

No. 33
STATE OF MICHIGAN
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Senate Chamber, Lansing, Wednesday, April 29, 2009.

10:00 a.m.

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

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—excused
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

Reverend George L. Cleaves, Jr., of St. Christopher's Episcopal Church of Grand Blanc offered the following invocation:

O gracious and loving God, You are a God who is known by many names. Thank You for bringing us safely to this new day and to this place and to all of the possibilities that You present before us.

Give this body wisdom and discernment as they take up the work that You entrust to them—work that sometimes may seem heavy. May they enact such laws that shall please You and the welfare of the people they serve.

Above all, dear God, may our unbounded trust be in You—the One who gives us the gifts to do the work You have given us to do. All of this we ask in Your most holy name. Amen.

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

The President, Lieutenant Governor Cherry, assumed the Chair.

Motions and Communications

Senators Cassis, Clarke and Pappageorge entered the Senate Chamber.

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

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

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

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

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

Recess

Senator Brown moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:07 a.m.

10:16 a.m.

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

During the recess, Senator Jelinek introduced the Benton Harbor High School Girls Varsity Basketball Team, 2009 Class A State Champions; coaching staff and athletic director; and presented them with a Special Tribute.

Head Coach Lou Harvey responded briefly.

During the recess, Senator Kuipers entered the Senate Chamber.

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

Senate Bill No. 466

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

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

April 28, 2009

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Appropriations Committee hold a hearing on the appointment of Sue Carnell and David Way to the Grand Valley State University Board of Control; Paul Ollila and

Thomas Baldini to the Michigan Technological University Board of Control, and make written recommendations to the Government Operations and Reform Committee on these appointments.

Sincerely,
 Senator Michael D. Bishop, Chairman
 Government Operations and Reform Committee

The communication was referred to the Secretary for record.

The following communication was received:
 Department of State

Administrative Rules
 Notice of Filing

April 17, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2008-021-LG (Secretary of State Filing #09-04-06) on this date at 10:57 a.m. for the Department of Energy, Labor, and Economic Growth, entitled "Michigan Gas Safety Standards."

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
 Terri Lynn Land
 Secretary of State
 Robin L. Houston, Departmental Supervisor
 Office of the Great Seal

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, April 28:
House Bill Nos. 4470 4535 4683 4684 4685 4686 4687 4688 4689 4690 4691 4820

The Secretary announced that the following official bills were printed on Tuesday, April 28, and are available at the legislative website:

Senate Bill Nos. 473 474 475 476 477 478

By unanimous consent the Senate proceeded to the order of
Third Reading of Bills

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

Senate Bill No. 313

Senate Bill No. 163

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 313, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 241 (MCL 18.1241), as amended by 1999 PA 8.

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. 134

Yeas—35

Allen
 Anderson

Cherry
 Clark-Coleman

Jacobs
 Jansen

Prusi
 Richardville

Barcia
 Basham
 Birkholz
 Bishop
 Brater
 Brown
 Cassis

Clarke
 Cropsey
 George
 Gilbert
 Gleason
 Hardiman
 Hunter

Jelinek
 Kahn
 Kuipers
 McManus
 Olshove
 Pappageorge
 Patterson

Sanborn
 Scott
 Stamas
 Switalski
 Van Woerkom
 Whitmer

Nays—1

Thomas

Excused—1

Garcia

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Thomas, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 313.

Senator Thomas' statement is as follows:

Obviously, I am in a distinct minority on the last vote and folks must be asking, "Thomas, have you lost your mind? You are voting against disabled veterans." Taken in context, that would seem like an odd vote to take. However, I believe it to be a consistent vote—consistent with the body of law that Michigan has adopted over the past several years and consistent with the fiscal challenges that the state of Michigan confronts. And, ultimately, it's a vote of conscience on my part.

I believe that the preference that was just given poses the potential for a fiscal challenge to the state of Michigan. Particularly, it causes the opportunity of the state now being required to pay the highest bidder for state work—not the lowest—but the highest bidder as there is now a preference set-aside for disabled veterans.

My colleagues may remember that the residents of the state overwhelming voted to oppose preferences in public contracting in 2006. Nearly 60 percent of Michigan residents voted in support of Proposal 2. Michigan residents overwhelmingly stated that they did not want preferential treatment given to anyone on the basis of race, ethnicity, skin color, sex, or national origin. Yet, today, we are going against the spirit of Proposal 2 and doing exactly what the citizens of Michigan said we should not be doing, and that is offering a preference. I think to be consistent, legislators should have opposed this not because we don't support giving veterans a hand up, but it is because we are being consistent with the wishes and the will of the voters of Michigan.

Last summer, let me give you a real-life example of the potential problem that could happen because of the legislation we just passed. Two contractors bid on a small Department of Transportation contract. The proposal chosen by DMB was awarded to a disabled veteran because there was a preference. This bill is a result of that preference being overturned. Upon further review, the winning bidder's proposal should not have been given that preferential treatment, so MDOT issued a new RFP. The job was re-bid, at a delay and additional cost to the state of Michigan, and following that process when the state applied the same principles that they do to every other contract that there is no preference, another contractor won the bid. That just so happened to be a minority contractor from the city of Detroit that actually had the lowest bid. This is a perfect example of what Michigan residents were trying to prevent in 2006 when they passed Proposal 2, to avoid such conflicts and such discord among competing minority groups.

So I think that we have opened up a serious problem with our state Constitution, and frankly, backdoor preferences are a thing of the past, and we cannot have it both ways. So, unfortunately, I am forced to vote against this bill. I will apologize to the veterans who I will be hosting in my salute to veterans on Memorial Day. But, because I support the Constitution that you have so bravely fought for and defended; because I believe that the voters of Michigan spoke clearly, I believe that as a vote of conscience, I must be consistent with them and must support the state Constitution. It says that preferences are illegal in the state of Michigan, and we should not be going down that road.

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

The motion prevailed.

Senator Pappageorge's statement is as follows:

I have with me today Lisa Rafdal who has been interning in my office for the past four months. Lisa is finishing up her sophomore year at Michigan State University, where she is majoring in English with a concentration on political science and criminal justice.

You can imagine how comforting it is to have had an English major proofreading all of our stuff before going out the door. We are going to miss that. Lisa has proven to be a dedicated, hardworking, and very mature young woman. Her strong writing skills and positive attitude have made her an invaluable addition to my office.

While we are disappointed that Lisa will no longer be in the office, we know that she has a bright future ahead of her, and we wish her the best. Colleagues, please join me in recognizing Lisa for her many contributions to the constituents of the 13th Senate District.

Senator Switalski's statement is as follows:

I have with me an intern who has interned in my office, Lindsey Willet, and this is the third intern I have brought in who is leaving me. I have to take a look at what I am doing in my office and see what is going wrong here.

Lindsey has been with me for a couple of semesters and is an outstanding law student at Michigan State. After a semester, one of my colleagues in the House, Representative Accavitti, needed some help and he knew Lindsey and asked if he could have her. So she went and worked with him for a semester, and I allowed it on one condition—that when she finished over there, I would get her back because she is mine. I was only letting her go as a loan.

So she came back and has done a tremendous job. I teach a class at a women's prison and she helped me a lot with the lectures. I gave her one of the books to look at, and she gave me great feedback on the book and ended up holding a forum for law students at Michigan State and invited the two authors from California and Maryland. I was able to be a part of that in a conference call, and she did a fantastic job. I think she has a very bright future.

She is finishing law school and is going to Pennsylvania to take the bar exam. We are going to miss her, but somehow we need to lure Lindsey back because she would be a great addition to the state of Michigan.

I would ask all to say hail and farewell to Lindsey.

The following bill was read a third time:

Senate Bill No. 163, entitled

A bill to amend 1935 PA 59, entitled "An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929," by amending section 4 (MCL 28.4).

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. 135

Yeas—36

Allen
Anderson
Barcia

Cherry
Clark-Coleman
Clarke

Jacobs
Jansen
Jelinek

Prusi
Richardville
Sanborn

Basham
Birkholz
Bishop
Brater
Brown
Cassis

Cropsey
George
Gilbert
Gleason
Hardiman
Hunter

Kahn
Kuipers
McManus
Olshove
Pappageorge
Patterson

Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—1

Garcia

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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 Switalski 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. 455, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 866 (MCL 168.866).

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. 129, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 24a (MCL 168.24a), as amended by 1982 PA 154.

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. 130, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 307 (MCL 168.307), as added by 2003 PA 302.

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. 466, 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 6.

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.

Resolutions

Senator Sanborn offered the following resolution:

Senate Resolution No. 42.

A resolution honoring George Kell.

Whereas, With the passing of George Kell, the Detroit Tigers and their fans have lost a Hall of Fame player, broadcaster, and ambassador for the team as well as the sport of baseball; and

Whereas, A native of Swifton, Arkansas, George Kell began playing the game he loved at an early age, gaining the skills he would later display as a member of the Athletics, Red Sox, White Sox, Orioles, and Tigers organizations; and

Whereas, He would have nine seasons in which he hit over .300, including 1949, when he bested Ted Williams during the final week of the season to claim the batting title; and

Whereas, Combined with his sure-handed fielding abilities, his talents resulted in ten All-Star Game appearances, including six starts and his induction into the Baseball Hall of Fame in 1983; and

Whereas, After his retirement, George Kell became one of the iconic voices and ambassadors of Tigers baseball, introducing countless Michigan residents to the game with his laid-back delivery, Southern charm, and stories of his playing days; and

Whereas, His accomplishments on the field, although prodigious, pale in comparison to his qualities as a man, husband, father, and grandfather; now, therefore, be it

Resolved by the Senate, That we offer this expression of our highest esteem to honor the career, legacy, and memory of George Kell; and be it further

Resolved, That copies of this resolution be transmitted to the Kell family and the Detroit Tigers organization as evidence of the esteem that will be long held for his memory.

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 resolution was adopted by a unanimous standing vote of the Senate.

Senators Allen, Anderson, Barcia, Basham, Birkholz, Bishop, Brater, Brown, Cassis, Cherry, Clark-Coleman, Clarke, Cropsey, George, Gilbert, Gleason, Hardiman, Hunter, Jacobs, Jansen, Jelinek, Kahn, Kuipers, McManus, Olshove, Patterson, Prusi, Richardville, Scott, Stamas, Switalski, Thomas, Van Woerkom and Whitmer were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Sanborn's statement is as follows:

While I realize that the significant challenges facing our state weigh heavily on all of our minds, I believe we would be remiss if we did not pause for a moment and reflect upon the passing of George Kell earlier this year. For many, baseball is a nine-inning escape from the worries and responsibilities of everyday life—a pastime in the truest sense of the word. Few understood this better than George Kell, who gave generations of Tigers fans a reason to put down their work and forget their worries on countless beautiful summer afternoons.

First as a star first baseman and then as a long-time broadcaster, George Kell exemplified what it meant to be a Tiger—hardworking, consistent, and focused on the team, rather than on his own stats. He was an ambassador for the organization and the game he loved, and while his accomplishments on the field were many, they paled in comparison to his qualities as a human being. With his passing, the Detroit Tigers organization, Major League Baseball, and the citizens of Michigan must now say goodbye to a legend.

It is my hope that this resolution, which will be given to both the Tigers and the Kell family, will in some small way show our appreciation for George Kell's life, while also serving as a fitting memorial of his passing.

A moment of silence was observed in memory of George Kell.

Senator George offered the following resolution:

Senate Resolution No. 43.

A resolution to express opposition to the Obama Administration's plan to repeal recently-adopted federal conscience clause regulations.

Whereas, On December 18, 2008, the Bush Administration finalized regulations to implement existing federal laws protecting health care providers who object to performing procedures that violate their religious beliefs or moral convictions. The Church amendments, Public Health Service Act, Section 245, and the Weldon amendment provide the statutory foundations that prohibit federal funds from being used to perpetuate discrimination against health care providers; and

Whereas, The recent move by the Obama Administration to rescind the conscience clause regulations jeopardizes the right of a health care professional to follow his or her personal or religious convictions. This regulation was carefully designed to safeguard against forced violations of conscience in federally-funded health care programs; and

Whereas, The Bush Administration's decision brought a long-awaited resolution to the dilemma of countless medical professionals by approving the implementation of this right of conscience rule. The final rule's certification requirement would ensure that recipients of federal Department of Health and Human Services funding are aware of the nondiscrimination requirements contained in federal law and that they are committed to complying with these laws. The rescission proposal's suggestion of an "outreach and education" effort is a poor substitute for this effective and targeted compliance mechanism of certification; and

Whereas, If conscientiously-opposed individuals and institutions were forced to make a choice between performing abortions and facing punishment, they will still not perform abortions but, instead, face the punishment—whether this means loss of a job, loss of participation in a government program, or even civil or criminal penalties. This results in the provider being punished for heeding the voice of conscience; and

Whereas, The provider conscience regulation enhances clarity and reduces ambiguity and confusion. It faithfully implements the terms of the statute, and the Obama Administration, therefore, should retain it; now, therefore, be it

Resolved by the Senate, That we express opposition to the federal rule change to eliminate a health care professional's right to refrain from performing morally-objectionable procedures; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, 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. 136

Yeas—23

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

Nays—12

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

Excused—1

Garcia

Not Voting—1

Basham

In The Chair: President

Senators Brown, Cassis, Clarke, Kuipers, Pappageorge, Richardville and Van Woerkom were named co-sponsors of the resolution.

Protests

Senators Jacobs and Brater, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Resolution No. 43 and moved that the statements they made during the discussion of the resolution be printed as their reasons for voting “no.”

The motion prevailed.

Senator Jacobs’ statement is as follows:

I rise to vehemently oppose Senate Resolution No. 43. If we think back, in the midst of a national health care crisis which hasn’t improved, with 17 million women, maybe more, in need of publicly-funded family planning, the Bush Administration politicized reproductive health care information and services, including birth control, by imposing rules through the Department of Health and Human Services. This was and still is out of step with the American electorate—3 percent of who support policies that make it easier for women of all income levels to obtain contraceptives and services. So now we fast-forward to what our new President has done which would rescind Bush’s midnight regulation that undermines our country’s ailing health care system as well as patients’ access to health care information and services.

Now, I have been working on health policy for many years and the one take-away that I have is that we should be working together to increase and not to hinder access to care. Patients—all patients—deserve access to complete and accurate health care information and services. I am confident that our current administration will continue to try to help meet this need. We have very difficult economic times. We have more than 45 million Americans currently uninsured. It is critical that we increase and not limit access to health care. When a patient walks into a hospital, pharmacy, or any health care center, he or she should be confident that they will receive complete and accurate information and services.

Now, when the Bush Administration proposed the rule, opposition to this was wide-ranging. It came from citizens, patients, consumers, federal and elected state officials, but most importantly, medical organizations, health care advocacy, and religious organizations. They have all submitted comments that indicated that we should not have a conscience clause. The opposition has not changed. There was also a group of attorney generals, the American Nurses Association, American Medical Association, American College of Obstetricians and Gynecologists, American Social Health Association, National Association of Community Health Centers, and Association of Reproductive Health Professionals. These are important organizations and institutions that we all depend on for their advice. What we are trying to do is undermine, today, their expertise and their advocacy. We should not be part and parcel of this.

So I urge my colleagues not to vote in favor of this Senate resolution. By doing so, I suppose, in my mind, it reinforces the reason why Senator Arlen Specter has jumped ship and changed parties. I don’t think that we want to be; well, maybe we will have some changes here in the Senate if we move forward with these types of things.

Senator Brater’s statement is as follows:

I rise to oppose this resolution. I vigorously support the actions of the Obama Administration in rescinding this ill-considered rule that was adopted in the waning days of the Bush Administration. It will prevent not only citizens from getting legally-available care, but also information about that care so that they can make informed choices.

This is a time that we are advocating that consumers inform themselves to become actively involved in choices regarding their medical care so that they can not only get the best quality care, but also save money in the health care system. The rule that this resolution urges that we keep in place prevents consumers from getting that very information that could lead them to these informed choices.

There is also the question that when one presents oneself for care, it could very much be a life-and-death matter. This rule not only exempts individuals from having to provide legally-available care, but also entire institutions. So a person in dire need of an abortion who is possibly in a life-threatening situation could present herself at a hospital not knowing that the entire hospital had opted out of providing legally-available abortions. So this rule being rescinded would not only govern individuals, but also entire institutions, and that can be a very dangerous situation for a woman in search of emergency care not even knowing that she is entering a building where they will refuse to provide care that could save her life.

Further, I am informed that this rule goes far beyond family planning and abortion services. It also could include other procedures that some people may have religious objections to, such as even providing blood transfusions. This is certainly a broadly-ranging rule that could be extremely detrimental to citizens of the state of Michigan and the United States trying to access modern medical care.

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 if I have the words to express the abhorrence of what is going on in the Obama Administration regarding this issue. I have four children—the oldest will be 27 this year; then every two years we had additional children. One of the key things that my wife looked for in a doctor was good medical care not only for herself, but for the unborn child. And she wanted to make sure that she used a doctor who would not perform abortions. Then when the children were being born and we were going to the hospital, she wanted to make sure we didn't go down here to Sparrow Hospital, where on one floor they do everything they can to save a baby and on another floor they do everything they can to kill a baby. We went to St. Lawrence Hospital which is a Catholic hospital having an objection to and would not perform abortions.

The Obama Administration is going to take the rights of my wife and myself away because of their extreme dedication to the culture of death. And, folks, that is what we are talking about. I just cannot believe we have a President of the United States where the Catholic hospitals are now saying that most of them—not all of them—will close down because they have principles, and before God Almighty, they know they will stand one day and say, "I have done everything I could to protect life, and I will not be a party to taking innocent human life." I applaud those hospitals. And for people on the other side to say that they will make you perform abortions and they end up closing, you tell me how that is going to help health care. It is not going to help, and the Obama Administration is doing tremendous destruction to health care by this policy.

I would strongly urge, if you care about health care for women and children in this state, let them have the choice that they need to have to protect their values, morals, and lives, which for thousands of years has been the standard for decent human beings and decent doctors, which says that we will protect the unborn. Now for the Obama Administration to say, "Oh no, we are going to make sure that if you are a doctor or a hospital, you will provide this service to kill the unborn." This is the land of the free and the home of the brave, but it is supposed to be the land of the living also. I am amazed that this culture of death has so permeated Washington, D.C., that they will try and impose it on the rest of this nation.

House Concurrent Resolution No. 13.

A concurrent resolution to urge the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste.

Whereas, Over the past four decades, nuclear power has been a significant source for the nation's production of electricity. According to the U.S. Nuclear Energy Institute, nuclear power provided 19.4 percent of the electricity produced in the United States in 2007 and 25.8 percent of the electricity generated in Michigan in 2006; and

Whereas, Since the earliest days of nuclear power, the great dilemma associated with this technology is how to deal with used nuclear fuel. This high-level radioactive waste demands exceptional care in all facets of its storage and disposal, including its transportation; and

Whereas, In 1982, Congress passed the Nuclear Waste Policy Act of 1982. This legislation requires the federal government, through the Department of Energy, to build a repository for the permanent storage of high-level radioactive waste from nuclear power plants. This act, which was amended in 1987, includes a specific timetable to identify a suitable location and to establish the waste repository. The costs for this undertaking are paid from a fee that is assessed on all nuclear energy produced; and

Whereas, In accordance with the federal act, customers of Michigan electric utilities have paid \$656 million through March 31, 2008, into the federal Nuclear Waste Fund for construction of the federal nuclear waste repository; and

Whereas, There are serious concerns that the federal government is not complying with the timetables set forth in federal law. Every delay places our country at greater risk for a catastrophe to occur. The large number of temporary storage sites at nuclear facilities across the country make us vulnerable to potential problems. The events since September 11, 2001, clearly illustrate the urgency of the need to establish a safe and permanent high-level nuclear waste repository as soon as possible. The Department of Energy, along with the Nuclear Regulatory Commission, must work diligently to meet its obligation as provided by law. There is too much at stake; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste; and be it further

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

The House of Representatives has adopted the concurrent resolution.

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 Energy Policy and Public Utilities.

The motion prevailed.

Senators Kuipers, Patterson and Van Woerkom were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senator Switalski introduced

Senate Bill No. 485, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending section 3 (MCL 290.643), as amended by 2008 PA 313.

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

Senators Brater, Whitmer, Prusi, Jacobs, Clarke, Clark-Coleman, Anderson, Switalski, Scott, Cherry and Olshove introduced

Senate Bill No. 486, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending sections 102, 103, and 202 (MCL 37.2102, 37.2103, and 37.2202), section 102 as amended by 1992 PA 124, section 103 as amended by 1999 PA 202, and section 202 as amended by 1991 PA 11.

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

Senators Brater, Whitmer, Prusi, Jacobs, Clarke, Clark-Coleman, Anderson, Switalski, Scott, Cherry and Olshove introduced

Senate Bill No. 487, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 556 (MCL 750.556).

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

Senators Whitmer, Brater, Prusi, Jacobs, Clarke, Anderson, Clark-Coleman, Switalski, Scott, Cherry and Olshove introduced

Senate Bill No. 488, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," (MCL 37.2101 to 37.2804) by adding section 202b.

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

Senators Whitmer, Brater, Prusi, Jacobs, Clarke, Anderson, Clark-Coleman, Switalski, Scott, Cherry and Olshove introduced

Senate Bill No. 489, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 556 (MCL 750.556).

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

Senators Gilbert, Allen and Prusi introduced

Senate Bill No. 490, entitled

A bill to amend 1950 (Ex Sess) PA 21, entitled "An act to create the Mackinac bridge authority, and to prescribe its powers and duties; to provide for the determination of the physical and financial feasibility of a bridge connecting the

upper and lower peninsulas of Michigan; to provide for a board of consulting engineers, and to prescribe its powers and duties; and to make an appropriation to carry out the provisions of this act," (MCL 254.301 to 254.302) by amending the title and by adding section 1a.

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

Senator Gilbert introduced

Senate Bill No. 491, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 7 and 12 (MCL 205.427 and 205.432), section 7 as amended by 2008 PA 458 and section 12 as amended by 2004 PA 164.

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

Senator George introduced

Senate Bill No. 492, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending sections 2 and 13 (MCL 125.2652 and 125.2663), section 2 as amended by 2007 PA 204 and section 13 as amended by 2007 PA 202.

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

House Bill No. 4470, entitled

A bill to amend 1978 PA 390, entitled "An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts," by amending section 3 (MCL 408.473).

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

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

House Bill No. 4535, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19b of chapter XIIA (MCL 712A.19b), as amended by 2008 PA 199.

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 Families and Human Services.

House Bill No. 4683, entitled

A bill to amend 1962 PA 192, entitled "Professional service corporation act," by amending section 8 (MCL 450.228), as amended by 1998 PA 48.

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 Banking and Financial Institutions.

House Bill No. 4684, entitled

A bill to amend 1986 PA 157, entitled "Michigan export development act," by amending section 10 (MCL 447.160), as amended by 2002 PA 302.

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 Banking and Financial Institutions.

House Bill No. 4685, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales; to regulate certain telephone solicitation; to provide for the powers and duties of certain state officers and entities; and to prescribe penalties and remedies," by amending section 1 (MCL 445.111), as amended by 2002 PA 612.

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 Banking and Financial Institutions.

House Bill No. 4686, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 159g and 411j (MCL 750.159g and 750.411j), section 159g as amended by 2002 PA 124 and section 411j as amended by 2002 PA 136.

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 Banking and Financial Institutions.

House Bill No. 4687, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4701 (MCL 600.4701), as amended by 2007 PA 156.

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 Banking and Financial Institutions.

House Bill No. 4688, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 29 (MCL 445.1679), as amended by 2008 PA 529.

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 Banking and Financial Institutions.

House Bill No. 4689, entitled

A bill to amend 1986 PA 316, entitled "Michigan education trust act," by amending section 19 (MCL 390.1439).

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 Banking and Financial Institutions.

House Bill No. 4690, entitled

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," by amending section 515 (MCL 491.515), as added by 1987 PA 106.

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 Banking and Financial Institutions.

House Bill No. 4691, entitled

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 1137 (MCL 450.3137), as added by 1984 PA 209.

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 Banking and Financial Institutions.

House Bill No. 4715, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 41 (MCL 432.41), as amended by 2008 PA 274.

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 Appropriations.

House Bill No. 4820, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 18 (MCL 722.638), as amended by 1998 PA 428.

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 Families and Human Services.

Statements

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

The motion prevailed.

Senator Pappageorge's statement is as follows:

Today we passed a fourth battery bill. That is our future, and I want to put it in context for what has been going on in Michigan. I believe in the history of the world there have only been three major revolutions. The first one was when we decided to farm instead of hunt and land became very important. In over hundreds and hundreds of years of wars and whatnot, we wound up with the boundaries and boundary disputes we have today and the political system we have today.

About 175 years ago, we learned to harness the strength of our bodies to machines, and the world changed again but faster. More recently, we have learned to harness our minds to computers, and the world is changing so fast that we don't know what tomorrow is going to be like. Michigan stayed too long in the second revolution. It was a wonderful cash cow and now we are paying for it.

So our future now lies in the new technologies. That is why lithium-ion batteries are so important. They are not the kind of batteries we put in our cars; it is the whole powertrain. The lithium battery for the Volt vehicle weighs over 100 pounds; stands about three and a half feet tall. It is the whole powertrain, sending juice to four motors, one in each wheel. That industry is expected to be \$18 billion in this country and \$50 billion worldwide.

That is why the tax credits we proposed for four entities to put us into the future are so important. As we struggle through the problems of today, we need to keep our eyes on the future and make sure we look for those opportunities.

As a final reminder for why it is so important to have those lithium-ion batteries in this country, the only places they are made now are China, Japan, India, and Korea. We do not want to trade dependence on Middle East oil for dependence on Middle East batteries. I hope as we proceed in this chamber that we understand the importance of long-term future decisions.

Senator Scott's statement is as follows:

Booker T. Washington once said, "Try to make each day reach as nearly as possible the high water mark of pure unselfish, useful living." We are all here because we chose a life of service to our communities. Every day we try to do what is best for the people who sent us here to Lansing. Every day we try to be useful to the citizens of Michigan.

Today we can be useful by moving the issue of auto insurance reform to the top of our to-do list. Our constituents have put up with high insurance costs for too long. They have put up with unfair high costs based on where they live instead of their driving record for too long. Some of our constituents have paid high insurance costs that subsidize lower costs for other communities for too long.

We need to act today and make auto insurance affordable and fair for all Michigan citizens.

Committee Reports

The Committee on Commerce and Tourism reported

Senate Bill No. 466, 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 6.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas and Hunter

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Wednesday, April 29, 2009, at 9:15 a.m., Room 100, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Monday, April 27, 2009, at 10:00 a.m., Central Michigan University, Park Library, 250 East Preston Road, Mt. Pleasant

Present: Senators Stamas (C), Barcia, Anderson and Brater
Excused: Senators George and Kahn

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Natural Resources submitted the following:
Meeting held on Tuesday, April 28, 2009, at 12:00 noon, Room 405, Capitol Building
Present: Senators McManus (C), Jelinek and Brater

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:
Meeting held on Tuesday, April 28, 2009, at 1:00 p.m., Room 210, Farnum Building
Present: Senators Kuipers (C), Cropsey, Sanborn, Patterson, Stamas, Whitmer, Clarke and Basham

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:
Meeting held on Tuesday, April 28, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Jelinek (C), Brown, Switalski and Clark-Coleman
Excused: Senator Garcia

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:
Meeting held on Tuesday, April 28, 2009, at 2:30 p.m., Room 100, Farnum Building
Present: Senators Allen (C), Gilbert, Stamas and Clarke
Excused: Senator Hunter

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary and Corrections submitted the following:
Meeting held on Tuesday, April 28, 2009, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower
Present: Senators Cropsey (C), Kahn and Brater

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:
Meeting held on Wednesday, April 29, 2009, at 9:00 a.m., Room 210, Farnum Building
Present: Senators Richardville (C), Sanborn, Stamas, Hunter and Clarke
Excused: Senators Cassis and Olshove

Scheduled Meetings

Appropriations -

Subcommittees -

Capital Outlay - Thursday, May 7, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Community Colleges - Monday, May 11, 10:00 a.m., Alpena Community College, Roger C. Bauer Board Room, Charles R. Donnelly Natural Resources Center, Room 400, 665 Johnson Street, Alpena; and Wednesday, May 20, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Community Health Department - Thursdays, April 30, May 7 and May 21, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Environmental Quality Department - Wednesdays, May 6, May 13 and May 20, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Higher Education - Monday, May 4, 10:30 a.m., Northwood University, Sloan Family Building for Aftermarket Studies, 400 Whiting Drive, Midland; Friday, May 15, 10:00 a.m., University of Michigan-Ann Arbor, Michigan League, Vandenberg Room, 911 North University Street, Ann Arbor; Thursday, May 14, 9:00 a.m., and Wednesday, May 20, 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Judiciary and Corrections - Tuesdays, May 5, May 12 and May 19, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

K-12, School Aid, Education - Tuesdays, May 5, May 12 and May 19, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

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

Appropriations, Senate/House - Tuesday, May 5, 11:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Energy Policy and Public Utilities - Thursday, April 30, 1:00 p.m., Room 210, Farnum Building (373-7350)

Finance - Thursday, April 30, 11:00 a.m., Room 110, Farnum Building (373-1758)

Homeland Security and Emerging Technologies - Tuesday, May 5, 1:00 p.m., Room 100, Farnum Building (373-5932)

Legislative Retirement Board of Trustees - Thursdays, June 4, September 10 and December 3, 2:00 p.m., Room H-252, Capitol Building (373-0575)

Michigan Capitol Committee - Thursday, April 30, 3:30 p.m., Room 426, Capitol Building (373-1972)

State Drug Treatment Court Advisory Committee - Friday, May 8, 8:30 a.m., Michigan Hall of Justice Conference Center, Conference Room 1S69, 925 West Ottawa Street, Lansing (373-0212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:29 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, April 30, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate