

No. 19
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Thursday, March 12, 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

Chaplain Larry K. Loree, Sr., of Veterans of Foreign Wars Post 1138 and Holy Ghost Lutheran Church of Monroe offered the following invocation:

Almighty Father, who wilt hear the prayer of them that love Thee, we pray Thee to be with these members of the Senate, who brave long hours and sometimes criticism as they seek solutions to neutralize our present enemies of a declining economy, job loss, security, and numerous other problems that come before them which afflict the citizens of this state. Guard and protect them, we pray Thee, as they diligently and prayerfully seek Your guidance and strength.

May our Senators as well as our citizens know Thy strength and power, and armed with Thy might, may they bring these problems to a rapid end. We pray Thee that the end of Michigan's and America's woes may come soon and that once more we may know security and prosperity on earth.

May the Senators who work this day be kept safe in Thy care, and may You return them safely to their families when their work is finished for another day. We shall go forward trusting in Thee, knowing that we are in Thy care now and forever.

In the name of Him who led Colonel Paul W. Tibbets and his crew to victory over America's enemies. Amen.

My final thought for you is my summary of the meeting I had with General Paul W. Tibbets, Jr., and is dedicated to his memory: "Fear that is controlled and then forged in God's furnace of faith turns to courage and wisdom, and when these weapons are used against any enemy, with God's help, the result is victory."

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

Senators Kuipers, Cropsey, Whitmer, Jansen, Cherry and Jacobs entered the Senate Chamber.

Motions and Communications

The following communication was received and read:

Office of the Auditor General

March 10, 2009

Enclosed is a copy of the following audit report:

Performance audit of the Accessible Web-Based Activity and Reporting Environment (AWARE), Department of Energy, Labor, & Economic Growth and Michigan Department of Information Technology.

Sincerely,

Thomas H. McTavish, C.P.A.

Auditor General

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

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

Senate Concurrent Resolution No. 5

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

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. 322

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

Senator Cropsey moved that the Committee on Government Operations and Reform be discharged from further consideration of the following appointments:

Central Michigan University Board of Control

Mr. John D. Hurd of 9827 Kennedy Road, Munith, Michigan 49259, county of Jackson, succeeding John G. Kulhavi, whose term has expired, representing the general public, for a term commencing January 27, 2009 and expiring December 31, 2016.

Ms. Sarah R. Opperman of 3001 Scarborough Lane, Midland, Michigan 48640, county of Midland, succeeding Jeffrey R. Caponigro, whose term has expired, representing the general public, for a term commencing January 27, 2009 and expiring December 31, 2016.

Ferris State University Board of Control

Ms. Alisha M. Baker of 75 Scott Boulevard, Mount Clemens, Michigan 48043, county of Macomb, succeeding Gary L. Granger, whose term has expired, representing the general public, for a term commencing January 27, 2009 and expiring December 31, 2016.

Mr. Arthur L. Tebo of 01580 North Shore Drive, P.O. Box 519, Walloon Lake, Michigan 49796, county of Charlevoix, reappointed to represent the general public, for a term expiring December 31, 2016.

Northern Michigan University Board of Control

Mr. Larry C. Inman of 8971 Crockett, Williamsburg, Michigan 49690, county of Grand Traverse, succeeding Alan T. Ackerman, who has resigned, appointed for a term commencing February 13, 2009 and expiring December 31, 2010.

The motion prevailed, a majority of the members serving voting therefor, and the appointments were placed on the order of Messages from the Governor.

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

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

Senator Cropsey moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor.

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

Recess

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

The motion prevailed, the time being 10:15 a.m.

10:27 a.m.

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

During the recess, Senator Kahn introduced LaMarr Woodley of Saginaw and member of the Pittsburgh Steelers Super Bowl championship team; former coaches from the University of Michigan and Saginaw High School; and family members; and presented Mr. Woodley with a Special Tribute.

Mr. Woodley responded briefly.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, March 11:

House Bill Nos. 4453 4454 4455

The Secretary announced that the following official bills were printed on Wednesday, March 11, and are available at the legislative website:

Senate Bill Nos.	347	348	349	350	351	352	353	354	355	356																													
House Bill Nos.	4521	4522	4523	4524	4525	4526	4527	4528	4529	4530	4531	4532	4533	4534	4535	4536	4537	4538	4539	4540	4541	4542	4543	4544	4545	4546	4547	4548	4549	4550	4551	4552	4553	4554	4555	4556	4557	4558	4559

Senator Garcia entered the Senate Chamber.

Messages from the Governor**Central Michigan University Board of Control**

Mr. John D. Hurd of 9827 Kennedy Road, Munith, Michigan 49259, county of Jackson, succeeding John G. Kulhavi, whose term has expired, representing the general public, for a term commencing January 27, 2009 and expiring December 31, 2016.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 44**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

Central Michigan University Board of Control

Ms. Sarah R. Opperman of 3001 Scarborough Lane, Midland, Michigan 48640, county of Midland, succeeding Jeffrey R. Caponigro, whose term has expired, representing the general public, for a term commencing January 27, 2009 and expiring December 31, 2016.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 45**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

Ferris State University Board of Control

Ms. Alisha M. Baker of 75 Scott Boulevard, Mount Clemens, Michigan 48043, county of Macomb, succeeding Gary L. Granger, whose term has expired, representing the general public, for a term commencing January 27, 2009 and expiring December 31, 2016.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 46**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

Ferris State University Board of Control

Mr. Arthur L. Tebo of 01580 North Shores Drive, P.O. Box 519, Walloon Lake, Michigan 49796, county of Charlevoix, reappointed to represent the general public, for a term expiring December 31, 2016.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 47**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

Northern Michigan University Board of Control

Mr. Larry C. Inman of 8971 Crockett, Williamsburg, Michigan 49690, county of Grand Traverse, succeeding Alan T. Ackerman, who has resigned, appointed for a term commencing February 13, 2009 and expiring December 31, 2010.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 48

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:47 a.m.

11:18 a.m.

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators George, Garcia, Thomas, Kahn, Pappageorge, Sanborn and Switalski introduced

Senate Bill No. 365, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1502 (MCL 380.1502), as amended by 1993 PA 335.

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

Senators Allen, Garcia, George, Kahn, Pappageorge, Sanborn and Switalski introduced

Senate Bill No. 366, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 22b (MCL 388.1622b), as amended by 2008 PA 268.

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

Senators Olshove and Sanborn introduced

Senate Bill No. 367, entitled

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

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

Senators Kuipers, Whitmer, Cropsey, Gilbert, Jelinek, George and Barcia introduced

Senate Bill No. 368, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 7oo.

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

Senators Olshove and Scott introduced

Senate Bill No. 369, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1263 (MCL 380.1263), as amended by 2006 PA 276.

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

Senators Van Woerkom, Jansen, Richardville, Gilbert, Garcia, Cropsey and Kuipers introduced

Senate Bill No. 370, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2008 PA 506.

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

Senators Garcia, Anderson, Gleason, Jelinek, Cropsey, Pappageorge, Kuipers and Birkholz introduced

Senate Bill No. 371, entitled

A bill to allow certain active duty service members to terminate contracts with wireless telecommunications providers; to provide for the rights and responsibilities of the parties to those terminated contracts; to provide for the powers and duties of certain state officials; to prescribe civil sanctions and provide remedies; and to provide for the disposition of civil fines.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Garcia and Cropsey introduced

Senate Bill No. 372, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2835 (MCL 333.2835), as amended by 2002 PA 562.

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

Senators Kahn, Pappageorge and Sanborn introduced

Senate Bill No. 373, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 24c (MCL 211.24c), as amended by 2003 PA 247.

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

Senators Jelinek, Van Woerkom, George, Birkholz and Cropsey introduced

Senate Bill No. 374, entitled

A bill to provide for the recovery or replacement of durable monuments defining the Michigan-Indiana state boundary line; to create a commission; to provide for certain powers and duties of certain state officers and agencies; and to repeal acts and parts of acts.

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

Senators Jelinek, Van Woerkom, George, Birkholz and Cropsey introduced

Senate Bill No. 375, entitled

A bill to amend 1990 PA 345, entitled "State survey and remonumentation act," by amending section 12 (MCL 54.272), as amended by 2002 PA 489.

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

Senators Brown, Jansen, Hardiman, Gilbert and Kahn introduced

Senate Bill No. 376, entitled

A bill to amend 1976 PA 449, entitled "An act to regulate the pricing of consumer items and the advertising of consumer items, services, goods, merchandise, commodities, and real property; to prescribe the powers and duties of certain state and local officials in relation thereto; to provide remedies and penalties; and to repeal certain acts and parts of acts," by amending sections 1 and 3 (MCL 445.351 and 445.353) and by adding sections 3a and 3b.

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

Senators Brown, Jelinek, Barcia, Garcia, Jansen, Hardiman, Cropsey, Birkholz and Kahn introduced

Senate Bill No. 377, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 277.

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

Senators Allen, Kahn, Stamas and Barcia introduced

Senate Bill No. 378, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 431a (MCL 208.1431a), as added by 2008 PA 92.

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

Senators Olshove, Van Woerkom, Richardville and Hardiman introduced

Senate Bill No. 379, entitled

A bill to amend 1988 PA 161, entitled "Consumer financial services act," by amending section 9 (MCL 487.2059), as amended by 1999 PA 275.

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

Senators Van Woerkom, Richardville, Hardiman and Olshove introduced

Senate Bill No. 380, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 1a (MCL 445.1651a), as amended by 2008 PA 66.

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

Senators Hardiman, Van Woerkom, Richardville and Olshove introduced

Senate Bill No. 381, entitled

A bill to amend 1981 PA 125, entitled "The secondary mortgage loan act," by amending section 1 (MCL 493.51), as amended by 2008 PA 325.

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

House Bill No. 4453, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending the title and section 3204 (MCL 600.3204), the title as amended by 1999 PA 239 and section 3204 as amended by 2004 PA 186, and by adding section 3205. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Judiciary.

House Bill No. 4454, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 3205a and 3205b. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Judiciary.

House Bill No. 4455, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 3205c, 3205d, and 3205e; and to repeal acts and parts of acts. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Judiciary.

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Anderson 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 bills:

Senate Bill No. 190, entitled

A bill to amend 2006 PA 480, entitled "Uniform video services local franchise act," by amending section 10 (MCL 484.3310).

Senate Bill No. 322, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay projects for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

The bills were placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 190**Senate Bill No. 322**

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

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

Senate Bill No. 190**Senate Bill No. 322****Senate Bill No. 151****Senate Bill No. 69****Senate Bill No. 191****Senate Bill No. 201**

The motion prevailed.

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

Senator Thomas moved that Senator Basham be temporarily excused from the balance of today's session. The motion prevailed.

The following bill was read a third time:

Senate Bill No. 190, entitled

A bill to amend 2006 PA 480, entitled "Uniform video services local franchise act," by amending section 10 (MCL 484.3310).

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. 49

Yeas—26

Allen	Garcia	Kahn	Prusi
Barcia	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Gleason	Olshove	Stamas
Cherry	Hardiman	Pappageorge	Switalski
Clarke	Hunter	Patterson	Thomas
Cropsey	Jansen		

Nays—9

Anderson	Clark-Coleman	Jelinek	Van Woerkom
Brater	Jacobs	Scott	Whitmer
Cassis			

Excused—2

Basham	Birkholz
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Cassis, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 190 and moved that a statement she made during the discussion of the bill be printed as her reasons for voting "no."

The motion prevailed.

Senator Cassis' statement is as follows:

This bill is certainly in keeping with the overall telecommunications act and working toward resolution of differences of opinion. It is an approach of mediation, but I am kind of struck this morning because I've heard from a couple of my townships and one village, as a matter of fact, that perhaps we have not done enough mediation on this issue with our villages, townships, and our cities.

I think we could be close, but they still have concerns, and as one representative of the communities I serve, when they bring up these issues that cannot be fully resolved before we vote, I need to vote “no.” Hopefully, maybe some of these issues will be resolved before they reach the Governor’s desk.

Senators Birkholz and Basham entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 322, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay projects for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

The question being on the passage of the bill,

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

Roll Call No. 50

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.

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

The motion prevailed.

Senator Kahn’s statement is as follows:

This amendment was generated as the result of a recent project in the 32nd District by Bridgeport Charter Township Parks and Recreation Department, who are embarking on an effort to provide a multipurpose athletic complex with a custom-designed synthetic turf on their athletic field. This is for people of all abilities, particularly those with developmental disabilities. In the scoring of their project, there were some acknowledged errors made leading to them being misscored and misscored lowly. This, of course, results in their losing the ability to receive funding this year, and thus, this amendment was generated.

However, in speaking with the department, the committee chair, and other members of the committee, it appears that this issue will be looked at if not this year, then next year. I, therefore, ask to withdraw the amendment.

The following bill was read a third time:

Senate Bill No. 151, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16335, 17801, 17820, and 17821 (MCL 333.16335, 333.17801, 333.17820, and 333.17821), section 16335 as added by 1993 PA 80, section 17801 as amended by 1987 PA 213, and sections 17820 and 17821 as amended by 2006 PA 387, and by adding sections 17823, 17824, 17825, 17826, and 17827.

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. 51

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.

The following bill was read a third time:

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).

The question being on the passage of the bill,

Senator Jacobs offered the following amendment:

1. Amend page 1, line 1, by striking out all of section 417.

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

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

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 52

Yeas—16

Anderson	Cherry	Hunter	Scott
Barcia	Clark-Coleman	Jacobs	Switalski

Basham
Brater

Clarke
Gleason

Olshove
Prusi

Thomas
Whitmer

Nays—21

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

Garcia
George
Gilbert
Hardiman
Jansen

Jelinek
Kahn
Kuipers
McManus
Pappageorge

Patterson
Richardville
Sanborn
Stamas
Van Woerkom

Excused—0

Not Voting—0

In The Chair: Richardville

Senator Thomas offered the following amendment:

1. Amend page 12, following line 3, by inserting:

“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 95th Legislature are enacted into law:

- (a) House Bill No. 4453.
- (b) House Bill No. 4454.
- (c) House Bill No. 4455.”.

The question being on the adoption of the amendment,

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

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 53

Yeas—18

Anderson
Barcia
Basham
Brater
Cherry

Clark-Coleman
Clarke
Garcia
Gilbert
Gleason

Hunter
Jacobs
Olshove
Prusi

Scott
Switalski
Thomas
Whitmer

Nays—19

Allen
Birkholz
Bishop
Brown
Cassis

Cropsey
George
Hardiman
Jansen
Jelinek

Kahn
Kuipers
McManus
Pappageorge
Patterson

Richardville
Sanborn
Stamas
Van Woerkom

Excused—0

Not Voting—0

In The Chair: Sanborn

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

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. 54

Yeas—23

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

Nays—14

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

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Protests

Senators Jacobs, Switalski and Cherry, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 69.

Senators Jacobs and Switalski moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Jacobs’ statement is as follows:

What this amendment does is it takes out the cap that we are putting on the officers’ compensation from where it was previously at \$115,000 and taking it to \$210,000. I am, however, in favor of the entrepreneurial credit and that is why I am only adding this amendment to take care of that.

I really thought long and hard about whether or not to offer this amendment, but the urgent mission for all of us here is to create jobs and to try to get our economy back on track. I haven't been convinced that by raising this threshold that we are actually able to do that with this very substantial change. Now I know that a lot of arguments are made about how we have to stand up for small businesses, and that by doing this, we are going to be able to infuse more money that will be used for more jobs. I just haven't been able to make that connection yet to put my arms around that.

I am a huge fan of standing up for and supporting small businesses in my district, but I really want to take a closer look at what that \$210,000 salary really represents. That is over \$60,000 more than the average CEO salary here in Michigan according to the Bureau of Labor Statistics. It is more than four times the annual average wage for police officers and five times what our firefighters make in this state. It is a salary that is enough to put four teachers to work in our schools or pay four nurses to staff our hospitals and help our sick. And it is ten times what those living in poverty make.

I still think \$180,000 compensation is something that probably all of us could live on. In fact, I know that there is an effort to reduce our salaries, which are at \$80,000, down ten percent. So all of us who think that that is a good idea for ourselves may also want to take some of that thinking in terms of how we view officers' compensation.

So I want to make sure that if we make job creation our priority at this time, we really also have to focus on those who are the poor citizens, and make sure that they don't fall further into poverty while we seek a solution for all of Michigan's needs. It is not that I am unhappy or don't want to consider giving more money back to higher wage earners, but right now, this is not the right policy for our state. This will leave another gaping hole in our state budget at a time when we are already making drastic cuts just to keep us afloat. So let's stand up for struggling families, individuals, and struggling businesses and communities. But let's not take any more away from an already-depleted, critical state budget, and acknowledge that the threshold that it is currently at is a great living wage.

Senator Switalski's statement is as follows:

Just a minute ago, I was praising my colleagues on the other side of the aisle earlier today and I meant what I said. But only a friend will tell you when you are making a mistake. My friend, the good chair of tax policy, is a very dear friend who I hold in the highest esteem, and I very much appreciate that she changed this bill from \$250 million down to \$50 million. I thank her for that. I also agree with her on the film credits, and I said so on several occasions.

But that brings us to Senate Bill No. 69 and its \$50 million cost. I have to ask who will benefit from this cut. Current law allows credits if the owners, officers, or CEOs in the corporation earn \$180,000 or less. This bill would have us believe that people are hurting out there, and they can't make it on \$180,000. So Senate Bill No. 69 raises their compensation limit to \$210,000 so that they can keep bread on the table.

Now people trying to keep their businesses open don't usually do that by giving themselves a \$70,000 raise. I don't really mind people making almost a quarter-million dollars, but I don't think we need to give them a tax break. As has been said, what about the people who are unemployed? This bill actually reduces the number of new jobs a business must create in order to qualify for this tax credit, from 20 down to 8. It lowers the capital investment from \$1.25 billion to \$500 million.

Is our goal to increase employment or increase eligibility for tax cuts? This bill changes the base from the credit and the value of the new jobs created to the value of the tax. We have reduced the incentive to create new jobs. So please join me in opposing these bills.

Senator Cherry's statement is as follows:

I voted "no" on Senate Bill No. 69 because it's very clear to me that without the Jacobs amendment, this bill raises compensation for CEOs. When we passed the Michigan business tax, we already increased the compensation for CEOs in that, and this raises it within a year, again, another \$20,000.

I don't believe this is the time to be doing that. I don't believe that a business is going to go out of business if we don't raise this credit another \$20,000. I believe that it is the wrong time to be sending a message that CEOs should be paid more.

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

The motion prevailed.

Senator Cassis' first statement is as follows:

I am really perplexed. The good vice chair of Finance is asking that this bill be gutted—absolutely gutted. Let's take away any help for the real job providers in our state—the very ones whom she is talking about, whose families are in distress over either having lost a job or on the brink of perhaps losing a job.

I just don't think there is any place in this great hall, this Senate Chamber, to be advocating pure class warfare and that is what I heard. In eliminating the small business credit, one is reminded that the revenues in this state have been falling precipitously. The Governor couldn't even ignore this when she said, and I quote, "We've got a drop in revenues that is breathtaking." Well, why? Because people are unemployed and businesses are closing their doors all over our communities.

They need help, and they need a positive response from all of us who sit here and represent them. Of course, when the film credits were passed without hardly any discussion of the fact that they could have a substantial potential impact on the budget, now \$100 million is a consensus figure. I see very few of my colleagues standing up and saying let's take a look at that \$100 million giveaway that could more than be utilized to help a broad base of thousands of small businesses stay afloat.

The arguments don't hold any water. I wish they did because then I would think it was appropriate to stand up and argue against our small businesses today when they are suffering the way that they are. Not only is it impractical, but it is incredible.

I do wish my comments would be recorded. We need an attempt to bring this bill down, allow it to be phased out, up through \$210,000 for compensation of a business person who provides jobs in this state. We did so. In working with Treasury, it will cost approximately \$50 million, but just imagine if it saves jobs and keeps some businesses open. Then, perhaps—and I do believe this will happen dynamically—we will see more revenues in this state instead of what we have been seeing, which is a very dismal future.

Senator Richardville's statement is as follows:

As the chair of the Banking and Financial Institutions Committee, I would like the members to know that the House of Representatives sent these three bills over yesterday afternoon. After working on them for several months with the chair of the House banking committee, we have an agreement to continue to work on a priority level to get these bills complete.

I think it would be erroneous to bypass that system and take the bills up today.

Senator Cassis' second statement is as follows:

Senate colleagues, this is not really an issue of office or compensation. It is an issue of when they go over that \$180,000 threshold, they then are kicked into the full Michigan business tax. So they lose a slight favorable, helpful lower rate that helps them retain jobs and stay in business. We're hearing from them and they are saying, "We're going to have to close our doors, or we're going to let more people go."

So the idea is not to in any way deal with the compensation alone. It's the effect of trying to expand the small business credit, the alternative business tax that is within the Michigan business tax to save jobs—to save jobs.

The following bill was read a third time:

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.

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. 55

Yeas—36

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

Nays—1

Switalski

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Protest

Senator Switalski, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 191 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Switalski’s statement is as follows:

Again, in this bill, Senate Bill No. 191, we’re asked to provide additional tax relief to people this time with incomes from \$73,650 to \$83,650. I just ask my colleagues, are these the people who are hurting out there? We have 11.6 percent unemployment in Michigan. We have people losing their homes and their health insurance. They are desperate. They’re demoralized. They need our help. So why are we granting tax relief to people making \$73,000 to \$83,000 a year?

The bill also grants additional property tax relief to households of \$83,650 and below by increasing the homestead credit from \$1,200 to \$1,300. Now did Proposal A fail? Are rising assessments forcing people out of their homes? Have these people’s property taxes been skyrocketing? No. It’s the complete opposite. In fact, their assessments are falling. They’re getting what wise people recognize as unwelcome tax relief because their assessments are plummeting. That means the value of their homes, most people’s single greatest asset, is dropping like a rock. That brings the cold comfort of a lower tax bill, but local government is in crisis as a result of these falling values and slumping property tax revenues.

The effect of Senate Bill No. 191 is to magnify this financial crisis. How can we justify that? Is that the best use of \$80 million? The General Fund is showing an \$827 million deficit for fiscal year 2009. Will it improve things to move it toward \$900 million?

The following bill was read a third time:

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.

The question being on the passage of the bill,

Senator Jacobs offered the following amendments:

1. Amend page 4, line 23, after “**VEHICLE**” by striking out “**OR TRAILER COACH**”.
2. Amend page 4, line 25, after “**VEHICLE**” by striking out “**OR TRAILER COACH**”.
3. Amend page 5, line 3, by striking out all of subparagraphs *(xiii)* and *(xiv)*.

The amendments were not adopted, a majority of the members serving not voting therefor.

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. 56**Yeas—30**

Allen	Clarke	Jansen	Patterson
Anderson	Cropsey	Jelinek	Richardville
Barcia	Garcia	Kahn	Sanborn
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Thomas
Brown	Gleason	Olshove	Van Woerkom
Cassis	Hardiman	Pappageorge	Whitmer
Cherry	Hunter		

Nays—7

Basham	Clark-Coleman	Prusi	Switalski
Brater	Jacobs	Scott	

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Protest

Senator Switalski, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 201 and moved that the statements he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Switalski’s first statement is as follows:

Last month, over my objection, we passed Senate Bill No. 1 which phased out the Michigan business tax surcharge and eliminated about \$600 million in revenue without identifying the budget cuts or replacement revenue. I said at that time it was fiscally irresponsible and bad tax policy. Well, these three bills we are just concluding our votes on today represent more bad tax policy that will cost us about \$300 million today.

Once again, we have neither identified replacement revenue nor made spending cuts. So after two months of bad tax policy, we have created about a \$1 billion structural deficit. So we are confronted, my friends, with the ultimate legislative irony. You may think I jest, but this is true. It is like Freaky Friday in the Senate because the taxation and appropriations committees have reversed roles. It turns out that our appropriators are the responsible bunch. I always thought we were supposed to be the big spenders. But we are constantly cutting budgets, saying no to our colleagues and interest groups, and seeking new spending. But the tax committee that is supposed to be the penny pincher who raise and conserve the necessary revenue are instead spending like crazy giving away tax cut after tax cut and running up the deficit.

So my solution is simple. Let’s put the appropriators on tax policy and put taxation in charge of spending the stimulus. That way, we will spend the stimulus in no time and Appropriations will balance the budget. You may think I jest, but there is some truth in this.

That brings us to Senate Bill No. 201 which, I believe, is another tax cut in search of a rationale. It will cost us \$140 million by allowing vehicle purchasers to pay sales tax only on the difference between their new and old vehicle. Will it stimulate auto sales? It will not. People are not buying cars because they are scared about their jobs and can’t get loans. Falling sales have nothing to do with the sales tax on a car. The auto companies themselves have tried a variety of incentives, including zero percent financing, \$2,500 rebates, cash back, and \$500 auto show bonuses to little effect. Senate Bill No. 201 asks us to believe that a person will now buy a \$25,000 car because he will save \$600 in sales tax. That is a dubious proposition. The fundamental flaw in this bill is that the vast majority of people who are buying cars already will now get a bonus for something that they are doing anyway.

So I believe the supporters of Senate Bill No. 201 owe us an accounting of what is their estimate of the new sales this credit will generate. How does that compare with the number of sales that will occur without the credit? Will it increase sales 2 percent, 5 percent, and 10 percent? The advocates of this bill should tell us how much this will increase sales, and then we should compare the cost of this giveaway to the sales that would have occurred anyway.

That is not rational tax policy. What is the cost to Michigan’s quality of life? Over \$100 million to the School Aid Fund—that is the loss that this bill represents. The same school aid that the Governor just cut by \$59 per pupil.

Seven million dollars to the Comprehensive Transportation Fund—that is the fund that is declining so low that we stand to leave hundreds of millions of federal dollars on the table in a couple of years. This bill will create more potholes. How about the \$23 million cut to revenue sharing payment to local governments? I thought we were committed to avoiding cuts to revenue sharing. I guess the supporters of this bill have other priorities.

These losses, substantial though they are, are estimated at the current depressed sale of auto sales. When auto sales rebound, these costs will nearly double. But when sales rebound and the incentive is no longer needed, I argue that it is not needed now. This giveaway is permanent.

Senator Switalski’s second statement is as follows:

You can call up anybody and ask them, “Hey, should I cut your taxes?” and they will generally tell you, “Yeah, yeah, that’s a good idea. Cut my taxes.” You can call up the schools and say, “Hey, should I cut your payments by \$100 million?” They would probably object.

You could call up local government, “Hey, should I cut you guys your revenue sharing by \$30 million?” They would probably object.

There are choices that you make. When you give somebody an easy choice with no consequences, they’ll say, “Yes.” If you give somebody a tough choice that’s going to hurt them, they generally say, “No.”

Senate Fiscal did an estimate of what this would increase sales by. They suggested that we’d have \$5 million for every 1 percent increase in sales. So if we got what I think is a huge increase, 10 percent increase in sales, that would be \$50 million. So we’re giving away \$140 million to generate \$50 million?

By unanimous consent the Senate proceeded to the order of

Resolutions

Senators Basham and Allen offered the following resolution:

Senate Resolution No. 20.

A resolution to urge that all projects that are part of the federal economic recovery plan use American-made materials to the greatest extent possible.

Whereas, The economic downturn is having a critical impact on everyday Americans who are struggling to maintain or find jobs in an increasingly difficult environment; and

Whereas, Those same Americans are the taxpayers that provide the revenue needed to operate essential government services; and

Whereas, Congress has approved and President Obama has signed into law a taxpayer-sponsored economic recovery package that will provide billions of dollars to help economically devastated cities and states immediately provide jobs to millions of out-of-work Americans through considerable infrastructure rebuilding, green energy initiatives, and other projects that will require manufactured components; and

Whereas, Our taxpayer dollars should be spent to maximize the creation of American jobs and restoring the economic vitality of our communities; and

Whereas, Any domestically-produced products that are purchased with economic recovery plan monies will immediately help struggling American families and will help stabilize our greater economy; and

Whereas, Any economic recovery plan spending should—to every extent possible—include a commitment to buy materials, goods, and services for projects from companies that are located within the United States. Following this practice will go a long way toward employing the very workers who pay the taxes for the economic recovery plan spending in the first place; now, therefore, be it

Resolved by the Senate, That we urge that all projects that are part of the federal economic recovery plan use American-made materials to the greatest extent possible; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor, the director of the Department of Management and Budget, 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 moved that the resolution be referred to the Committee on Appropriations.

The motion prevailed.

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

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

Senate Concurrent Resolution No. 5

The motion prevailed.

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

The National Highway Traffic Safety Administration has officially confirmed that Michigan's 97.2 percent seat belt use rate was the highest in the nation for 2008. This is also a new record high for Michigan. Michigan's primary seat belt use took effect in March of 2000. Seat belt use climbed to 70 percent and then reached the 90 percent mark back in 2004. Michigan was the first state east of the Rockies to reach the milestone of a 90 percent seat belt use rate. Because Michigan citizens are so good about buckling up, traffic deaths in the state have decreased. Michigan State Police figures show that deaths have fallen over the years to a low of 1,084 deaths in 2007.

So we have factual proof that Michigan citizens are safe drivers. Insurance companies love it when you use your seat belt, and Michigan citizens are the best in the nation when it comes to wearing seat belts.

So tell me why this best-in-the-nation standing does not translate into more affordable insurance rates. It should because insurance companies are always claiming that they give discounts to safe drivers. Well, Michigan citizens are safe drivers, and this seat belt ranking proves it. That should get everyone who owns a car in Michigan a discount in the form of lower, affordable auto insurance rates.

Our citizens are doing their part to drive safely so there are fewer traffic-related deaths. Now we need to do our part and move my bills.

Senator Sanborn's statement is as follows:

How can you not be moved by the passion of the Senator from the 2nd District? You know, she comes into work every day and is very passionate in her beliefs. You just have to love that. One problem, though, she never lets the facts get in the way of a great political argument.

Let's be clear about the fact that she stands up each and every day asking all of us to support her bill which asks all of our constituents, excepts for hers, to pay more for auto insurance so that hers can pay less. They are going to be asking for Senator Olshove's, Switalski's, Barcia's, and Prusi's, way up in the U.P., constituents to pay more to subsidize the drivers in the city of Detroit who are more at risk. She really doesn't want to reform insurance. She wants us to subsidize Detroit auto insurance rates by having all Michigan residents assume the risk of the drivers in the city of Detroit.

Now, comrades, listen to the facts. The fact is that 60 percent of all auto thefts statewide are in Wayne County. The fact is that 73 percent of all suspicious vehicle fires and auto arsons take place in Wayne County. The fact is that 56 percent of all drivers in the city of Detroit are currently breaking the law by driving without insurance, which drives the cost of insurance rates up for all residents in the city of Detroit. The fact is that Detroit is a more dense urban area with many more drivers; therefore, they are subject to more accidents—makes plain sense.

Now I stand ready to join the good Senator from the 2nd District in working on insurance reforms that will benefit all of the residents and drivers in the state of Michigan. But I will not stand by, and I cannot stand by, and support legislation that will raise insurance rates for my constituents or Senator Whitmer's constituents so that a majority of the residents outside of Detroit can subsidize the riskier areas in Detroit.

Senator Birkholz's statement is as follows:

I would like to announce my voting intentions on Senate Bill No. 190. I apologize for being away from the chamber. We had a press conference where we announced our new state parks initiative which we are working for in a bipartisan, bicameral manner. I would like to note that we asked for a few parks people from across the state to be there and there were 120 there. So we were very proud of it.

On Senate Bill No. 190, item No. 6 today, Roll Call No. 49, I would have voted "yes" had I been here.

Senator Patterson's statement is as follows:

In keeping with the past couple of days, I have been whiling away some sleepless nights coming across some profound statements and pithy remarks. For the record today, I would like to begin with a comment made in 1764. There are some in the back of the room who probably remember when this comment was made. It was by Voltaire: "In general, the art of government consists in taking as much money as possible from one party of the citizens to give to the other." Think about that one.

Then there is a more recent comment that is attributable to our own Governor: "Sometimes leadership is planting trees under whose shade you'll never sit." That's No. 2.

No. 3 comes from none other than Winston Churchill: "The inherent vice of capitalism is the unequal sharing of the blessings; the inherent blessing of socialism is the equal sharing of misery."

No. 4, from none other than Nelson Henderson: "The true meaning of life is to plant trees under whose shade you do not expect to sit."

Senator Gilbert's statement is as follows:

I followed very closely the debate on Senate Bill No. 69, which provided some tax relief for those who run small businesses. We pass legislation on a regular basis providing tax relief. Think about some of the targeted tax credits we have given to several businesses, the film industry, Hemlock Semiconductor, and recently, for car batteries at a far greater expense than what we have proposed here for small business.

I think those who support those have already accepted the idea that tax relief encourages economic activity and creates more jobs. My question for the other side of the aisle who opposed this is why does this not apply to small business as well? Most economists will tell you that the big driver in jobs in this economy is small business; they create jobs on a regular basis. The problem is this credit is diffused throughout the community. There is no press release that goes along with the creation of one or two jobs in small business.

Another concern was that huge compensation of \$180,000. Yet not once have I heard anyone complain about compensation given to those in the film industry, Hemlock Semiconductor, or those who may get some generous compensation through the battery credits. Nobody is concerned about that, but small business, \$180,000, that is not a good thing.

And I would point out another thing—you know, just because we create the level of compensation that will allow this small business tax credit to take affect, we don't raise one person's salary. That is up to the market in how their business does. I think the other side should be consistent. I would like them to treat small business in the same way as they treat big business.

By unanimous consent the Senate returned to the order of
Motions and Communications

The Secretary announced that the Majority Leader has made the appointment of the following Appropriations subcommittee:

Federal Stimulus Oversight - Senators Jelinek (C), Gilbert (VC), Pappageorge, Kahn, Jansen, Switalski (MVC), Cherry and Clark-Coleman.

The subcommittee appointments were approved, a majority of the members serving voting therefor.

Committee Reports

The Committee on Families and Human Services reported

Senate Bill No. 227, entitled

A bill to amend 2008 PA 260, entitled "Subsidized guardianship assistance act," by amending the title and sections 1, 2, 3, 4, 5, 6, and 9 (MCL 722.871, 722.872, 722.873, 722.874, 722.875, 722.876, and 722.879) and by adding sections 5a and 5b; and to repeal acts and parts of acts.

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

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

Mark C. Jansen
 Chairperson

To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

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

The Committee on Families and Human Services reported

Senate Bill No. 257, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7b (MCL 722.627b), as added by 1997 PA 167.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Mark C. Jansen
 Chairperson

To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

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

The Committee on Families and Human Services reported

Senate Bill No. 258, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," (MCL 722.621 to 722.638) by adding section 7k.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

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

The Committee on Families and Human Services reported

Senate Bill No. 259, entitled

A bill to create the office of the legislative child fatality investigator; and to prescribe the powers and duties of the legislative child fatality investigator, the legislative council, certain state departments and officers, and certain county and private agencies serving children.

With the recommendation that the bill pass.

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

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Jansen and Hardiman

Nays: Senator Jacobs

The bill was referred to the Committee of the Whole.

The Committee on Families and Human Services reported

Senate Bill No. 260, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," (MCL 722.621 to 722.638) by adding section 7l.

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.

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

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

The Committee on Families and Human Services reported

Senate Bill No. 261, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7b (MCL 722.627b), as added by 1997 PA 167.

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.

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

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 Families and Human Services submitted the following:

Meeting held on Tuesday, March 10, 2009, at 2:30 p.m., Room 210, Farnum Building

Present: Senators Jansen (C), Hardiman and Jacobs

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 108, entitled

A bill to amend 1972 PA 382, entitled "Traxler-McCauley-Law-Bowman bingo act," by amending section 3 (MCL 432.103), as amended by 2008 PA 401.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert, Thomas, Hunter and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 186, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 545.

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.

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert and Thomas

Nays: None

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

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 323, entitled

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

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert, Thomas, Hunter and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development and Regulatory Reform submitted the following:

Meeting held on Wednesday, March 11, 2009, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Richardville, Allen, Gilbert, Thomas, Hunter and Jacobs

The Committee on Appropriations reported

Senate Concurrent Resolution No. 5.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Muskegon Community College relative to the Muskegon Community College Student Services One-Stop Center.

(For text of resolution, see Senate Journal No. 15, p. 252.)

With the recommendation that the concurrent resolution be adopted.

Ron Jelinek
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

Senate Bill No. 322, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay projects for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

With the recommendation that the bill pass.

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

Ron Jelinek
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, March 11, 2009, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Jelinek (C), Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Tuesday, March 10, 2009, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower
Present: Senator Hardiman (C), Kahn, Jansen, Scott and Barcia

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Tuesday, March 10, 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 Economic Development submitted the following:

Meeting held on Wednesday, March 11, 2009, at 8:30 a.m., Room 110, Farnum Building
Present: Senators Jansen (C), Stamas, Scott and Anderson
Excused: Senator George

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Transportation submitted the following:

Meeting held on Wednesday, March 11, 2009, at 8:30 a.m., Room 405, Capitol Building
Present: Senator Hardiman (C), Cropsey and Anderson

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, March 11, 2009, at 9:20 a.m., Senate Hearing Room, Ground Floor, Boji Tower
Present: Senators George (C), Sanborn, Patterson, Allen, Clarke, Gleason and Jacobs

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, March 11, 2009, at 1:00 p.m., Room 110, Farnum Building
Present: Senators Birkholz (C), Van Woerkom, Basham and Gleason
Excused: Senator Patterson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submitted the following:

Meeting held on Wednesday, March 11, 2009, at 3:00 p.m., Room 405, Capitol Building
Present: Senators Brown (C), Jelinek and Scott

COMMITTEE ATTENDANCE REPORT

The Subcommittee on History, Arts, and Libraries submitted the following:

Meeting held on Thursday, March 12, 2009, at 8:30 a.m., Room 405, Capitol Building
Present: Senators George (C), Brown and Clark-Coleman

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Thursday, March 12, 2009, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Stamas (C), Hardiman, Kahn, Barcia, Anderson and Brater
Excused: Senator George

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 - Thursday, March 19, 2:00 p.m., Room 110, Farnum Building (373-2768)

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

History, Arts, and Libraries - Thursday, 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 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)

Government Operations and Reform - Tuesday, March 24, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2417)

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 12:42 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, March 17, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate