz	Jansen
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Not Voting—0

In The Chair: President

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.

The Assistant President pro tempore, Senator Sanborn, assumed the Chair.

Statements

Senators Hunter, Kahn, Cassis, McManus, Scott, Pappageorge, Barcia and Garcia asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hunter’s statement is as follows:

Earlier in today’s session, the Senate adopted Senate Resolution No. 79. This resolution urges the Department of Defense to direct contracts to Michigan companies. Southeast Michigan earned the title “Arsenal of Democracy” in World War II. Despite this legacy, our region’s role in the defense industries has declined a great deal. Nonetheless, Michigan retains a wealth of defense and defense-related expertise that the Department of Defense should utilize in building a 21st century military.

A recent example of southeast Michigan hosting a defense-related firm is the city of Inkster’s success in having one of its high-tech companies secure a contract for developing a web security system for use by the United States Navy. Such a contract demonstrates the potential for further defense work in a particularly hard hit area in our state. The benefits of such contracts have an impact throughout southeast Michigan and our entire state.

As Michigan seeks to diversify our economy from over-reliance on automobile manufacturing, the knowledge and infrastructure that supported these older industries are still invaluable in building new industries. Michigan remains a powerful asset that can host defense initiatives that seek to harness advanced technology for our nation’s defense.

I want to thank my Senate colleagues for urging the Department of Defense to direct contracts to our great state’s companies.

Senator Kahn’s statement is as follows:

Colleagues, it’s September 10th. We’re two and a half weeks away from, well, a possible shutdown like two years ago. Here in the Senate, we’ve passed a plan to balance the budget. And, yes, it does include tough decisions, hard decisions, unpopular decisions, but they are necessary, sober, and responsible decisions that acknowledge just how bad our budget situation is. Make no mistake about it, a \$1.8 billion hole in the General Fund with an accompanying \$1 billion hole in the School Aid Fund is a problem.

Making decisions to balance this budget is our constitutional responsibility, and we in this chamber have acted consistently with that obligation to our people. In June, we voted our budget, and yes, we’ve had to defend it in the public square. But with leadership comes the responsibility to make tough decisions, explain them, and stand by them. Our people have a right to expect that we will do this.

As of today, we do not have legislation from the House. We don’t have a vision from the House. To expect us to be able to deliver a budget without their participation is impossible. Their expectation of us to negotiate with smoke, as the Lieutenant Governor recently said, is also impossible. What you negotiate with is legislation that your negotiating partner has had the political will to pass. For example, in the brief times that I have been talking about the Department of Community Health budget, I can’t even get an agreement to exclude fugitive felons from Medicaid eligibility—as surprising as that sounds.

We need leadership from the House of Representatives, and the House needs to pass a proposal and stand by one that will, in fact, balance our budget. I urge the House to stand up and take a vote. I urge the House to come to the table, and I urge the House to pass their vision with a real bill that, in fact, does balance the budget and allows us to move forward for our people before October 1.

A shutdown is absolutely as unnecessary now as it was in 2007, but should we get to the end of this month with the lessons of 2007 not learned, it will be because there was a failure of House leadership, a lack of House courage, and a betrayal of our constitutional responsibility to deliver a budget for our people. That failure of responsibility will have been at the other end of this building.

Senator Cassis’ statement is as follows:

How many times do we talk about legislation being a journey? Well, certainly passage of the transparency bill embedded in Senate Bill No. 773 has been a journey. For more than a year and a half, similar bills were over in the House, but they died on the floor in 2008. They were reintroduced and they sit now in the House—Senate Bill Nos. 70 and 71.

They deal with basic trust—a tenet of good government. What I am bringing up now is really an interesting thought to ponder. Why does the United States House Intelligence Committee receive confidential nature of information that deal specifically with the utmost seriousness of national security? They can be trusted with that information. The Ways and Means Committee that our own Congressman Camp is a member of also deals with confidential taxpayer financial information. They are elected officials and they are trusted with this information. Why? Well, it is obvious. They don't operate in the dark when they have to make decisions. Nor should we.

Look at the *Free Press* today. It states that the Democratic House of Representatives has passed a bill that would require substantial personal financial disclosure for any candidate or public officeholder. Well, bravo. But why should there then be personal disclosure of public officials' resources but shield that same standard from businesses that are asking for taxpayer-subsidized tax credits? We are moving toward disclosure and transparency today, and that is a good thing. It is positive for our state.

One other question has to be raised here. When is an agreement not to be honored? It's a fundamental basis of credibility and trustworthiness which we must have as legislators with each other and with any department. I think although many may have some issues with the Mackinac Center at times, I do believe that this statement could be embraced by the vast majority of us as legislators in the state of Michigan. Concerns over transparency in the MEDC and MEGA programs involve basic tendency of good government meant to enable citizens to examine a program's cost-effectiveness and assess the performance of its public servants.

Any economic development program, whether in Michigan, Missouri, California, or New York—I am not going to say all of the states—must have appropriate legislative oversight to be credible and consistent to ensure that we are doing the job set before us by our constitutions.

Senator McManus' statement is as follows:

As chair of the Joint Capital Outlay Subcommittee, I made the decision that the committee would not be taking up any private leases at this morning's meeting. As you know, the purpose of the Joint Capital Outlay Subcommittee is to review applications and recommend the approval of capital projects for the state.

We owe it to the taxpayers to give a thorough review to all proposals that come before us, especially in these tough economic times. We can only do that when we have all the facts in front of us in a very timely fashion. Committee rules state that lease requests like these must be submitted in their entirety at least two weeks before they can be considered by the committee. We need that time to do our due diligence and carefully consider all leases before us. When we have to spend extra time tracking down necessary information, it slows the entire process down.

This is particularly frustrating because these leases were requested by a state agency that serves some of the most vulnerable people here in this state. Now their ability to serve those people is being compromised because the Department of Management and Budget hasn't done its due diligence and given us the information that the committee so deserves and needs.

At this time, and considering the economic hardships our state is suffering, we need to take the time to thoroughly review these leases requested by the department before the committee.

Senator Scott's statement is as follows:

As a newly-elected United States Senator, Barack Obama said to the Knox College graduating class, "The true test of the American ideal is whether we are able to recognize our failings and then rise together to meet the challenges of our time." As legislators, our challenge is to do what is right for our constituents.

One of the things that we can do right now, today, is pass meaningful auto insurance reform. We have bills in committee that we can move. We have ideas that can be turned into legislation. We have people in both chambers who want to work on this issue. And, most importantly, we have our constituents telling us that they want relief from auto insurance rates that are too expensive and unaffordable for too many people in this current economic climate.

Michigan citizens are suffering, and we could alleviate some of that suffering by cutting the cost of the insurance that we require them to carry. Our failing has been our inaction on insurance rate reform. We can decide today to correct that, and pass rate reform to give all Michigan citizens much-needed relief.

Senator Pappageorge's statement is as follows:

I would like to add to the discussion with regard to our budget problem. I want to make two points. First, I compliment the Governor for finally putting a proposal on the table, her proposal, but I want to remind everybody we don't vote on proposals or press releases. We vote on bills. So far, we do not have a bill from the House. Now also understand that those who are in need of state funds pretty much know what has been going on in so-called confidential meetings. The only people who don't know what's been going on in those meetings are the people who are going to have to pay for this thing—the citizens. That's why it is terribly important for the House to publicly state in the form of a bill—set of bills—how they believe this crisis ought to be solved.

Secondly, I wish everybody would stop talking about the structural budget problem. There's nothing wrong with the budget, folks. The budget is the scorekeeper. Blaming this whole thing on the structure of the budget is like blaming the

scoreboard in a football game when your team is losing. What you have to do is fix the team. That means we need to take this so-called crisis as an opportunity for reform—structural reform—not of the budget, but of the legislative, executive, and judicial parts of our government so that we once again are in line with expected revenues.

Senator Barcia's statement is as follows:

I join my colleagues to make a statement about an issue that I'm concerned about that has a great impact on the future of the region that I represent here in the 31st District. I rise today to express my disappointment in the Michigan Public Service Commission's recent finding that Consumers Energy has not established the need for its proposed 930 megawatt coal-fired power plant at the existing Karn-Weadock Generating Station in Essexville.

As you may know, the Weadock plant began generating electricity in 1940, a full twelve years before I was born. In those days, when only a few thousand American households had a television set, personal computers were still a quarter-century away, and electric cars were the stuff of science-fiction novels. No one could have contemplated how much power we would need or the countless ways we would generate that power.

As a State Senator and a proud Bay County resident, I have worked tirelessly to bring clean coal to my district. Like so many supporters, I see this as an opportunity to take control of our own destiny and secure clean power production for our children and our children's children, by insisting that Michigan's power be generated in Michigan in a state-of-the-art clean coal plant located on Michigan soil, built from the ground up by 2,000 of Michigan's finest skilled tradesmen and women and staffed by nearly 100 permanent Michigan workers.

This proposed facility, with its cutting-edge technological advancements and top-notch environmental controls, represents a real chance for my district to show Michigan that clean coal can be a part of our clean energy future. The new Karn-Weadock plant will be 20 times cleaner than coal plants built in the early 1980s, let alone those built in the 1940s and 1950s. Perhaps, most importantly, it would generate enough power to enable Consumers Energy to take some of its older, less-efficient plants offline, reducing harmful emissions of nitrogen oxide by some 63 percent and sulfur dioxide by as much as 88 percent.

Given the chance to go forward, this plant will be the cleanest coal-fired power plant in Michigan and one of the most efficient in the world. It is my sincere hope that the Department of Environmental Quality will recognize the environmental benefits of this project, as well as the tremendous economic boost it will give to an area that desperately needs one, and hopefully, approve this application with all deliberate speed.

Senator Garcia's statement is as follows:

I rise to give my voting intentions. On August 27, I was absent due to work with the National Guard. On Roll Call Nos. 409 and 410, I would have voted "no." On Roll Call Nos. 411-441, I would have voted "yes."

Committee Reports

The Committee on Commerce and Tourism reported

Senate Bill No. 777, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 434 (MCL 208.1434), as amended by 2009 PA 26.

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: Senator Gilbert

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. 4523, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 430 (MCL 208.1430), as added by 2008 PA 270.

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.

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Stamas and Clarke

Nays: Senator Gilbert

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 Wednesday, September 9, 2009, at 9:00 a.m., Room 100, Farnum Building

Present: Senators Allen (C), Gilbert, Stamas and Clarke

Excused: Senator Hunter

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, September 9, 2009, at 3:00 p.m., Room 110, Farnum Building

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

Excused: Senators Patterson and Basham

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture and Bioeconomy submitted the following:

Meeting held on Thursday, September 10, 2009, at 9:00 a.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Gilbert, Birkholz, Gleason and Whitmer

Scheduled Meetings

Health Policy - Wednesday, September 16, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

Legislative Commission on Government Efficiency - Thursday, September 24, 9:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Legislative Commission on Statutory Mandates - Thursday, September 17, 9:00 a.m., East Oakland Room, 1st Floor, Conference Center, Oakland County Executive Office Building, 2100 Pontiac Lake Road, Waterford (373-0212)

Legislative Retirement Board of Trustees - Thursday, December 3, 2:00 p.m., Room H-252, Capitol Building (373-0575)

Local, Urban and State Affairs - Tuesday, September 15, 3:00 p.m., Room 110, Farnum Building (373-1635)

Natural Resources and Environmental Affairs - Wednesday, September 16, 1:00 p.m., Room 110, Farnum Building (373-3447)

State Drug Treatment Court Advisory Committee - Tuesday, September 29, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 12:36 p.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Tuesday, September 15, 2009, at 10:00 a.m.

