

No. 20
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Tuesday, March 17, 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 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—excused

Garcia—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—excused
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—excused
Van Woerkom—present
Whitmer—present

Reverend Dr. Robert Kasper of St. Peter Lutheran Church of Macomb offered the following invocation:

A brief reading from scripture, Psalm 62, selected verses: “My soul finds rest in God alone. My salvation comes from Him. He alone is my rock and my salvation. He is my fortress. I will not be shaken.”

In the name of the Father and of the Son and of the Holy Spirit, Amen.

Almighty God, Creator and source of all things, Your word tells us that “there is no authority except from God, and the authorities that exist are appointed by God.” Your word also instructs us to “pray and give thanks for all those in authority that we may live quiet and peaceable lives in all godliness and reverence, for this is good and acceptable in the sight of God our Savior, who desires all men to be saved and to come to the knowledge of the truth.”

Therefore, it is with humility and boldness that we ask Your blessing upon our servants elected to serve the citizens of the state of Michigan. Enable them to work together with each other, Governor Granholm, and other agencies of the government in true harmony for the common good of the state and its citizens. May they lead with humility and integrity, courage and foresight, patience and wisdom. Give them listening ears and bold hearts as they seek solutions to challenges and embrace opportunities facing the individuals, the families, and the industries they serve. Remove all malice and party spirit so that purposeful resolves might be affected.

We pray for President Obama. Give him patience, wisdom, and courage as he carries out his duties as the leader of this great nation. Surround him with wise counsel, and give him great discernment in order to filter out the noise of politics and be guided by Your good purposes.

Guard the men and women who serve in our nation’s armed forces throughout the world. Give them courage and diligence in the exercise of their duties. Grant success to their efforts toward the desired end of peace in our time with dignity for all groups of people.

We pray for state employees. May their skills and experience be respected by elected officials and their dealings with the public be marked by helpfulness, courtesy, and tact.

We remember the services to people for which the state government is responsible. May the most vulnerable members of society—the unborn, the infirm, and the aged—be supported and encouraged in their quest for a full and useful life.

Guide all of us to be more sensitive to our neighbor’s needs. We pray for awareness of those needs: the need of the elderly to know they are wanted; the need of the young to know they are listened to; and the need of all people to know they have great value. Lord, keep us aware.

We ask all of these things with confidence of Your hearing and answering because You have invited us to call on You as our Heavenly Father, through Jesus Christ our Lord. Amen

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

Motions and Communications

Senators Jansen, Pappageorge, Kahn, Stamas, Jelinek, Gleason and Allen entered the Senate Chamber.

Senator Brown moved that Senator Cropsey be excused from today’s session.

The motion prevailed.

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

Senate Joint Resolution H

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

The following communication was received and read:

Office of the Senate Majority Leader

March 17, 2009

Pursuant to Senate Rule 3.203, I am hereby re-referring House Bill 4453, House Bill 4454, and House Bill 4455 from the Senate Committee on Judiciary to the Senate Committee on Banking and Financial Institutions.

If you have any questions regarding this matter, please do not hesitate to contact me.

Respectfully yours,
Michael D. Bishop
Senate Majority Leader

The communication was referred to the Secretary for record.

Senator Anderson moved that Senators Hunter and Thomas be excused from today's session.
The motion prevailed.

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

March 5, 2009

Enclosed is a copy of the Michigan Legislature's audited Schedule of Sources and Disposition of General Fund Authorizations with Supplemental Schedules for the years ended September 30, 2008 and 2007. This audit was performed by the public accounting firm, Yeo and Yeo, under a contract with my office.

This report includes independent auditor's report letters on the financial schedules and compliance with laws and regulations and internal controls of the Michigan Legislature.

The Independent Auditor's Report letter on the financial schedules contains a clean opinion on the financial schedules. The Report Letter on Compliance with Laws and Regulations and Internal Control reports that, with respect to the items tested, nothing came to the auditor's attention that caused the auditor to believe that the Michigan Legislature had not complied, in all material respects, with those provisions of laws, regulations, and contracts tested for. In addition, the auditors reported no matters involving the internal control over financial reporting and its operations that they considered to be material weaknesses.

Also, enclosed is a copy of the Auditors' Communication of Significant Matters with Those Charged with Governance. If you have any questions regarding this report, please contact me.

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

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

The following communication was received:
Unemployment Insurance Agency

February 13, 2009

In accordance with Section 8 of the *Michigan Employment Security Act*, being Section 421.8 of the *Michigan Compiled Laws*, the Unemployment Insurance Agency is required to report annually to the Governor and the Legislature any amount, in excess of \$1.00, that the maximum weekly unemployment benefit rate would increase if the annual increase in the United States Department of Labor's Consumer Price Index (CPI) were applied to the maximum weekly benefit rate.

I am therefore transmitting to the Governor, and to the House and Senate for publication along with this letter in the *Journals* of their respective bodies, the enclosed report showing that since the last increase in the maximum weekly benefit rate to \$362.00, the increase in the CPI would result in an increase in the maximum weekly unemployment benefit rate to \$415.72. Using the method of applying a percentage of the state average weekly wage, the maximum weekly benefit rate would increase to \$484.18.

Respectfully submitted,
Stephen M. Geskey
Director

The communication was referred to the Secretary for record.

The following communication was received:
Michigan State Housing Development Authority

March 12, 2009

Pursuant to 1966 PA 346, Section 22b(4) (MCL 125.1422b), the Michigan State Housing Development Authority is transmitting the 2009 LIHTC QAP to the Legislature.

Please contact me if you have questions.

Gary Heidel
517-373-6017

The communication was referred to the Secretary for record.

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

March 13, 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 Community Health and the State Office of Administrative

Hearings and Rules filed Administrative Rule #2007-028 CH (Secretary of State Filing #09-03-02) on this date at 4:28 p.m. for the Department of Community Health, entitled "Michigan Care Improvement Registry."

This rescission takes effect immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1669 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

March 13, 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 Treasury and the State Office of Administrative Hearings and Rules filed Administrative Rule #2008-020 TY (Secretary of State Filing #09-03-01) on this date at 4:26 p.m. for the Department of Treasury, entitled "Lottery Rules."

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

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

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, March 12:
House Bill Nos. 4072 4083 4084 4085 4086 4087 4088 4089 4090 4091 4092 4093 4094 4117
4125 4353

The Secretary announced the enrollment printing and presentation to the Governor on Monday, March 16, for her approval the following bill:

Enrolled Senate Bill No. 202 at 2:33 p.m.

The Secretary announced that the following official bills were printed on Thursday, March 12, and are available at the legislative website:

Senate Bill Nos. 357 358 359 360 361 362 363 364
House Bill Nos. 4560 4561 4562 4563 4564 4565

The Secretary announced that the following official bills and joint resolution were printed on Friday, March 13, and are available at the legislative website:

Senate Bill Nos. 365 366 367 368 369 370 371 372 373 374 375 376 377 378
379 380 381
House Bill Nos. 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4579
4580 4581 4582
House Joint Resolution P

Messages from the Governor

The following message from the Governor was received and read:

March 12, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 6103 of The Insurance Code of 1956, 1956 PA 218, MCL 500.6103:

Automobile Theft Prevention Authority Board of Directors

Mr. James R. Barren, Ph.D., LPC, of 1300 Beaubien, Suite 303, Detroit, Michigan 48226, county of Wayne, succeeding Ella Bully-Cummings, who has resigned, representing law enforcement officials in this state, for a term commencing March 12, 2009 and expiring July 1, 2010.

Sincerely,
Jennifer M. Granholm
Governor

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

By unanimous consent the Senate proceeded to the order of
General Orders

Senator Brown 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 Birkholz 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 bills:

Senate Bill No. 222, entitled

A bill to amend 2000 PA 321, entitled "Recreational authorities act," by amending section 3 (MCL 123.1133), as amended by 2003 PA 135.

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.

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.

The bills were 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 joint resolution:

Senate Joint Resolution H, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 3 of article IX, to limit the increase in taxable value of real property under certain circumstances.

Substitute (S-1).

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

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

Senator Brown moved that the rules be suspended and that the following joint resolution, now on the order of Third Reading of Bills, be placed on its immediate adoption at the head of the Third Reading of Bills calendar:

Senate Joint Resolution H

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

The following joint resolution was read a third time:

Senate Joint Resolution H, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 3 of article IX, to limit the increase in taxable value of real property under certain circumstances.

The question being on the adoption of the joint resolution,

The joint resolution was not adopted, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 57

Yeas—23

Allen
 Anderson
 Barcia

Cassis
 Garcia
 George

Jansen
 Jelinek
 Kahn

Patterson
 Richardville
 Sanborn

Birkholz
Bishop
Brown

Gilbert
Gleason
Hardiman

Kuipers
McManus
Pappageorge

Stamas
Van Woerkom

Nays—11

Basham
Brater
Cherry

Clark-Coleman
Clarke
Jacobs

Olshove
Prusi
Scott

Switalski
Whitmer

Excused—3

Cropsey

Hunter

Thomas

Not Voting—0

In The Chair: Richardville

Senator Brown moved to reconsider the vote by which the joint resolution was not adopted.
The question being on the motion to reconsider,
Senator Brown moved that further consideration of the joint resolution be postponed for today.
The motion prevailed.

Protests

Senators Switalski, Cherry and Whitmer, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Joint Resolution H and moved that the statements they made during the discussion of the joint resolution be printed as their reasons for voting “no.”

The motion prevailed.

Senator Switalski’s statement is as follows:

Beware of the law of unintended consequences. Senate Joint Resolution H is exhibit A in the application of this law. This bill costs \$253 million and it is unpaid for. I know my good friend, the Senator from Troy, intends this resolution to provide tax relief to homeowners.

But beware of the law of unintended consequences. This resolution is a Trojan horse. It will result in a tax increase for the majority of homeowners. What? How can this be? Consider the situation of Mr. Hector. He bought his house for \$100,000 in 1993, the year of Proposal A. His taxes were capped and he pays on a taxable value of \$125,000 today. Today, Mr. Hector sold his house. He thought it was worth \$200,000, but he got \$150,000. Under current law, the taxes should pop-up to \$150,000. But Senate Joint Resolution H says his tax can’t go up because his value went down.

Now, because of the Headlee Amendment, all of his neighbors who used to get a reduction equal to Mr. Hector’s pop-up now get nothing. That means this is a tax increase for everyone else in the city. I’m voting “no” on Senate Joint Resolution H.

Senator Cherry’s statement is as follows:

During committee, the committee members really got a history lesson about Proposal A from one of the people who testified, Mr. Anderson from the Michigan Townships Association. I think what he said is so important that I would like to talk for a moment about Proposal A and the impact of Senate Joint Resolution H.

When Proposal A was in its formative stage, two key issues came to the surface: providing property tax relief and devising a system to equalize funding between school districts within the state. However, during debate on the floor, a third issue surfaced as a floor amendment and included a clause that property assessments would be capped at the rate of inflation or 5 percent, whichever is less. This created the taxable value system of today.

By creating this cap, a system based on equity was traded for a system based on predictability. Now the issue of how long a person owned a home becomes more important than the value of the home. The Proposal A cap has saved property owners billions of dollars since 1994 but has created its own set of problems.

Now a new issue is being debated before us today, Senate Joint Resolution H. This resolution seeks to amend our Constitution to state that when the SEV on a piece of property declines, the taxable value of that property may not increase. The property tax system has become a taxation system based on inequity. This resolution perpetuates inequity.

It offers no assistance to those taxpayers who have borne the greatest burden within our property tax system, those who have recently purchased a home. Any person who moves to our state and purchases a home will find that they are paying proportionately more in property taxes than their neighbors. How's that for a welcome mat?

Senate Joint Resolution H offers tax benefits to property owners who are already seeing reduced taxation compared to their neighbors due to Proposal A. Senate Joint Resolution H seeks to disrupt the natural economic market and create an artificial barrier to change. I thought that we in this state were supportive of the economic market. Senate Joint Resolution H is a flawed proposal, and I urge a "no" vote.

Senator Whitmer's statement is as follows:

You know, we look at legislation like this and you can't help but ask the question. If you want to give property owners a break, let's pass some foreclosure reform legislation. This is coming from the party that says that we care about law enforcement. Well, we can't enact sentencing reform because we don't want to look soft on crime. Do you know what makes up the largest portion of municipalities' budgets? Police—public safety. You want to keep our people safe and you are going to slash the budget at the same time by \$177 million? This goes to law enforcement; it is the biggest portion of those dollars.

You also say you care about schools. This cuts \$77 million from our public schools. Now you can't just say we care about law enforcement and we care about kids in schools and then vote for something like this. I'm voting "no."

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

The motion prevailed.

Senator Pappageorge's statement is as follows:

There is no question that there are things in Proposal A that are just problems. They are problems for people who keep a house too long, too short, pop-up—we have heard them all before. The arguments that were presented today against Senate Joint Resolution H are simply arguments for other things that have to be fixed in Proposal A.

Let's look again at what Senate Joint Resolution H does. It says that you will not be taxed higher than you were the year before. It says to those who are worried about revenue sharing that revenue sharing—certainly in the budget that is coming out Thursday—my budget—has no cuts in it for revenue sharing. The argument that when we are down \$1.2 billion at least in revenue, we ought to increase—bring in more taxes—simply doesn't hold water as a reason for saying "no" to Senate Joint Resolution H.

By unanimous consent the Senate proceeded to the order of

Resolutions

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.

The Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Boji Tower.

The question being on the adoption of the concurrent resolution,

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

Roll Call No. 58

Yeas—34

Allen
Anderson

Cherry
Clark-Coleman

Jansen
Jelinek

Prusi
Richardville

Barcia	Clarke	Kahn	Sanborn
Basham	Garcia	Kuipers	Scott
Birkholz	George	McManus	Stamas
Bishop	Gilbert	Olshove	Switalski
Brater	Gleason	Pappageorge	Van Woerkom
Brown	Hardiman	Patterson	Whitmer
Cassis	Jacobs		

Nays—0**Excused—3**

Cropsey	Hunter	Thomas
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Not Voting—0

In The Chair: Richardville

Senators Clarke, Pappageorge and Birkholz were named co-sponsors of the concurrent resolution.

Senators Allen, Barcia, Pappageorge, Jansen, Garcia and Gleason offered the following resolution:

Senate Resolution No. 21.

A resolution to memorialize the United States Congress and the U.S. Army Corps of Engineers to fully fund the expansion of the shipping locks at Sault Ste. Marie.

Whereas, The locks at Sault Ste. Marie provide a vital link between Lake Superior and the other Great Lakes and the rest of the world. United States, Canadian, and other foreign flag vessels make about 8,000 passages through the Soo Locks each year, carrying more than 80 million tons of iron ore, clean-burning low-sulfur coal, wheat, and other cargo. The locks are of the utmost importance to Michigan's economy and play a critical role in our national defense, with 80 percent of the raw materials used by United States steel manufacturers moving through the locks; and

Whereas, Expansion of the Soo Locks is needed to avoid a crippling disruption of shipping. Currently, only one lock is large enough to accommodate the large U.S. freighters that carry the majority of cargo on the Great Lakes. If the 40-year-old Poe Lock were to become unusable for any reason, 70 percent of the cargo would not be able to pass through the locks, and Great Lakes shipping would come to a standstill; and

Whereas, The United States Congress first authorized an expansion of the Soo Locks in 1986 and further authorized full federal support of the project in 2007. Despite these authorizations and nearly \$15 million in federal spending on planning, design, and preparation, Congress and the U.S. Army Corps of Engineers have yet to provide full funding for the construction of a new lock; and

Whereas, A new Poe-sized lock is shovel-ready and would generate thousands of needed jobs and nearly \$500 million in economic activity. Expanding the Soo Locks will create an immediate stimulus to our struggling economy as well as ensure the free flow of vital raw materials on the Great Lakes for generations to come; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress and the United States Army Corps of Engineers to fully fund the building of a new shipping lock at Sault Ste. Marie; 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 United States Secretary of the Army.

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

Senator Brown 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 Brown moved that the resolution be referred to the Committee on Commerce and Tourism.

The motion prevailed.

Senators Basham, Clarke, Jacobs and Prusi were named co-sponsors of the resolution.

House Concurrent Resolution No. 12.

A concurrent resolution to memorialize the Congress of the United States to appoint an independent counsel to investigate the Prisoner of War - Missing in Action issue.

Whereas, The Prisoner of War - Missing in Action (POW/MIA) issue has been a national dilemma since the end of World War II; and

Whereas, There is a strong need for an independent investigation into all unresolved matters relating to any United States military personnel unaccounted for from the Vietnam era, the Korean conflict, World War II, Cold War Missions, or Gulf War, including MIAs and POWs; and

Whereas, It is the responsibility and the duty of the United States government to bring home Americans missing in action from the Vietnam War, the Cold War, the Korean War, World War II, and Desert Storm; and

Whereas, As of July 2005, the Government Accountability Office listed 88,115 service men and women unaccounted for from World War II, Korean/Cold War conflicts, Vietnam War, Gulf War, and other conflicts; and

Whereas, American POWs and their missing comrades have demonstrated the true spirit of our nation and should never be forgotten; and

Whereas, The families of these inspiring Americans deserve to know what truly happened to their loved ones; and

Whereas, Americans from every generation have answered the call to duty with dedication and valor. These brave Americans deserve the respect and gratitude of our nation, and all efforts should be made to resolve the Prisoner of War - Missing in Action issue in their honor; now, therefore, be it

Resolved by the House of Representative (the Senate concurring), That we memorialize the Congress of the United States to appoint an independent counsel to investigate the Prisoner of War - Missing in Action issue; and be it further

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

The House of Representatives has adopted the concurrent resolution.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations and Reform.

Senators Anderson, Barcia, Brater, Cherry, Clarke, Gleason, Jacobs, Olshove, Pappageorge, Prusi, Scott and Switalski were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senators Kuipers, Pappageorge, Cropsey, Garcia and George introduced

Senate Bill No. 382, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 447.

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

Senator Kuipers introduced

Senate Bill No. 383, entitled

A bill to amend 1846 RS 81, entitled "Of fraudulent conveyances and contracts, relative to goods, chattels, and things in action," by amending section 1 (MCL 566.131).

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

Senator Kuipers introduced

Senate Bill No. 384, entitled

A bill to amend 1846 RS 63, entitled "Of uses and trusts," (MCL 555.1 to 555.27) by adding section 28.

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

Senator Clarke introduced

Senate Bill No. 385, entitled

A bill to amend 1998 PA 434, entitled "Uniform fraudulent transfer act," by amending section 1 (MCL 566.31).

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

Senator Kuipers introduced
Senate Bill No. 386, entitled

A bill to amend 1967 PA 224, entitled "Powers of appointment act of 1967," by amending section 13 (MCL 556.123). The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senator Cropsey introduced
Senate Bill No. 387, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1103, 1104, 1105, 1106, 1107, 1201, 1209, 1210, 1212, 1214, 1308, 1403, 1507, 2501, 2504, 2511, 2519, 2705, 2722, 2901, 2904, 2907, 3104, 3403, 3703, 3705, 3713, 3715, 3801, 3803, 3805, 3914, 3915, 5407, 5421, 6101, 7101, 7102, 7103, 7104, 7105, 7201, 7202, 7203, 7204, 7205, 7206, 7207, 7301, 7302, 7303, 7304, 7305, 7401, 7402, 7403, 7404, 7405, 7406, 7407, 7410, 7501, 7502, 7503, 7504, 7505, 7506, 7507, and 7508 (MCL 700.1103, 700.1104, 700.1105, 700.1106, 700.1107, 700.1201, 700.1209, 700.1210, 700.1212, 700.1214, 700.1308, 700.1403, 700.1507, 700.2501, 700.2504, 700.2511, 700.2519, 700.2705, 700.2722, 700.2901, 700.2904, 700.2907, 700.3104, 700.3403, 700.3703, 700.3705, 700.3713, 700.3715, 700.3801, 700.3803, 700.3805, 700.3914, 700.3915, 700.5407, 700.5421, 700.6101, 700.7101, 700.7102, 700.7103, 700.7104, 700.7105, 700.7201, 700.7202, 700.7203, 700.7204, 700.7205, 700.7206, 700.7207, 700.7301, 700.7302, 700.7303, 700.7304, 700.7305, 700.7401, 700.7402, 700.7403, 700.7404, 700.7405, 700.7406, 700.7407, 700.7410, 700.7501, 700.7502, 700.7503, 700.7504, 700.7505, 700.7506, 700.7507, and 700.7508), sections 1103 and 7503 as amended by 2000 PA 177, section 1104 as amended by 2006 PA 299, sections 1105, 3803, 7303, and 7406 as amended and section 7410 as added by 2004 PA 314, section 1106 as amended by 2004 PA 532, sections 1107, 1214, 2504, 7206, 7501, and 7507 as amended by 2000 PA 54, sections 2519, 3715, 7401, 7502, and 7508 as amended by 2005 PA 204, section 3705 as amended by 2004 PA 481, and section 3805 as amended by 2007 PA 73, by amending the heading of article VII and the headings of parts 1, 2, 3, 4, and 5 of article VII, by adding sections 7107, 7108, 7109, 7110, 7111, 7112, 7113, 7208, 7209, 7210, 7211, 7411, 7412, 7413, 7414, 7415, 7416, 7417, 8201, 8202, 8204, and 8206, and by adding parts 6, 7, 8, and 9 to article VII; 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 Judiciary.

Senators Birkholz, Basham, Pappageorge, Jansen, Brater and George introduced
Senate Bill No. 388, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2005, 2030, 2035, 74101, 74102a, 74116, 74117, 74122, 74123, 78105, and 83106 (MCL 324.2005, 324.2030, 324.2035, 324.74101, 324.74102a, 324.74116, 324.74117, 324.74122, 324.74123, 324.78105, and 324.83106), sections 2005, 2030, and 2035 as added and sections 74101, 74122, 78105, and 83106 as amended by 2004 PA 587, section 74102a as amended by 2006 PA 307, sections 74116 and 74123 as added by 1995 PA 58, and section 74117 as amended by 2006 PA 477, and by adding sections 1911 and 2045; 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 Natural Resources and Environmental Affairs.

Senators Basham, Birkholz, Pappageorge, Jansen and George introduced
Senate Bill No. 389, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 805.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senator Switalski introduced
Senate Bill No. 390, 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.

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

House Bill No. 4072, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 20d (MCL 38.20d), as amended by 2002 PA 93.

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

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

House Bill No. 4117, entitled

A bill to provide for remedies and prescribe civil sanctions against a person who presents a false or fraudulent claim to obtain money, property, or services from this state; to prescribe the powers and duties of certain state and local governmental officers and agencies; and to prohibit retaliation against a person who pursues a remedy under this act.

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. 4125, entitled

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

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

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

House Bill No. 4353, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2007 PA 154.

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.

Statements

Senators Brown, Cassis, Scott and McManus asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Brown's statement is as follows:

There will be a special tribute accompanied by a moment of silence later, perhaps this week if not next, but I do rise to add my remembrance of the passing of one of our former members. We acknowledge today the passing of a former Michigan legislator, Senator Harmon Cropsey. He was a member of the House and, yes, of course, a member of the Senate.

In a special election to win an open House seat in the summer of 1981, then-candidate Cropsey beat out 16 of the candidates in the Republican primary, including this speaker. Harmon Cropsey was a veteran who served in the United States armed forces, serving with honor and distinction during World War II. He served southwest Michigan and he served this state with distinction.

We remember him today for his deep love for God, family, and country, and there can be no better legacy. He will be long remembered by those who had the privilege of knowing him.

A moment of silence was observed in memory of former Senator Harmon Cropsey.

Senator Cassis' statement is as follows:

As we open every Senate session, we pause to bow our heads in a prayer of blessing. I have been honored to have my priest, Father George Shalhoub from St. Mary's Antiochian Orthodox Church of Livonia, deliver the opening invocation. But today I join in deep sadness as I share with all of you the grief that Father Shalhoub, his family, and especially his daughter Lila, along with the Zogaib family, are experiencing today. You see, a very fine young man, Jason Zogaib, lost his courageous fight against leukemia last Friday.

Jason served dutifully as an officer of the law with the Ann Arbor police force. He was strong in mind and body, even as leukemia took its toll. He found incredible joy in the love of his life and delighted in his beautiful children, Andrew and Addison. He was passionate about sports, rooting for our Detroit Red Wings and, yes, Ohio State Buckeyes.

Even in sorrow, we realize that the measure of life isn't so much the years attained, as Jason was just 35, but in the many lives one has touched and cared for. His strength and courage in the face of hours of immense adversity served as a lesson for all of us. Though someday we will all walk through the valley of the shadow of death, You, Lord, will never fail us.

Today, please remember Jason, his wife, and family in your prayers. Please remember to celebrate life, celebrate our loved ones, and always remember to say "I love you" to all we cherish.

I end with this short Irish prayer in memory of St. Patrick's Day and in memory of Jason and all our families: May your blessings be as many as the shamrocks that grow and trouble avoid you wherever you go.

Senator Scott's statement is as follows:

The Senator from the 11th District made an interesting point on auto insurance last week. He said that it was unfair to have a system where drivers in one community subsidize auto insurance for those in another community. Well, I agree that it is unfair to have a system where one community subsidizes another, but that is exactly what we have now. Detroit drivers are paying more simply because of where they live, while other drivers pay less.

We agree that it is unfair to have one community subsidize another community. So let's open the debate and have this discussion on how to reform auto insurance so that one community does not subsidize another community. I want fair auto insurance rates for everyone. I don't want the drivers in Wayne County or Kent County or Ingham County or Macomb County or Marquette County or Bay County subsidizing each other or anyone else.

That is what I am fighting for—fair insurance rates for every Michigan citizen no matter where they live. That is what I want, and that is what I will talk about and fight for every day that I am here in the Michigan State Senate. So move my bills.

Senator McManus' statement is as follows:

I would just like to wish everyone a happy St. Patrick's Day. The shamrocks on your desks are compliments of the very strong Irish blood in this chamber—over ten Senators are from Ireland—and their names and the counties that they are from are on your desks. May the good saints protect you and bless you today. May your troubles ignore you each step of the way. Happy St. Patrick's Day.

Committee Reports

The Committee on Finance reported

Senate Joint Resolution H, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 3 of article IX, to limit the increase in taxable value of real property under certain circumstances.

With the recommendation that the substitute (S-1) be adopted and that the joint resolution then be adopted.

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, Pappageorge and Jansen

Nays: Senators Jacobs, Cherry and Whitmer

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

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Thursday, March 12, 2009, at 12:58 p.m., Room 110, Farnum Building

Present: Senators Cassis (C), Gilbert, Pappageorge, Jansen, Jacobs, Cherry and Whitmer

COMMITTEE ATTENDANCE REPORT

The Committee on Energy Policy and Public Utilities submitted the following:

Meeting held on Thursday, March 12, 2009, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Brown, Birkholz, Kuipers, Richardville, Olshove, Clarke and Thomas

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Thursday, March 12, 2009, at 2:00 p.m., Room 110, Farnum Building

Present: Senators Pappageorge (C), Jansen, McManus, Anderson and Cherry

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, March 12, 2009, at 2:30 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cassis, Whitmer and Gleason

Excused: Senator Van Woerkom

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:
Meeting held on Thursday, March 12, 2009, at 3:00 p.m., Rooms 402 and 403, Capitol Building
Present: Senators Garcia (C), Cropsey and Barcia

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

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

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

Federal Stimulus Oversight - Thursday, March 19, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

General Government - Wednesday, March 18, 1:00 p.m., Room 100, Farnum Building; and 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 - Thursday, March 19, 4:00 p.m., Room 405, Capitol Building (373-2768)

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

Transportation Department - Wednesday, March 18, 8:30 a.m. (CANCELED), Tuesday, March 24 and Wednesday, March 25, 8:30 a.m., Room 405, Capitol Building (373-2768)

Banking and Financial Institutions - Wednesday, March 18, 9:00 a.m., Room 210, Farnum Building (373-3543)

Education - Thursday, March 19, 2:30 p.m., Room 210, Farnum Building (373-6920)

Energy Policy and Public Utilities - Thursday, March 19, 1:00 p.m., Room 210, Farnum Building (373-7350)

Finance - Wednesday, March 18, 2:30 p.m., Room 210, Farnum Building (373-1758)

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

Health Policy - Wednesday, March 18, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

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)

Natural Resources and Environmental Affairs - Wednesday, March 18, 1:00 p.m., Room 110, Farnum Building (373-3447)

Senior Citizens and Veterans Affairs - Wednesday, March 18, 8:30 a.m., Room 100, Farnum Building (373-2413)

Senator Brown moved that the Senate adjourn.
The motion prevailed, the time being 11:00 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, March 18, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate