

No. 76
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2008

Senate Chamber, Lansing, Wednesday, September 17, 2008.

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

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

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

The Creator has blessed us with many gifts. We begin each day asking that these gifts be renewed in our hearts. We ask for wisdom and strength, for compassion and guidance. Perhaps rather than beginning our day by praying for gifts already provided, we should begin by pledging to use these gifts in service to others.

Let us endeavor to practice the gift of faith, for faith without works is hollow. We should share the gift of hope that a brighter future awaits us, for hope is a precious thing that nurtures the spirit when times are dark.

We must offer up the gift of charity, for it is written that the hungry must be fed, the naked must be clothed, and the sick must be comforted. A charitable spirit will always be welcome in the house of God.

And the greatest gift is love, for it is the love of God and all His works that have sustained mankind through the centuries. Let us share this love with the family of man so that we may be worthy of these gifts: faith, hope, charity, and love, which a generous and merciful God has bestowed upon us. Amen.

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

Motions and Communications

Senators Schauer, Stamas and Clarke entered the Senate Chamber.

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.

10:53 a.m.

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

During the recess, Senators Gleason, Jansen, Barcia, Hunter, Brater and Brown entered the Senate Chamber.

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

The following communication was received:
Utility Consumer Participation Board

August 25, 2008

In accordance with Public Act 304 of 1982, the attached 2007 Annual Report for the Michigan Utility Consumer Representation Fund (UCRF) is transmitted to the Legislature.

The state's six largest investor-owned utilities who use cost recovery proceedings to recover purchased gas and power supply costs from ratepayers were required, under this Act, to remit a total ratepayer funded assessment of \$1,069,450 in 2007 to provide for fair and adequate representation of Michigan residential energy ratepayers in gas and power supply cost recovery proceedings, reconciliation cases and other related proceedings before the Michigan Public Service Commission. 47.5% of the revenue is allocated to fund intervenor grants, 47.5% of the revenue is allocated to the Department of Attorney General, and the remaining 5% is allocated for administrative costs.

Four new grants (UCRF 08-01, 08-02, 08-03, and 08-04) in the total amount of \$611,460 were awarded in calendar year 2007. The grants were encumbered against FY08 authorization (pending approval of the budget) available for grants of \$902,500 (\$950,000 less administrative support of \$47,000). In addition, work on cases from previously awarded grants UCRF 06-02, 06-04, 07-01, and 07-02 continued. Total funding available in previous calendar year 2005 was \$522,500 (FY06 authorization) and 2006 \$902,500 (FY07 authorization). The Utility Consumer Participation Board requested an increased authorization in FY 2007 and FY 2008, using accrued funds from previous years, to support intervention efforts of non-profit, utility consumer groups. The increase allowed the Board to fully fund the qualified proposals submitted in 2007. The cases selected for UCRF funding represent approximately 95% of the residential customers of utilities participating in cost-recovery proceedings or nearly 3 million natural gas customers and 3.5 million electric customers in the state of Michigan. Each year Act 304 cases involve decisions worth hundreds of millions of dollars. Active intervention on behalf of residential customers assures reasonable and fair planning and cost treatment for individuals who otherwise would not have a voice in this complex utility ratemaking process. Many of the reductions and disallowances achieved by UCRF funded intervenors continue to benefit ratepayers over the long-term. In addition, policy reforms brought about by the

active participation of UCRF funded consumer groups assure greater transparency, equity and efficiency in future energy utility planning and ratemaking.

The board continued improvements in administration and management of the grant program. Regular bi-monthly meetings, improved case status and financial reporting from grantees, budget monitoring, and website improvements enhanced the effectiveness and transparency of the program. The Attorney General's Office expended \$525,000 of UCRF funds in calendar year 2007 for intervention on behalf of the utility ratepayers of Michigan in Act 304 proceedings. The Attorney General's Office will submit its P.A. 304 Annual Report under separate cover.

Sincerely,
Alexander Issac
Chair

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, September 16:
House Bill Nos. 5722 6365 6366 6367 6368

By unanimous consent the Senate proceeded to the order of
Messages from the House

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

Senate Bill No. 53
House Bill No. 4120
House Bill No. 4507
Senate Bill No. 868
Senate Bill No. 239
Senate Bill No. 1038

The motion prevailed.

Senate Bill No. 1263, entitled

A bill to amend 1978 PA 472, entitled "An act to regulate political activity; to regulate lobbyists, lobbyist agents, and lobbying activities; to require registration of lobbyists and lobbyist agents; to require the filing of reports; to prescribe the powers and duties of the department of state; to prescribe penalties; and to repeal certain acts and parts of acts," by amending section 4 (MCL 4.414) and by adding section 19.

The House of Representatives has amended the bill as follows:

1. Amend page 4, following line 26, by striking out all of enacting section 1 and inserting:
"Enacting section 1. This amendatory act takes effect October 1, 2008."

The House of Representatives has passed the bill as amended and ordered that it be given immediate effect. Pursuant to rule 3.202, the bill was laid over one day.

House Bill No. 4001, entitled

A bill to regulate and to require certain reports to be filed that document contributions for purposes of defending an elected official in a criminal, civil, or administrative action; to regulate contributions made for purposes of defending an elected official in a criminal, civil, or administrative action; to prescribe certain powers and duties of the secretary of state as to legal defense funds; and to prescribe criminal penalties and civil sanctions.

The House of Representatives has amended the Senate substitute (S-2) as follows:

1. Amend page 3, line 7, after the second "section" by striking out "115(2)" and inserting "115".
2. Amend page 13, following line 6, by striking out all of enacting section 1 and inserting:
"Enacting section 1. This act takes effect October 1, 2008."

The House of Representatives has concurred in the Senate substitute (S-2) as amended and agreed to the title as amended. Pursuant to rule 3.202, the bill was laid over one day.

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

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

Senate Bill No. 1414
Senate Bill No. 1415

Senate Bill No. 1451
Senate Bill No. 1461
Senate Bill No. 1462
 The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1414, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5124.

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. 544

Yeas—33

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

Nays—3

Patterson	Thomas	Whitmer
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Excused—1

Garcia

Not Voting—1

Schauer

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1415, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 309 (MCL 257.309), as amended by 2004 PA 362.

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. 545**Yeas—34**

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

Nays—3

Patterson	Thomas	Whitmer
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Excused—1

Garcia

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. 1451, entitled

A bill to amend 1933 PA 254, entitled "The motor carrier act," by amending the title and section 1 of article I, sections 2, 6, and 7 of article IV, and sections 2, 8, 9, and 10 of article V (MCL 475.1, 478.2, 478.6, 478.7, 479.2, 479.8, 479.9, and 479.10), the title and section 10 of article V as amended by 1982 PA 399, section 1 of article I and section 2 of article V as amended by 2007 PA 33, section 2 of article IV as amended by 1993 PA 352, and section 7 of article IV as amended by 1989 PA 221.

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. 546**Yeas—37**

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

Nays—0

Excused—1

Garcia

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. 1461, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 1 (MCL 247.651).

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. 547

Yeas—37

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

Nays—0

Excused—1

Garcia

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. 1462, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 642 (MCL 257.642) and by adding sections 20b and 20c.

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. 548

Yeas—37

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

Nays—0

Excused—1

Garcia

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Clark-Coleman 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. 1398, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 2007 PA 69.

Senate Bill No. 1464, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 809 (MCL 257.809), as amended by 2007 PA 71.

Senate Bill No. 1465, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 806 (MCL 257.806), as amended by 2007 PA 70.

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

Resolutions

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

Senate Concurrent Resolution No. 22

Senate Resolution No. 181

Senate Resolution No. 200

The motion prevailed.

Senate Concurrent Resolution No. 31.

A concurrent resolution to memorialize Congress to reduce the price of traditional passports, by directly lowering the cost to consumers or by offering fully refundable federal income tax deductions to citizens who live in border states.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

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

The motion prevailed.

Senator Basham's statement is as follows:

Senate Concurrent Resolution No. 31 was introduced in response to the pending June 2009 implementation of federal law requiring a passport for re-entry into the United States from Canada or Mexico. This requirement will have significant implications here in Michigan where residents have traditionally been able to move back and forth across the Canadian border with a \$25 driver's license or birth certificate for identification.

There is a great concern that the new passport requirement with its \$100-plus price tag will limit the ability of citizens from crossing the border and hence negatively affect the local, state, and national economies. In addition, the congressional investigation into passport costs has indicated that the U.S. State Department is overcharging more than \$100 million a year for these passports.

Senate Concurrent Resolution No. 31, therefore, simply calls on Congress to reduce the price of traditional passports by directly lowering the cost to consumers or by offering a fully refundable federal income tax deduction. In doing so, it not only serves to make the document more affordable, but also keeps the federal government—makes them more accountable for the fees that they do charge.

And, for your information, Senate Concurrent Resolution No. 312 was adopted unanimously in the Senate Transportation Committee. It mirrors House Resolution No. 71. It was introduced by Representative Paul Opsommer. Representative Opsommer and I have been working together on this issue. It was successfully adopted by the National Council of State Legislators earlier this summer.

I would encourage your support.

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

Senate Resolution No. 218

Senate Resolution No. 219

The resolution consent calendar was adopted.

Senators George and Birkholz offered the following resolution:

Senate Resolution No. 218.

A resolution to recognize September 2008 as National Alcohol and Drug Addiction Recovery Month in the state of Michigan.

Whereas, Substance abuse disorders are a problem that affect everyone, regardless of social, economic, or ethnic background; and

Whereas, Based on information from the 2005 National Survey on Drug Use and Health, an estimated 22.2 million persons in the United States, where 9.1 percent of the population aged 12 or older, were classified with substance dependence or abuse in the past year. This figure exceeds the number of people living with coronary heart disease, cancer, or Alzheimer's combined; and

Whereas, Effective evidence-based treatment and support for the person, families, and children affected by substance abuse and dependence can help our young people succeed in school; provide children with capable and caring parents; reduce the incidence of drug-related crime; and help people get their lives back through restored health and productivity; thereby saving both lives and dollars; and

Whereas, Studies have consistently found that individualized treatment is essential for people to be successful in their path of recovery. Substance abuse and alcohol addictions adversely affect millions of lives annually. This results in enormous financial and human costs, including absenteeism, impaired work productivity, property damage, incarceration, accidents, medical expenses, dependence on public assistance, child neglect, bodily injury, destruction of family ties, and loss of life; and

Whereas, Real accounts of long-term recovery with positive results can inspire others to ask for help and improve their own lives, the lives of their families, and benefit the entire community; and

Whereas, It is critical that we educate our community members to understand that substance abuse disorders are treatable; yet, sometimes create serious health care problems if not resolved. The resolution of dependence, with proper support, care, and treatment improves the quality of life for all throughout our communities—of all ages from all walks of life; and

Whereas, There is a need to erode social stigmas about addiction and educate the public, community organizations, public officials, and civic leaders about the impact of alcohol and other drugs on our community, the value of treatment, and the hope of recovery; and

Whereas, To help achieve this goal, the United States Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration's Center for Substance Abuse Treatment, and the White House Office of National Drug Control Policy invite all persons to participate in National Alcohol and Drug Addiction Recovery Month each September; and

Whereas, The National Alcohol and Drug Addiction Recovery Month is a national initiative and annual observance that highlights the societal benefits of substance abuse treatment. It also celebrates people in recovery, recognizes those in the treatment field who dedicate their lives to helping people recover from addiction, and promotes the message that recovery from substance abuse is possible; now, therefore, be it

Resolved by the Senate, That we hereby recognize September 2008 as National Alcohol and Drug Addiction Recovery Month in the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to Eaton County Recovery Month Coalition as a token of our esteem.

Senators Anderson, Barcia, Basham, Cherry, Clarke, Hunter, Jansen, Kuipers, Pappageorge, Schauer, Scott, Switalski and Thomas were named co-sponsors of the resolution.

Senator Bishop offered the following resolution:

Senate Resolution No. 219.

A resolution to proclaim September 20-28, 2008, as Deaf Awareness Week.

Whereas, The World Federation of the Deaf is an international organization composed of over one hundred twenty national associations of the deaf, which is recognized by the United Nations (UNESCO, World Health Organization and International Labor Office) as the official consultant and spokesperson for deaf people worldwide, serving all countries in the enhancement of the social, economic, and cultural lives of deaf and hard-of-hearing people; and

Whereas, During the past fifty years, the World Federation of the Deaf has provided leadership in medicine, audiology, psychology of deafness, educational development and innovation, vocational and rehabilitation, communications methodology, personal and social welfare, art and culture, parent education, and religious activities; and

Whereas, Representatives from a wide area of leadership in the United States that serve the deaf and hard of hearing will join the masses to observe this significant event and recognize the contributions geared to the needs of the deaf and hard-of-hearing people throughout the country; and

Whereas, The Great Lakes State offers its wholehearted welcome and best wishes to all participants for a renewed spirit of togetherness tempered by intensified commitment to a quality life for the entire deaf and hard-of-hearing population of the nation; and now, therefore, be it

Resolved by the Senate, That the members of this legislative body do hereby proclaim September 20-28, 2008, as Deaf Awareness Week in Michigan. We encourage all citizens of the state to recognize the skills, abilities, and talents that deaf and hard-of-hearing people contribute to our state and nation and join in the observance of this weeklong occasion; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Deaf Association, the National Association of the Deaf, and the World Federation of the Deaf with our highest esteem.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Scott, Clarke and George 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:

First, I would like to start by saying I missed last Thursday's session to attend the funeral of a very dear friend of mine. Had I been here, I would have voted "yes" on Roll Call Nos. 536, 537, and 538.

James Baldwin, African-American novelist, poet, playwright, and civil rights activist, was an activist in every aspect of his life. And his activism was prominent in his outlook. As James Baldwin said, "There is never a time in the future in which we will work out our salvation. The challenge is in the moment. The time is always now." Did you hear that, colleagues? The challenge is in the moment and the time is always now.

The challenge is in the moment as thousands of Michigan drivers this very day are receiving auto insurance renewal notices in the mail or meeting with their insurance agents to receive insurance quotes. The challenge is in the moment as thousands of others make decisions not to purchase insurance simply because it is unaffordable. And the challenge is in the moment as thousands of others suffer massive financial losses to autos or property that cannot be recovered because they could not afford to insure them.

And if the challenge is in the moment, the time is now to address the challenge. The time is now to make insurance affordable. The time is now to offer products and rates that are fair to all Michigan drivers and homeowners. So the time is now to move my bills.

Senator Clarke's statement is as follows:

Over the last few days, our capital markets have been in turmoil, but there has been a consensus about the root of this problem. The Treasury Secretary, the head of the Federal Reserve Bank, and top leaders in the United States Congress all agree that our financial markets are in turmoil because of foreclosures and the residential housing market.

We are all aware that families are losing their houses. The point that I was making is that the head of the Federal Reserve Bank, our United States Treasury Secretary, and leaders in the United State Congress recognize that the rising foreclosure crisis in this country now has destabilized the capital markets in this country. We need to take action immediately to stem the rising foreclosure rates here in Michigan. By doing so, we can help families stay in their homes. We can actually protect the investment that lenders have in the property, but also, too, we could help stabilize falling property values that are dropping so low.

Now many homeowners in Michigan who are forced to move have no choice but to abandon their property because they can't find a buyer to pay off the mortgage. I was called this morning by the media and they raised the issue of the irony that while our United States government was willing to put trillions and trillions of taxpayers' dollars on the hook to bail out initially Bear Stearns, Fannie Mae, and Freddie Mac, and now AIG, the homeowners in this country and in this state can't get a break to get a few more months to pay off their mortgage and taxes that they are behind in.

I believe that if we are able to give companies tax breaks to the tune of millions of dollars every year—and I voted for those tax breaks; tax breaks that the good Senator from Novi had urged us to take caution in, and I respect her for her position—then we can also give our homeowners a few more months to pay off their mortgage debt and their tax debt.

I am going to tell you what is at stake right now. It's more than just homeowners being able to stay in their homes and property owners to be able to save their property value. I will say this right now—the very stability of the economy of this state is at risk if we don't take action right now to halt rising foreclosure rates. It is already happening in our stock market. We don't need any more evidence that this is a problem of national importance.

We here in Michigan, though, are hit even harder because many of our homeowners have faced restructuring. They have been laid off; they have lost their jobs; their income is being reduced, but many homeowners—if they had a few

more months—would be able to get a second job; a few more months to negotiate with their lender; maybe a few more months to find the buyer who could pay off their mortgage; they would be able to stay in their home. That home would not be vacated, boarded up, and reduce the property values of everyone else in that neighborhood, which is happening right now.

I am urging this Legislature to take the action that this body took during the greatest crisis that our country has ever experienced during the 1930s, the Great Depression, to enact a temporary freeze on foreclosures in this state.

This is the greatest housing crisis and economic crisis facing this state since the Great Depression. Mr. President, this is a state of emergency. We need to take emergency action right now to protect our families, to protect our housing market, and to save our economy.

Senator George's statement is as follows:

I rise to comment on the Governor's summer action rescinding the Certificate of Need Commission's standards for proton beam therapy. Last week, colleagues, I had the occasion to attend a presentation. It was given in my district by a health care CEO who was talking about the future of health care, and she spoke on how rising and expanding technology leads to increasing health care costs. At the end of her presentation, she took a question from the audience on what her company was doing to control the growth of medical technology. She answered that both she and her company were supporters of Michigan's certificate of need process and that this was the best mechanism for moderating the growth of new medical technology. She then recounted how the CON Commission had recently met a serious setback regarding a new expensive technology, proton beam therapy. Proton beam therapy provides a modest benefit in treating a small number of cancers. Its application is fairly limited.

There are currently five operational centers in the entire United States. Our CON Commission had received separate applications to build three new centers in Michigan, each costing roughly \$150 million. Over several months, the commission studied this new technology and estimated that Michigan's future needs could be met by only one center. The commission created guidelines that would allow a single new center to be built by a consortium of hospitals, thus guaranteeing an adequate referral base. By building a single center, the cost to Michigan residents and health purchasers would have been \$150 million as opposed to \$450 million.

The speaker reported that when the commission issues new rules, the government has 30 days to rescind them, and that in this instance, on the 30th day, for the first time ever, state government did, in fact, rescind the CON's rules.

Well, I rise to correct the record. It was not the state government, but rather the Governor who issued the order rescinding the CON Commission's work. Despite a faltering economy, with rising unemployment and business costs, in part due to ever-growing health care expenses; despite a state budget with inadequate allocations to higher education and infrastructure maintenance due to rising Medicaid costs, the Governor has chosen to take an action that will only add to this cost spiral.

The commission appointed by the Governor was actually doing its job. For the first time, it was truly focusing on an emerging, unproven, expensive technology and has come up with a sound set of rules to control costs. By undermining the commission's work, the Governor has only added to the problem of unrestrained health care costs that are at the core of our economic woes. It was not the government, as the speaker said, but the Governor who has made this mistake.

Committee Reports

The Committee on Commerce and Tourism reported

Senate Bill No. 1422, 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.

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

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas and Clarke

Nays: None

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

The Committee on Commerce and Tourism reported

House Bill No. 5046, entitled

A bill to provide for restroom access for persons with certain medical conditions; to provide immunity from liability for permitting restroom access; and to prescribe penalties.

With the recommendation that the bill pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert and Clarke

Nays: Senator Stamas

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Tuesday, September 16, 2008, at 2:30 p.m., Room 100, Farnum Building

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

Excused: Senator Hunter

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Transportation (HB 5808) submitted the following:

Meeting held on Tuesday, September 16, 2008, at 9:30 a.m., Room 426, Capitol Building

Present: Senators Hardiman, Cropsey and Anderson

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, September 16, 2008, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cropsey, Sanborn, Clarke and Prusi

Excused: Senator Patterson

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, September 16, 2008, at 2:30 p.m., Room 210, Farnum Building

Present: Senators Jansen (C), Hardiman and Jacobs

Scheduled Meetings

Agriculture - Thursday, September 18, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittee -**

Higher Education - Thursday, September 25, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Commerce and Tourism - Thursday, September 18, 9:00 a.m., Room 100, Farnum Building (373-2413)

Conference Committees -

Choice in Purchase of Electricity (HB 5524) - Thursday, September 18, 9:00 a.m., Room 424, Capitol Building (373-8538)

Portfolio Standard for Renewable Energy (SB 213) - Thursday, September 18, 9:45 a.m., Room 405, Capitol Building (373-3447)

Energy Policy and Public Utilities - Thursday, September 18, 1:00 p.m., Room 210, Farnum Building (373-7350)

Finance - Thursday, September 18, 11:00 a.m., Room 110, Farnum Building (373-1758)

Legislative Commission on Government Efficiency - Friday, September 26, 9:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Legislative Commission on Statutory Mandates - Tuesday, September 30, 12:00 noon, Oakland County Executive Office Building, Conference Center/West Oakland Room, Building 41-West, 2100 Pontiac Lake Road, Waterford (373-0212)

Michigan Law Revision Commission - Wednesday, September 24, 9:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

State Drug Treatment Court Advisory Committee - Tuesday, September 23, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

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

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, September 18, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

