

**No. 18**  
**STATE OF MICHIGAN**  
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Senate Chamber, Lansing, Wednesday, March 11, 2009.

10:00 a.m.

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

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

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

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

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

Senator Michael A. Prusi of the 38th District offered the following invocation:

We are born into innocence and grace, knowing neither sin nor salvation. As we grow and mature, we take up the faith of our fathers and find comfort in the worship of the God of our families.

Far too often we take for granted that weekly attendance at church or synagogue, and prayer as needed will suffice to keep us right with our God. But true faith demands so much more if we are to live our lives as righteous people.

Faith, hope, charity, and service to the family of man are what religion should be about. We cannot take for granted that someone else will love thy neighbor. It must be in our hearts each day, for it is love which shapes our lives and gives faith its meaning.

God's love for us and our love for God can move mountains. As we are all God's children, let us resolve to bring this love to our everyday works so that our faith is demonstrated by our deeds.

May God's infinite wisdom inform us, may God's grace define us, and may God's peace come into our lives. Amen.

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

### Motions and Communications

#### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:04 a.m.

10:33 a.m.

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

During the recess, Senators Hunter, Kuipers, Garcia, Patterson, Pappageorge, Jacobs, Gleason, Sanborn, Allen and George entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, March 10:  
**House Bill Nos. 4053 4054 4200 4225 4286 4515**

### Messages from the Governor

The following messages from the Governor were received and read:

March 10, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 3 of the Community Corrections Act, 1988 PA 511, MCL 791.403:

#### **State Community Corrections Board**

Mr. Gary M. Goss of 31622 Shaw, Farmington, Michigan 48336, county of Oakland, succeeding John Phillips, whose term has expired, representing a chief of a city police department, for a term commencing March 10, 2009 and expiring March 31, 2012.

Mr. Robert J. Pickell of 727 Shady Brook Lane, Flushing, Michigan 48433, county of Genesee, succeeding Charles Brown, who has resigned, representing a county sheriff, for a term commencing March 10, 2009 and expiring March 31, 2011.

March 10, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Section 1905 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.1905:

#### **Michigan Natural Resources Trust Fund Board**

Mr. Francisco (Frank) Torre, Jr., of 1450 Quarton Road, Bloomfield Hills, Michigan 48304, county of Oakland, reappointed to represent the general public, for a term expiring October 1, 2012.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations and Reform.

Senator Clarke entered the Senate Chamber.

### Messages from the House

#### Senate Bill No. 202, entitled

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

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

The Senate agreed to the full title.

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

### Third Reading of Bills

The following bill was read a third time:

#### Senate Bill No. 284, entitled

A bill to amend 1978 PA 566, entitled “An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies,” by amending section 3 (MCL 15.183), as amended by 2008 PA 22.

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. 41

#### Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

### 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 Brater as Chairperson.

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

**Senate Bill No. 47, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9721.

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

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

**Senate Bill No. 151, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16315, 16335, 17801, 17820, 17821, and 17822 (MCL 333.16315, 333.16335, 333.17801, 333.17820, 333.17821, and 333.17822), section 16315 as amended by 2007 PA 166, section 16335 as added by 1993 PA 80, section 17801 as amended by 1987 PA 213, sections 17820 and 17821 as amended by 2006 PA 387, and section 17822 as amended by 2005 PA 281, and by adding sections 17808, 17823, 17824, 17825, 17849, 17850, 17854, 17856, 17862, 17864, 17866, 17868, 17870, 17872, 17878, 17882, and 17884.

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. 69, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 417 and 441 (MCL 208.1417 and 208.1441).

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:

**Senate Bill No. 191, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 520 and 522 (MCL 206.520 and 206.522), section 520 as amended by 1995 PA 245 and section 522 as amended by 2000 PA 41.

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:

**Senate Bill No. 201, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 2008 PA 438.

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.

### Resolutions

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

**Senate Resolution No. 18**

The resolution consent calendar was adopted.

Senator Gleason offered the following resolution:

**Senate Resolution No. 18.**

A resolution recognizing March 12, 2009, as World Kidney Day and the month of March 2009 as Kidney Awareness Month in the state of Michigan.

Whereas, Healthy kidneys are essential to the body by regulating water and other chemicals in the blood; removing fluids, waste, toxins, and drugs introduced to the body; releasing hormones that regulate blood pressure; making red blood cells; and promoting strong bones; and

Whereas, More than 940,000 Michiganians, about one in eight adults, suffer from chronic kidney disease; and

Whereas, Of the 18,000 Michiganians afflicted with kidney failure and of the 12,000 Michiganians on dialysis, approximately 45 percent are African American; and

Whereas, The two main causes of chronic kidney disease are diabetes and high blood pressure, which are responsible for more than 70 percent of all cases. Kidney disease caused by diabetes and high blood pressure can often be prevented or delayed; and

Whereas, One in three children born in 2000 will develop type 2 diabetes and become at risk for kidney disease unless young people start eating less and exercising more; and

Whereas, The mission of the National Kidney Foundation of Michigan is to prevent kidney disease, improve the quality of life for those living with it, and promote early detection to aid in preventing the progression from kidney disease to kidney failure, which requires dialysis or a kidney transplant to maintain life; and

Whereas, The cost of treatment for kidney disease patients is disproportionately higher than any other chronic disease; and

Whereas, The National Kidney Foundation of Michigan has continually served the people of Michigan for the last 54 years. With the help of dedicated volunteers and supporters across the state, it will continue to offer more programs and services to more people than any other affiliate in the country; now, therefore, be it

Resolved by the Senate, That we hereby recognize March 12, 2009, as World Kidney Day and the month of March 2009 as Kidney Awareness Month in the state of Michigan. It is the hope that all possible support will continue to be extended to chronic kidney disease patients in Michigan and throughout the country and world; and be it further

Resolved, That a copy of this resolution be transmitted to the National Kidney Foundation of Michigan with our highest regards.

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

Senator Bishop offered the following resolution:

**Senate Resolution No. 19.**

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 1.105 of the Standing Rules of the Senate is hereby amended to read as follows:

**“1.105 APPOINTMENT OF COMMITTEES**

a) The Senate Majority Leader shall appoint all committees except when the Senate shall otherwise order. ~~Except for the Appropriations Committee, the~~ THE Senate Majority Leader may appoint subcommittees of standing committees when some of the members of that subcommittee are not also members of that standing committee. Such subcommittees shall contain at least one majority member and one minority member who are members of that standing committee and shall have one more majority party member than minority party member **EXCEPT THAT THE APPROPRIATIONS SUBCOMMITTEE ON THE FEDERAL STIMULUS MAY HAVE MORE THAN ONE MORE MAJORITY PARTY MEMBER THAN MINORITY PARTY MEMBER. THE APPROPRIATIONS SUBCOMMITTEE ON THE FEDERAL STIMULUS SHALL EXPIRE NO LATER THAN OCTOBER 1, 2010.**

b) The Senate Majority Leader shall make appointments of minority party members from a list submitted by the Senate Minority Leader, and shall consider the preferences, seniority, and experience of the members in making appointments. The Senate Majority Leader may accept the list submitted by the Senate Minority Leader in whole or in part. If the Senate Majority Leader rejects names on the list and their corresponding committee assignments, the Senate Minority Leader shall submit replacement nominations.

c) All appointments to standing and select committees and subcommittees appointed by the Senate Majority Leader shall be subject to the approval of the Senate given by a majority of the Senators elected and serving. All appointments to conference committees shall be effective upon appointment by the Senate Majority Leader until disapproved by the Senate given by a majority of the Senators elected and serving.”

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 did not prevail, a majority of the members serving not voting therefor.

Senator Cropsey requested the yeas and nays.

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

The motion prevailed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 42****Yeas—21**

Allen  
Birkholz  
Bishop  
Brown  
Cassis  
Cropsey

Garcia  
George  
Gilbert  
Hardiman  
Jansen

Jelinek  
Kahn  
Kuipers  
McManus  
Pappageorge

Patterson  
Richardville  
Sanborn  
Stamas  
Van Woerkom

**Nays—16**

Anderson  
Barcia  
Basham  
Brater

Cherry  
Clark-Coleman  
Clarke  
Gleason

Hunter  
Jacobs  
Olshove  
Prusi

Scott  
Switalski  
Thomas  
Whitmer

**Excused—0****Not Voting—0**

In The Chair: President

The question being on the adoption of the resolution,

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

Senator Thomas 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 serving voting therefor, as follows:

**Roll Call No. 43****Yeas—21**

Allen  
Birkholz  
Bishop  
Brown  
Cassis  
Cropsey

Garcia  
George  
Gilbert  
Hardiman  
Jansen

Jelinek  
Kahn  
Kuipers  
McManus  
Pappageorge

Patterson  
Richardville  
Sanborn  
Stamas  
Van Woerkom

**Nays—16**

Anderson  
Barcia  
Basham  
Brater

Cherry  
Clark-Coleman  
Clarke  
Gleason

Hunter  
Jacobs  
Olshove  
Prusi

Scott  
Switalski  
Thomas  
Whitmer

**Excused—0**

**Not Voting—0**

In The Chair: President

**Protests**

Senators Switalski, Whitmer, Prusi and Jacobs, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Resolution No. 19.

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

The motion prevailed.

Senator Switalski’s statement is as follows:

I oppose the creation of this new subcommittee because I believe it creates an additional redundant step in the appropriations process. We already have the transportation subcommittee and the Appropriations Committee that has authority in this area. The majority of these federal stimulus funds are distributed by formula anyway. Creation of another layer of review will have the effect of slowing down job creation and the federal deadlines; the type of federal deadlines that we need to meet and the ability to get shovels in the ground this spring and not miss this construction season.

Now the majority does have the power to create this committee and we can’t stop them, but we must insist. We can’t stop the creation of this new committee, but we must insist that the process move quickly and that we get people working again. So, my friends, you can prove me wrong. We are poised to move the DNR Trust Fund projects, and we are doing way better on that this year. We are not going to miss the construction season. I think we are going to move those today and have those projects start this year. That is good.

I ask you to prove me wrong on the transportation projects. Move those expeditiously. Do not let this new committee—these procedural hurdles—create more talking and less working.

Senator Whitmer’s statement is as follows:

I rise for the purpose of explaining my dissent on the previous vote. I am the one who objected to suspending the rules today to move this so quickly. The reason that I objected is because I don’t believe that there is any need to circumvent the rules of the Senate to create this new committee.

You know, we have a committee that is vested with a lot of people who are doing a lot of tough work, who are good, and they can do a great job on this. It is called the Appropriations Committee, and that is what they are hired and appointed to do exactly this work.

What this is another duplicative committee here in the State Senate—bigger bureaucracy—and it is just going to slow things down. It is another speed bump on the pothole road to recovery that we have got to start on here in Michigan. Every second counts. Now I will be honest with you. That is why I was so aghast that you said you wanted to create a new committee, and then you took a week off right after you said that.

Every minute delays putting people to work. Every minute delays putting a shovel in the ground, and it delays the desperately-needed stimulus. Therefore, I opposed that move.

Senator Prusi’s statement is as follows:

My “no” vote on the previous resolution wasn’t predicated so much on the intent of the majority; merely, on the process by which they seek to achieve their ends and the perception that goes along with the rule change. Now the bulk of the money that is coming in the stimulus package is going to be funding through formulas that are already determined by the federal government, and it will merely flow through the appropriate departmental budgets through grants or program dollars. But the perception is that the rules needed to be changed to add additional majority party members, as well as members who are inexperienced in the matters of budget work.

The appropriations process causes some concerns to our side of the aisle because it does give the perception that there will be a political bent to the work that this committee is about to embark on; when we already have a standing committee on Appropriations with people who have been doing that work for a number of years here in the Legislature. We felt that that was the appropriate vehicle for the federal dollars to be moved through the state appropriations process. We have some concerns over the size of the committee and the fact that the minority party will be underrepresented during this process.

So taking those considerations into account, my “no” vote was cast based on my feelings in that matter.

Senator Jacobs’ statement is as follows:

I am very concerned that we are continuing to grow government at a time when we should be shrinking government. We will soon be voting on a bill that will add a new prescription drug site when we already have a prescription drug site through the Department of Community Health. We will soon be voting on creating a legislative child fatality investigator

when we already have the Children's Ombudsman who is housed in the DMB. And, today, we are talking about starting a new committee when we have a standing committee which parenthetically is a majority committee—if you take a look at the make-up of it.

So I am concerned that at a time when we need to be more careful about how we spend our dollars and our staff dollars as well, this is not the right time to do this.

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

The motion prevailed.

Senator Bishop's statement is as follows:

First, I would like to thank the previous speaker. I understand and appreciate his concerns. This is not an effort on the part of our team to try to slow the process down. We understand that this is a process that needs to move in an efficient manner. We intend to do that.

The amendment allows the creation of a new subcommittee to address what is novel to this process. None of us have ever seen in the history of this state stimulus money like this coming to the state. The ordinary process in this chamber is that when money comes to this state, it goes to the Appropriations Committee and then goes to the subcommittee. We have created this subcommittee, and our goal is to create a subcommittee that addresses the stimulus. It is intended for the sole purpose of doing something that we have never done before.

So this subcommittee has been created for the specific purpose, and this allows us to take members from the Appropriations Committee and other standing committees to be a part of this to address this concern. Obviously, there is a time frame involved with all this, so I will make sure I will do my part to encourage our members to be efficient and to stick to the time line. We will not create unnecessary government.

This is all too important to our state, right now, to address these dollars—these taxpayer dollars that are coming to our state. It is important that we do it in a way that gives a clear review for our members so that we know what we are voting on. It didn't happen at the federal level; none of their members even read the bill. I expect the people who take up the appropriations on this side in this state will not only read the bill, but will understand what they are voting on.

### **Introduction and Referral of Bills**

Senators Jacobs, Clarke, Cherry, Brater, Clark-Coleman and Switalski introduced

#### **Senate Bill No. 357, entitled**

A bill to amend 1997 PA 16, entitled "The playground equipment safety act," by amending sections 2 and 6 (MCL 408.682 and 408.686).

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

Senators Kahn, Allen and Gilbert introduced

#### **Senate Bill No. 358, entitled**

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 12a (MCL 125.2162a), as amended by 2008 PA 105.

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

Senators Hunter, Barcia, Whitmer, Thomas, Gleason, Scott, Brater and Clarke introduced

#### **Senate Bill No. 359, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406s.

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

Senators Hunter, Barcia, Whitmer, Thomas, Gleason, Scott, Brater and Clarke introduced

#### **Senate Bill No. 360, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416e.

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



Senators Gilbert, Jansen, Richardville, Sanborn, Thomas, Barcia and Kuipers introduced

**Senate Bill No. 361, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 111 (MCL 208.1111), as amended by 2008 PA 433.

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

Senators Barcia, Allen and Pappageorge introduced

**Senate Bill No. 362, entitled**

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

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

Senators Allen, Barcia and Pappageorge introduced

**Senate Bill No. 363, entitled**

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

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

Senator Allen introduced

**Senate Bill No. 364, entitled**

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 3 and 8 (MCL 207.803 and 207.808), as amended by 2008 PA 257.

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

**House Bill No. 4053, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 77.

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 Transportation.

**House Bill No. 4054, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1011.

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 Transportation.

**House Bill No. 4200, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7cc and 7dd (MCL 211.7cc and 211.7dd), section 7cc as amended by 2008 PA 198 and section 7dd as amended by 2008 PA 243.

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

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

**House Bill No. 4225, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 601b (MCL 257.601b), as amended by 2008 PA 296.

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 Transportation.

**House Bill No. 4286, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 504 (MCL 324.504), as amended by 2004 PA 130.

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 Hunting, Fishing and Outdoor Recreation.

**House Bill No. 4515, entitled**

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

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

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

### Statements

Senators Jelinek, Scott, Patterson 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 Jelinek’s statement is as follow:

I would like to convey a message to my colleagues and the colleagues across the rotunda about a letter I recently received to share it with everyone.

It says, “We are small business owners. I just received a call from my accountant informing me that due to the change from the SBT to MBT, our tax liability has doubled. We are already struggling in this economy and then to have the state hit us with this is unbearable. I was under the assumption that Michigan was looking to get rid of the single business tax. We have started to look for offices in Indiana. Our accountant has informed us that the taxes are much less in Indiana. I have heard of other businesses pulling out of the state of Michigan for many of the same reasons.” It is signed by Scapino Steel Erectors, Inc.

I am afraid that this is the way that businesses are heading in Michigan. We must do something to curtail this movement to our neighbors in Indiana. I hope that we can put this in the record and make note that we need to do something with this Michigan business tax and the burdensome tax that goes with it.

Senator Scott’s statement is as follows:

A lot of our constituents are struggling too. The Reverend Martin Luther King, Jr., said, “Every day is judgment day, and we, through our deeds and words, our silence and speech, are constantly writing in the Book of Life.” By failing to help the hundreds of thousands of people in Michigan who either struggle to pay for insurance or drive without it, we write another sad chapter in this Book of Life.

Every day without auto insurance reform leaves people trying to figure out how to afford insurance so they can use their car to get to work. Every day without auto insurance reform leaves people wondering why a road in their community should be the dividing line that causes them to pay thousands of dollars more for their car insurance. Every day without auto insurance reform leaves an elderly person with a good driving record and an old car wondering why the cost of insurance keeps increasing. Every day without insurance reform leaves people wondering why the Legislature doesn’t do something. I don’t think this is the legacy you want to leave behind after your legislative term here is finished.

We can easily write a new page in the Book of Life. We can help our hardworking, struggling Michigan citizens by moving my bills and finally giving them the break they deserve on auto insurance.

Senator Patterson’s statement is as follows:

All of us share a concern. I would ask us to join together and consider the issue of mark-to-market accounting. I would commend to all an article written by Brian Wesbury and Robert Stein which, in pertinent part, states, “The government continues to spend trillions of dollars and is coming closer and closer to nationalizing banks. Suspending mark-to-marketing could fix major problems at no cost. The history seems clear. Mark-to-market accounting existed in the Great Depression and according to”—none other than—“Milton Friedman, who wrote about it 30 years after the fact, it was responsible for the failure of many banks.

Franklin Roosevelt suspended it in 1938, and between then and 2007, there were no panics or depressions. But when FASB 157 went into effect in 2007, reintroducing mark-to-market accounting, look what happened.

Two things are absolutely essential when fixing financial market problems—time and growth. Time to work things out and growth to make working things out easier. Mark-to-market accounting takes both of these away.

Because these accounting rules force banks to write-off losses before they even happen, we lose time. This happens because markets are forward thinking. For example, the price of many securitized mortgage pools is well below their value based on cash flows. In other words, the market is pricing in more losses than have actually, or may ever, occur. The accounting rules force banks to take artificial hits to capital without reference to the actual performance of loans.

And this affects growth. By wiping out capital, fair value accounting rules undermine the banking system, increase the odds of assets fire sales, and make markets even less liquid. As this happened in 2008.

In the 1980s and 1990s, there were at least as many, and probably more, bad loans in the banking system as a share of the economy. The difference was that there was no mark-to-market accounting. Suspending mark-to-market accounting is a cost-free way to buy time. It does not allow banks to sweep bad loans under the rug. Bad loans are still bad loans, and banks cannot hide from them. Not suspending it, while at the same time interfering in the economy with massive stimulus bills and bank nationalization, is a recipe to undermine both time and growth and therefore hurt the economy even more.”

I would ask that all members consider this.

Senator Cropsey’s statement is as follows:

We just voted on Senate Resolution No. 19 a few minutes ago, and there was some controversy about that. I think there should be a few comments made on that beyond what the Majority Leader said. Basically, this does set up a special committee or subcommittee to look at federal stimulus money. I just find it interesting that the other side of the aisle unanimously opposed this. But those of us on this side of the aisle do have several concerns.

First of all, the concerns start in Washington, D.C. It started there because we had a man elected as President who said there would be no lobbyist in his administration, but then suddenly that changed, and he broke his promise on that. He said there would be no earmarks, and that has changed; he broke his promise on that. He said that legislation that passed through the people would have five days to look at it before it was voted on, and he broke his promise on that.

I talked to my congressman Monday morning. My congressman on Monday morning said that the minority party in Washington, D.C., is still trying to figure out what all is hidden in this huge stimulus budget. What we do know is what has happened in the last month or so will add \$100 a month to every minor child in this state and in this nation as far as a cost for this type of thing. As far as the interest that my children, and hopefully, someday my grandchildren, will be having to pay each and every month for this so-called stimulus that will be taking money out of their pockets and putting elsewhere.

Should we be having this subcommittee meeting? Absolutely, we should be having this subcommittee meet. This is an extraordinary piece of legislation that Congress has passed. They passed it with very little openness. They shoved it through, and we are still trying to find out what all is in it. We need to scrutinize this very closely because with this legislation that Congress has passed, and we bite on all of it, will this make our own state government grow so that it becomes unsustainable two years from now after the federal stimulus money is gone?

Another interesting thing, we had one of the previous speakers talk about wanting to make sure that they had shovel-ready projects, and we should not be delaying things. Well, only 3 percent of this stimulus package that Congress passed is going for road construction and bridge construction. That is far different than, I think, the American people were led to believe when it was going to be a major investment in our infrastructure.

So for all these reasons, I think that we need to tear the shroud of secrecy off the federal stimulus package that is coming to this state and find out what is really in it. We are not growing government. Washington, D.C., is growing the government and is trying to get us to grow the government. This should not be a partisan issue. This should be an absolutely nonpartisan issue because it is all of our children who one day will be having to pay the burden that this federal stimulus package is putting on not only this state, but every other state of the Union and every child in this nation and every child who will be born in this nation for years to come.

## Committee Reports

### COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, March 10, 2009, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Gilbert (C), Kahn, Van Woerkom, Basham and Gleason

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:  
Meeting held on Tuesday, March 10, 2009, at 3:00 p.m., Rooms 402 and 403, Capitol Building  
Present: Senators Garcia (C) and Cropsey  
Excused: Senator Barcia

**Scheduled Meetings****Appropriations -****Subcommittees -**

**Agriculture** - Wednesday, March 18, 3:00 p.m., Room 405, Capitol Building (373-2768)

**Economic Development** - Wednesday, March 18, 8:30 a.m., Room 110, Farnum Building (373-2768)

**General Government** - Thursdays, March 12 and March 19, 2:00 p.m., Room 110, Farnum Building (373-2768)

**Higher Education** - Thursday, March 12, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building and Wednesday, April 1, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-2768)

**History, Arts, and Libraries** - Thursdays, March 12 and March 19, 8:30 a.m., Room 405, Capitol Building (373-2768)

**Human Services Department** - Thursday, March 19, 3:00 p.m., Room 100, Farnum Building (373-2768)

**Judiciary and Corrections** - Tuesday, March 17, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**State Police and Military Affairs** - Thursday, March 12, 3:00 p.m.; and Thursday, March 19, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-2768)

**Transportation Department** - Wednesdays, March 18 and March 25, 8:30 a.m., Room 405, Capitol Building (373-2768)

**Education** - Thursday, March 12, 2:30 p.m., Room 210, Farnum Building (373-6920)

**Energy Policy and Public Utilities** - Thursday, March 12, 1:00 p.m., Room 210, Farnum Building (373-7350)

**Finance** - Thursday, March 12, 11:00 a.m., Room 110, Farnum Building (373-1758)

**Legislative Commission on Government Efficiency** - Thursday, April 2, 10:00 a.m., Room 426, Capitol Building (373-0212)

**Legislative Commission on Statutory Mandates** - Friday, March 20, 12:00 noon, Oakland County Executive Office Building, Oakland County Conference Center, Waterford Room, Building 41-West, 2100 Pontiac Lake Road, Waterford (373-0212)

**Michigan Law Revision Commission** - Tuesday, March 24, 11:00 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 11:38 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, March 12, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate