

No. 46
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Tuesday, June 2, 2009.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

Allen—present
Anderson—present
Barcia—excused
Basham—present
Birkholz—present
Bishop—present
Brater—excused
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

Pastor Nick Vanderveen of Resurrection Life Church of Grand Haven offered the following invocation:

“Finally, all of you be of one mind, having compassion for one another; love as brothers, be tenderhearted, be courteous; not returning evil for evil, but on the contrary blessing, knowing that you are called to this, that you may inherit a blessing. For ‘He who would love life and see good days, let him refrain his tongue from evil, and his lips from speaking deceit. Let him turn away from evil and do good; let him seek peace and pursue it. For the eyes of the Lord are on the righteous, and His ears are open to their prayers; but the face of the Lord is against those who do evil.’”
(1 Peter 3:8-12)

Father God, we just come before You this morning, Lord, in this Michigan Senate. Father, we ask for Your blessing upon these people who give of their time and give of their strength and give of themselves, Lord, for the state of Michigan. Father, above all things, Lord, we ask that they would adhere to Your word today; that they would be tender-hearted; that they would be courteous; that they would be sympathetic and loving.

Father, we just pray for Your Spirit to rest upon this place this morning, God, and that You would begin to speak to man’s heart, Father, to do the things that are right. We appreciate each and every one of these people, and we ask You, Lord, in the name of Jesus to touch each one of their lives, and bless them and their families as they carry on the work of this state.

In Jesus’ name. Amen.

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:05 a.m.

10:28 a.m.

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

During the recess, Senators Sanborn, Brown, Allen, Thomas, McManus, Pappageorge, Gilbert, Bishop, Jelinek, Patterson, Van Woerkom, Stamas, George, Cassis, Kahn, Birkholz and Hardiman entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

Senator Thomas moved that Senators Barcia and Brater be excused from today’s session.
The motion prevailed.

Senator Cropsey moved that consideration of the motion to discharge the Committee on Government Operations and Reform from further consideration of the following bills be postponed until Friday, October 2:

House Bill No. 4316

House Bill No. 4317

House Bill No. 4318

On which motion Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 211

Yeas—21

Allen
Birkholz
Bishop

Garcia
George
Gilbert

Jelinek
Kahn
Kuipers

Patterson
Richardville
Sanborn

Brown
Cassis
Cropsey

Hardiman
Jansen

McManus
Pappageorge

Stamas
Van Woerkom

Nays—13

Anderson
Basham
Cherry
Clark-Coleman

Gleason
Hunter
Jacobs

Olshove
Prusi
Scott

Switalski
Thomas
Whitmer

Excused—2

Barcia

Brater

Not Voting—1

Clarke

In The Chair: Richardville

Protests

Senators Whitmer and Gleason, under their constitutional right of protest (Art. 4, Sec. 18), protested against the motion to postpone until October 2 the motion to discharge the Committee on Government Operations and Reform from further consideration of House Bill Nos. 4316, 4317, and 4318 and moved that the statements they made during the discussion of the motion be printed as their reasons for voting “no.”

The motion prevailed.

Senator Whitmer’s statement is as follows:

I would like to speak against changing this vote again. I would like to remind the majority that they picked this date to have this vote, so let’s have this vote today on this date. This is about citizens’ rights. June 2 was the date that you chose to have the vote on whether or not Michigan citizens were going to continue to be treated as second-class citizens. June 2, let’s have the vote today is what you said. So are we going to continue to treat Michigan citizens as second-class citizens? June 2, let’s make that decision. Now you want to move that date back to October.

The people of the state of Michigan deserve to know what you think. Should they have the same rights as the people in the other 49 states or not? Do they deserve to be treated as second-class citizens, or should they have the same rights? You chose June 2; I say great. Let’s have the vote today, June 2. You control the votes in this chamber. You have reminded us all along that you are in the majority. You have the control, so let’s put this up for a vote today, June 2, the day that you chose to have this vote.

I say let’s not postpone this any longer. People of this state deserve to have their Senators cast the vote on their rights. Let’s vote today. I ask that we not postpone this any longer. Let’s give them their vote, and vote today as you said that we should.

Senator Gleason’s statement is as follows:

Many in this chamber were waiting for this day, and so were many Michigan citizens waiting for this day. On the day that this was postponed, there were statements made from this floor that many other states have this same criteria to be met and that particular groups had not been invited in to be part of the discussion. All these days have past to meet with those numerous groups. Delaying this does not answer the question of whether the individual who was talking about meeting with these groups has actually talked and discussed how this might affect those interests.

We can't deny the fact that there are already Michigan citizens who have been harmed by these drugs. In regard to the delay, many of those who have been harmed and have been asking for relief, we said a month or so ago that we would give them relief today. So let's do what we said we were going to do. We have to decide what side we are on in this—whether we are going to keep pushing back from June 2, after the great hope that was given to many of the people we represent. Let's do the right thing and vote on this issue today.

We shouldn't say that we are going to do something and not do it. We shouldn't say that we are going to meet with particular groups and not meet with them. We shouldn't say that we are not going to give you justice on June 2, but we will do the best we can on October 2. As I said a month ago, if we were certain that we would vote on this issue today, June 2, then I had no objection to that. But this is not new, and there is nothing we can gain by moving this back to October. This has been hashed out for years now. Let's do the right thing and give our citizens our vote. Let's have them find out on June 2, rather than on October 2, whether we are on the side of those who have harmed and killed them, or if we are on their side.

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

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

March 28, 2009

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Natural Resources and Environmental Affairs Committee hold a hearing on the appointments of Timothy Nichols and Frank Wheatlake to the Commission of Natural Resources. After the hearing is conducted, please submit the written recommendation to the Senate Government Operations and Reform Committee.

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

The communication was referred to the Secretary for record.

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

May 27, 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 #2007-010-LG (Secretary of State Filing #09-05-07) on this date at 11:35 a.m. for the Department of Energy, Labor, and Economic Growth, entitled "Electric Interconnection and Net Metering 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.

May 27, 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 #2009-006-LG (Secretary of State Filing #09-05-08) on this date at 11:37 a.m. for the Department of Energy, Labor, and Economic Growth, entitled "Part 1a. Abrasive Wheels."

These rules take effect 14 days after filing with the Secretary of State.

May 28, 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 #2008-001-LG (Secretary of State Filing #09-05-10) on this date at 11:22 a.m. for the Department of Energy, Labor, and Economic Growth, entitled "Michigan Boiler Rules."

These rules take effect 60 days after filing with the Secretary of State.

May 28, 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 #2008-048-SR (Secretary of State Filing #09-05-11) on this date at 11:24 a.m. for the Department of Energy, Labor, and Economic Growth, entitled "Public School Retirement Board - General Hearing Rules."

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

May 28, 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 Environmental Quality and the State Office of Administrative Hearings and Rules filed Administrative Rule #2007-038-EQ (Secretary of State Filing #09-05-09) on this date at 11:20 a.m. for the Department of Environmental Quality, entitled "Part 8. Emission Limitations and Prohibitions-Oxides of Nitrogen (NOx)."

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.

May 29, 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 Agriculture and the State Office of Administrative Hearings and Rules filed Administrative Rule #2007-048-AC (Secretary of State Filing #09-05-12) on this date at 11:26 a.m. for the Department of Agriculture, entitled "Regulation No. 561. Dispensing Facility Reid Vapor Pressure."

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

May 29, 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 #2008-013-LG (Secretary of State Filing #09-05-13) on this date at 11:28 a.m. for the Department of Energy, Labor, and Economic Growth, entitled "Health Care Facilities Fire Safety Rules."

These rules become effective 60 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 communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 27:

House Bill Nos. 4129 4205 4377 4897

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, May 27, for her approval the following bill:

Enrolled Senate Bill No. 10 at 3:40 p.m.

The Secretary announced that the following official bills were printed on Wednesday, May 27, and are available at the legislative website:

Senate Bill Nos. 608 609
House Bill Nos. 4986 4987 4988 4989 4990 4991 4992 4993 4994 4995 4996 4997 4998 4999
5000 5001 5002 5003 5004 5005 5006 5007 5008 5009 5010

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

Senate Bill Nos. 610 611 612 613 614 615

The Secretary announced that the following official bills were printed on Friday, May 29, and are available at the legislative website:

**House Bill Nos. 5011 5012 5013 5014 5015 5016 5017 5018 5019 5020 5021 5022 5023 5024
5025 5026 5027 5028 5029 5030**

Messages from the House

Senate Bill No. 96, entitled

A bill to amend 1965 PA 290, entitled "Boiler act of 1965," by amending section 13c (MCL 408.763c), as added by 2008 PA 159.

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

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

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

The Senate agreed to the full title.

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

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.

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

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

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

The Senate agreed to the full title.

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

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 pro tempore, Senator Richardville, designated Senator Sanborn as Chairperson.

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

House Bill No. 4286, entitled

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

The 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. 426, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 2 and 14 (MCL 207.552 and 207.564), section 2 as amended by 2008 PA 581 and section 14 as amended by 2008 PA 457.

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.

During the Committee of the Whole, Senator Clarke entered the Senate Chamber.

Resolutions

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

Senate Resolution No. 41

Senate Resolution No. 39

The motion prevailed.

Senator Clarke offered the following resolution:

Senate Resolution No. 58.

A resolution opposing the proposed performance tax on businesses.

Whereas, The United States enjoys broadcasting and sound recording industries that are the envy of the world, due to the symbiotic relationship that has existed among these industries for many decades; and

Whereas, For more than 80 years, Congress has rejected repeated calls by the recording industry to impose a performance fee on local radio stations for simply playing music on the radio and upsetting the mutually beneficial relationship between local radio and the recording industry; and

Whereas, Local radio stations provide free publicity and promotion to the recording industry and performers of music in the form of radio air play, interviews with performers, introduction of new performers, concert promotions, and publicity that promotes the sale of music, concert tickets, ring tones, music videos, and associated merchandise; and

Whereas, Congress found that “the sale of many sound recordings and the careers of many performers benefited considerably from airplay and other promotional activities provided by both noncommercial and advertiser-supported, free over-the-air broadcasting”; and

Whereas, Local radio broadcasters provide tens of thousands of hours of essential local news and weather information during times of national emergencies and natural disasters, such as September 11 and Hurricanes Katrina, Rita, and Ike, as well as public affairs programming, sports, and hundreds of millions of dollars of time for public service announcements and local fund-raising efforts for worthy charitable causes, all of which are jeopardized if local radio stations are forced to divert revenues to pay for a new performance fee; and

Whereas, There are many thousands of local radio stations that will suffer severe economic hardship if any new performance fee is imposed, as will many other small businesses that play music, including bars, restaurants, retail establishments, sports and other entertainment venues, shopping centers, and transportation facilities; and

Whereas, The hardship that would result from a new performance fee would hurt American businesses, and ultimately, the American consumers who rely on local radio for news, weather, and entertainment. Such a performance fee is not justified when the current system has produced the most prolific and innovative broadcasting, music, and sound recording industries in the world; now, therefore, be it

Resolved by the Senate, That Congress should not impose any new performance fee, tax, royalty, or other charge relating to the public performance of sound recordings on a local radio station for broadcasting sound recordings over-the-air or on any business for such public performance of sound recordings; and be it further

Resolved, That copies of this resolution be transmitted to 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 Commerce and Tourism.

The motion prevailed.

Senators Clark-Coleman and Hunter were named co-sponsors of the resolution.

Senators Jansen, Patterson, Birkholz, Allen, Pappageorge, Brown, Cropsey, Van Woerkom, Kahn and Sanborn offered the following resolution:

Senate Resolution No. 59.

A resolution to memorialize the Congress of the United States to authorize the use of federal stimulus dollars to offset the looming FUTA federal unemployment tax increase and to urge the Governor to use her influence in the current administration to zealously advocate for such relief for Michigan job providers.

Whereas, With the nation in the midst of a prolonged economic crisis, no state other than Michigan has been confronted by the depth and duration of such a prolonged recession. This has caused the state's unemployment trust fund to deteriorate at a historically accelerating pace; and

Whereas, Our state needs immediate financial assistance from the federal government to aid jobless workers and their families. Our state unemployment rate is the highest in the nation and could reach nearly 20 percent by the end of the year. Congress should immediately do what is right and move quickly to relieve the pending federal tax increase imposed on all Michigan businesses as a result of the insolvency of Michigan's unemployment trust fund and to do it without delay; and

Whereas, The Michigan Legislature recognizes the struggles Michigan's unemployed workers are currently facing and has already taken swift action on legislative initiatives to allow displaced workers to receive up to 79 weeks of unemployment benefits. We have also appropriated over \$230 million in federal stimulus funds to assist jobless workers in finding employment and provide job training and career counseling to help individuals enter or reenter the workforce. This is in addition to the \$25 weekly benefit raise contained in the federal American Recovery and Reinvestment Act; and

Whereas, An additional federal unemployment tax obligation looms on the horizon for Michigan businesses next year, and, if not addressed, will lead to further unemployment in the state. Michigan job providers pay 100 percent of the cost of Michigan's contribution to the unemployment system in the form of payroll taxes. When benefit payouts exceed revenue and interest income, as has been the case in Michigan in recent years, the state must borrow from the federal government. Federal law requires states to pay back outstanding loan balances within two years or face an automatic increase in the federal unemployment tax rate (FUTA), which will increase each year until the principal on the loan is paid in full. The tax would apply to all Michigan employers. Over the next five years, the United States Department of Labor projects that unemployment insurance taxes will increase by 38 percent, putting an ever-increasing stress on the ability of Michigan businesses to retain workers; and

Whereas, The United States stimulus law raised the weekly benefit rate for eligible workers and temporarily extended unemployment benefit periods. However, the law did not address the problems of deteriorating unemployment trust fund balances. Unless the over \$2 billion principal amount of the federal loans to Michigan accounts is repaid by 2010, all of the estimated 220,000 Michigan businesses will be charged additional taxes until that loan is paid off. Michigan job providers will then have to pay more to continue to do business in Michigan at a time when they are already struggling from the weak economy and operating on an extremely narrow margin of economic sustainability. Using federal stimulus revenue to retire the principal on the federal loan would alleviate this additional burden and provide meaningful relief to the entire state of Michigan; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to use federal stimulus dollars to offset the looming FUTA tax increase, and we urge the Governor of the state of Michigan to advance this cause by using her influence in the current administration to zealously advocate for relief for Michigan job providers from this looming federal tax burden; and be it further

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

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 Commerce and Tourism.

The motion prevailed.

Senator Cassis was named as co-sponsor of the resolution.

Senators Sanborn, Patterson, Birkholz, Allen, Pappageorge, Brown, Jansen, Cropsey, Kahn and Van Woerkom offered the following resolution:

Senate Resolution No. 60.

A resolution to memorialize the Congress of the United States to remove the requirement that states make permanent changes to their 100 percent employer-financed unemployment insurance laws to expand unemployment benefits to individuals who are not currently eligible in order to qualify for the state's portion of one-time unemployment benefit funding and to urge the Governor to use her influence in the current administration to secure a waiver for Michigan from these requirements.

Whereas, The Michigan Legislature recognizes the struggles Michigan's unemployed workers are currently facing and has already taken swift action this year on legislative initiatives to allow displaced workers to receive up to 79 weeks of unemployment benefits and appropriated over \$230 million in federal stimulus funds to assist jobless workers in finding employment and provide job training and career counseling to help individuals enter or reenter the workforce. This is in addition to the \$25 weekly pay raise contained in the federal American Recovery and Reinvestment Act; and

Whereas, The American Recovery and Reinvestment Act also includes \$7 billion in unemployment modernization funds. Of this, Michigan is eligible to receive \$139 million in one-time funding if the state makes certain permanent changes to the statutes that govern its unemployment insurance program; and

Whereas, The one-time federal funds are extended to the states with the requirement that the statutory changes be permanent. The nonpartisan House Fiscal Agency estimates that any of these four options could cost tens of millions of dollars per year and become an unfunded mandate in as little as one or two years. Once one-time federal dollars are exhausted, job providers will be left to foot the bill through higher unemployment taxes, meaning the potential of additional job losses for Michigan workers; and

Whereas, While the appeal of any additional money from Washington at a time when Michigan and other states are experiencing high unemployment is alluring, the conditions that come with this funding hold significant long-term consequences and should be removed. Michigan's unemployment system is already bankrupt, owing over \$2 billion to the federal government. There are significant risks in taking on additional, permanent costs that will further strain the unemployment system and the ability of the state to fulfill its commitment to those workers who are currently eligible for unemployment checks; and

Whereas, The recession is a national issue that deserves a national solution. Michigan has the highest unemployment rate in the country. Our state needs immediate financial assistance from the federal government to aid jobless workers and their families. Congress should immediately distribute funds to Michigan without special conditions and pass legislation and appropriate funding to further aid the unemployed; and

Whereas, Michigan cannot afford the higher taxes that would lead to job cuts that accompany the current plan. Congress should do what is right and move quickly to allow states to access these funds without further delay, instead of placing costly mandates on receiving the funds; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to remove the requirement that states make permanent changes to their 100 percent employer-financed unemployment insurance laws to expand unemployment benefits to individuals who are not currently eligible in order to qualify for the state's portion of one-time unemployment benefit funding and to urge the Governor to use her influence in the current administration to secure a waiver for Michigan from these requirements; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Office of the Governor.

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 Commerce and Tourism.

The motion prevailed.

Senate Resolution No. 54.

A resolution to request that the U.S. Fish and Wildlife Service extend indefinitely the depredation order for double-crested cormorants.

The question being on the adoption of the resolution,

The resolution was adopted.

Introduction and Referral of Bills

House Bill No. 4129, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 1305, 1307, and 1308 (MCL 339.1305, 339.1307, and 339.1308), sections 1305 and 1307 as amended by 1988 PA 463.

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 Economic Development and Regulatory Reform.

House Bill No. 4205, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 394b.

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. 4377, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending the heading of part 129 and sections 12601, 12603, 12611, 12613, 12614, and 12905 (MCL 333.12601, 333.12603, 333.12611, 333.12613, 333.12614, and 333.12905), sections 12601 and 12613 as amended by 1988 PA 315, sections 12603 and 12611 as amended by 1993 PA 217, section 12614 as added by 1988 PA 296, and section 12905 as amended by 1993 PA 242, and by adding sections 12606, 12606a, and 12606b; and to repeal acts and parts of acts.

The House of Representatives has passed the bill.

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

House Bill No. 4897, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 40116 (MCL 324.40116), as amended by 2004 PA 325.

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

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

Statements

Senators Kahn, Scott, Hunter, Clark-Coleman, Clarke and Cropsey asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Kahn’s statement is as follows:

Last week, I spoke to you about gang violence and a shooting specifically in Saginaw. These are so commonplace these days that they don’t make the front page. Here is another: A judge delayed Friday’s preliminary hearing for a Saginaw man—not the folks we talked about last week—charged in the shooting death of Michael A. Taylor Jr.

The individual charged also known as Mickle E. Young, also known as Michael E. Young, with an open count of murder, assault with intent to murder a gentleman by the name of Dunbar, was carrying a dangerous weapon with unlawful intent, possessing a firearm. The incident described occurred when the man accused of this murder was standing on a porch and was just randomly shot.

The guy accused of shooting him, whose nickname is Ice, was standing with five other men and at the home where the gentleman was murdered and just heard a series of shot after shot after shot—seven or eight or ten in rapid succession.

If we are going to be looking at paroling additional people from our prison system, I hope that whoever receives a parole isn’t someone who has committed a violent, senseless crime like this.

Senator Scott’s statement is as follows:

At the recent graduation ceremony for the first graduating class of the University of California at Merced, First Lady Michelle Obama told the graduates, “I know a little something about the power of hope.” Colleagues, I hope every day that you will all finally heed my pleas and take up the issue of insurance rate reform. I hope every day that you will hear our constituents asking for rate relief and that you will join me in crafting a fair solution for all Michigan drivers.

I hope every day that this day will be the last day that I have to get up and remind you that we still have not done anything about insurance rate reform. I hope that today, as we head into summer, we can finally work out the problems in insurance rates. I hope that we can give drivers rate relief so that the only auto-related high price they have to pay this summer is at the gas pump. I hope that you will work with me to make driving a car in Michigan just a little bit more affordable for all Michigan citizens.

Let me just say, colleagues, with what the Big Three are going through today, if we could just get some insurance relief for these people, then we would have more people purchasing cars in the state of Michigan. That way, we will be able to help everybody all over this state have a better life, and certainly, a better summer.

Senator Hunter’s statement is as follows:

Senate colleagues, just a couple of minutes ago, not even five minutes ago, House Bill No. 4377, the smoking ban, was referred to the Committee on Government Operations and Reform, which, if I am not mistaken, is chaired by our very distinguished Majority Leader. Before I go any further, I just want to pay special tribute to my friend and colleague from the 8th District for all of the work that he has done over the years on this very important issue. I cannot claim credit for having done anything because I just joined him recently in this fight. This impacts me extremely, very importantly, and very significantly. I am talking about for those who are coming to attention now of the smoking ban.

I'm praying and I'm hoping that our Majority Leader had this bill referred to his committee because he wants to stand up and take leadership on this issue. I am hoping that he referred it to his committee because he intends on holding hearings; he intends on hearing from the Michigan citizens and their families who are affected by all of the awful diseases that have resulted in death because of smoking.

We can stand up as a Legislature and do something about this. We haven't for the past ten years, and I am a little shocked and disappointed that this bill didn't go before the Health Policy Committee, where the chair is a medical doctor who should know better. I am disappointed that more people on the other side of the aisle—and I see others nodding and smiling as if this is a joke—forgive me, Mr. President, if I sound a little angry, but people are dying, and citizens' health is going up in smoke, as we speak.

I sat here and it was funny and it was fun to play games like putting off, yet again, another vote on whether we are going to do something about the drug immunity issue in this state. I sat back as my colleagues, particularly on the other side, seemed to really be joyous in the fact that they had the power to, yet again, play games with this very important issue that impacts our constituents irrespective of their partisan affiliation, irrespective of where they live, and irrespective of their race, their creed, or any of those other things. These things impact us all, but instead, we tend to play games in this Legislature and act as if these important issues that impact our families, our constituents, our neighbors, and our friends, you know, it is just not our responsibility to take care of and it is.

I am very prayerful, Mr. President, that the Majority Leader is going to take up this smoking ban; that is the reason he hopped on it to make sure that it went to his committee. I hope that if we can't do something, that if we just can't come together because of the casino interests, the restaurants, the bars, and their lobby is just too powerful for us to man-up and do what we are supposed to do—let's take it to the people. Let's punt it to them, and let's let them decide because they are the ones who are affected by this the most. I would prefer that we did our duty in protecting the citizens of this great state, and hopefully, we will. If not, let's put it on the ballot in the General Election in 2010, so that we can put this issue to bed once and for all.

I thank you, Mr. President, for your attention and your time for allowing me to speak. I hope that something I said can just cause you to dig deep, just dig deep and find it in your hearts to do the right thing, once and for all, for the citizens of this great state.

Senator Clark-Coleman's statement is as follows:

I was going to do this because Senator Hansen Clarke was not here, and I just did not think that we should wait another moment to make this announcement. Now, I am still going to do it even though he just walked in here.

This is about a young lady who has been a part of the Senate for many years, and I think she has made an achievement that I think we all need to be aware of and recognize. There is a staffer here who attended Michigan State University Law School and has worked diligently to graduate and has recently passed the bar. That staffer is Kim Bowman. She is Hansen Clarke's staffer, but I made the announcement because he wasn't here, and I think we need to recognize major accomplishments like this.

She started law school when she became a staffer for a legislator and has continued and done an outstanding job. She has worked really hard and achieved this success.

Senator Clarke's statement is as follows:

I really appreciate Senator Clark-Coleman acknowledging the great achievement that Kim Bowman has accomplished in passing the bar. She has never missed a beat in all the years that she has worked in my office as my chief of staff. I would really like the Senate to give her a great round of applause on this outstanding accomplishment.

Senator Cropsey's statement is as follows:

On this side of the aisle, one of our key staff members, Michelle Lange, has graduated from law school, has passed the bar exam, and will be sworn in as an attorney today. We just want to say congratulations to Michelle.

Once again today, I hate to say it, but the other side of the aisle has been trying to play partisan politics in a very serious situation in which they seem to totally ignore the fact that General Motors has declared bankruptcy. This is the second of the Big Three that has declared bankruptcy. If there is any industry that has defined Michigan at its very core, it has been the automobile industry.

We have a very serious situation on our hands. The future of the state of Michigan as we have known it is going to be changing dramatically. I have asked for some of the legislation that we had put up for today to be postponed until the fall. I think that is more than appropriate in light of the circumstances of yesterday and over the last few weeks.

I would also like to remark that certain people have tried to say that the Senate needs to be working on a smoking ban. The Senate did work on a smoking ban and passed through a complete smoking ban last year. It was the House of Representatives that failed to take that up. If you are concerned about people's health, why don't you go and talk to the members of the Michigan House of Representatives and ask them why they are not concerned about the health of the workers in the casinos.

But I digress because we do have a very serious problem on our hands. The bankruptcy of General Motors and Chrysler is having a dramatic impact upon our budget. The number of tens of thousands of people who will be laid off in Oakland County itself is just staggering. I heard numbers this morning; we are talking about 100,000 workers in Oakland County alone.

Folks, we have a budget that we are going to be grappling with to try and balance. I know that the chairman of the Senate Appropriations Committee, as well as the other subcommittee chairmen, have been working diligently and working overtime in order to try and figure how we prioritize which items in the budget must be preserved. The government is not going to be able to give everything to everybody by any stretch of the imagination. The government will have to pare down. The government will have to cut back and cut back significantly.

To keep coming up with little political games—even though those issues are important—I think they go to the point of being little political games in light of the budget situation that we are facing. I don't know about you, but I would guess that most of you are in the same position that I am in. I have family members and friends who are dramatically impacted by what happens at General Motors. I have had uncles who have worked for General Motors for decades. I have had my own brothers who have worked for General Motors. I have brothers-in-law who are now wondering if their jobs are still going to be there.

Folks, this is no time to be trying to play partisan, political games. This is a time for everybody in the Legislature to come together to say how can we best meet the needs of the people of the state of Michigan with very, very limited dollars. I would ask that we try to work together instead of trying to play political games.

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 334, entitled

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

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

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

Ron Jelinek
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Banking and Financial Institutions reported

Senate Bill No. 583, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending section 142 (MCL 389.142), as amended by 2008 PA 237.

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

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

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Sanborn, Cassis, Stamas, Hunter, Clarke and Olshove

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 Banking and Financial Institutions submitted the following:

Meeting held on Wednesday, May 27, 2009, at 9:00 a.m., Room 210, Farnum Building

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

Scheduled Meetings

Appropriations - Wednesday, June 3, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Capital Outlay - Thursday, June 4, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Environmental Quality Department - Wednesday, June 3, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)
(CANCELED)

Economic Development and Regulatory Reform - Wednesday, June 3, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Finance - Thursday, June 4, 11:00 a.m., Room 110, Farnum Building (373-1758)

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

Legislative Commission on Statutory Mandates - Thursday, June 25, 9:00 a.m., Oakland County Executive Office Building, Waterford Room, 1st Floor, Building 41-West, 2100 Pontiac Lake Road, Waterford (373-0212)

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 Law Revision Commission - Wednesday, June 24, 11:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Natural Resources and Environmental Affairs - Wednesday, June 10, 1:00 p.m., Room 110, Farnum Building (373-3447)

Senior Citizens and Veterans Affairs - Wednesday, June 3, 9:00 a.m., Room 100, Farnum Building (373-2413)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:13 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, June 3, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

