

No. 18
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Wednesday, March 3, 2010.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Allen—present
Anderson—present
Barcia—present
Basham—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

Garcia—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present
Nofs—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 Bob McDonald of Fair Haven Baptist Church of Westland offered the following invocation:

Father, we are truly thankful that we have the privilege of prayer. We thank You for this time for these great servants who have dedicated their lives to serve the people. I pray, Father, as Solomon, when asked what he would like to receive to rule over the people, he asked for wisdom. I pray that You give them wisdom and knowledge and instruction to guide our great state.

Father, I pray that we would have the attitude of Jesus as He took a towel and washed the feet of the disciples, showing that He was a servant. May we always be reminded that we are to serve the people.

We ask that You would use these ladies and gentlemen to keep this great state going forward. We ask it in Jesus' name. Amen.

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

Motions and Communications

Senators Nofs, McManus, Richardville, Garcia, Bishop, Jelinek and Jansen entered the Senate Chamber.

The following communication was received:
Public Service Commission

March 1, 2010

The enclosed *2009 Annual Report* is submitted on behalf of the Michigan Public Service Commission in accordance with Section 5a of 1989 PA 33; MCL 460.5a. The report is also available on the Commission's Web site.

Equipped with the new legislation passed in October 2008, the Commission's focus turned to the three R's - rates, regulations, and renewable energy sources. Procedures for rate case filings, energy optimization plans, renewable energy plans, and reconciliations had to be developed or amended. Investigations were launched; licenses were granted, expanded, and terminated; and grants were awarded and received. The Commission continues to readily accept the challenge of doing its part in assisting the citizens and businesses of Michigan to become more energy-wise consumers and focus on clean, renewable, and efficient energy sources.

Throughout 2009, the Commission maintained its commitment to address the needs of Michigan's low-income and senior citizens, awarding \$55 million for low-income energy assistance and \$14 million for low-income energy efficiency from the Low-Income and Energy Efficiency Fund. The awards provide immediate assistance for heating needs as well as longer term assistance in reducing future heating costs for low-income and senior citizens. The Commission also awarded \$26,697,943 from the Low-Income and Energy Efficiency Fund for Michigan Energy Efficiency grants.

The Commission continued its consumer outreach efforts by hosting statewide consumer forums, making its Commission meetings available via podcast, handling 29,473 calls on its toll-free line, and assisting consumers and businesses with more than 9,464 electric and natural gas and 3,040 telecommunications complaints and inquiries. Also, the Commission continued its initiative to assist small businesses with regulated utility complaints. This program processed 1,651 complaints for small businesses.

The Commission issued 488 orders, consisting of 133 telecommunications orders, 274 electric orders, and 81 natural gas orders. The Commission also issued 19 minute actions, including one delegating decision-making authority to the Director of the Motor Carrier Division, thus eliminating the need for a formal Commission order for decisions in modified procedure cases.

Among the orders issued by the Commission during 2009 were approvals of the construction of four new natural gas pipelines. Also, there were 161 gas well connection permits issued.

The Commission also revised the retail natural gas rates of Michigan Gas Utilities (twice) and the retail electric rates of Alpena Power Company, Consumers Energy Company and Upper Peninsula Power Company.

The Commission revised a number of its administrative rulemakings, including its Commercial and Industrial Billing Practices Governing Electric and Gas, Technical Standards for Electric Service, Gas Safety Standards, and Transfers of Telephone Licenses.

Finally, the Commission fulfilled the statutory obligation embodied in Section 10(3) of the Uniform Video Services Local Franchise Act, 2006 PA 480 (the Act), by proposing to the Legislature in May 2007 a process to be added to the Act that would allow the Commission to review unresolved disputes between a provider and its customer, disputes between a provider and a franchising entity, and disputes between providers. The Legislature approved this process when it passed Public Act 4 of 2009, which the Governor signed on April 2, 2009.

We continue to look forward to working with you on energy utility, telecommunications, and motor carrier matters to enhance services to and ensure adequate protection for Michigan residents and businesses.

Very truly yours,
Orjiakor N. Isiogu
Chairman

Monica Martinez
Commissioner

Greg R. White
Commissioner

The communication was referred to the Secretary for record.

The Secretary announced that pursuant to Rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from July 1, 2009 through September 30, 2009, and are available in the Secretary's office during business hours for public inspection:

Committee

Agriculture and Bioeconomy
Appropriations
Banking and Financial Institutions
Campaign and Election Oversight
Commerce and Tourism
Economic Development and Regulatory Reform
Education
Energy Policy and Public Utilities
Families and Human Services
Finance
Government Operations and Reform
Health Policy
Homeland Security and Emerging Technologies
Hunting, Fishing and Outdoor Recreation
Judiciary
Local, Urban and State Affairs
Natural Resources and Environmental Affairs
Senior Citizens and Veterans Affairs
Transportation

Chairperson

Senator Gerald Van Woerkom
Senator Ron Jelinek
Senator Randy Richardville
Senator Michelle McManus
Senator Jason Allen
Senator Alan Sanborn
Senator Wayne Kuipers
Senator Bruce Patterson
Senator Mark Jansen
Senator Nancy Cassis
Senator Michael Bishop
Senator Tom George
Senator Cameron Brown
Senator James Barcia
Senator Wayne Kuipers
Senator Gerald Van Woerkom
Senator Patricia Birkholz
Senator Jason Allen
Senator Jud Gilbert

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, March 2:

House Bill Nos. 5661 5666 5667

Messages from the Governor

The following message from the Governor was received and read:

March 2, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office under Section 21 of the State Housing Development Authority Act of 1966, 1966 PA 346, MCL 125.1421:

Michigan State Housing Development Authority

Mr. Anthony P. Lentych, an Independent, of 512 Third Street, Traverse City, Michigan 49684, county of Grand Traverse, succeeding Bernard Gliebberman, who has resigned, is appointed for a term commencing March 11, 2010 and expiring March 10, 2014.

Ms. Catherine Luckert Schmid, an Independent, of 14776 Park Court, Grand Haven, Michigan 49417, county of Ottawa, succeeding Sister Maureen Geary, whose term will expire, is appointed for a term commencing March 11, 2010 and expiring March 10, 2014.

Ms. Tonya V. Gatson of 555 Brush Avenue, Apt. 1814, Detroit, Michigan 48226, county of Wayne, is reappointed to represent residents of public housing, for a term expiring March 10, 2014.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

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. 619
House Bill No. 4324
Senate Bill No. 1013
Senate Bill No. 757
Senate Bill No. 692
Senate Bill No. 693
Senate Bill No. 694
Senate Bill No. 695
Senate Bill No. 999
Senate Bill No. 1172

The motion prevailed.

Senator Thomas moved that Senator Brater be temporarily excused from today's session.
The motion prevailed.

Senator Brater entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 619, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 21 (MCL 205.111), as amended by 1994 PA 34.

The question being on the passage of the bill,

Senator Cherry offered the following amendments:

1. Amend page 1, line 11, by striking out "\$9,500,000.00" and inserting "\$19,500,000.00".
2. Amend page 2, following line 3, by inserting:

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 5017 of the 95th Legislature is enacted into law."

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

Senator Thomas requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 70

Yeas—13

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

Nays—25

Allen	Cassis	Jansen	Pappageorge
Anderson	Cropsey	Jelinek	Patterson

Barcia	George	Kahn	Richardville
Basham	Gilbert	Kuipers	Sanborn
Birkholz	Gleason	McManus	Stamas
Bishop	Hardiman	Nofs	Van Woerkom
Brown			

Excused—0

Not Voting—0

In The Chair: President

Senator Cherry offered the following substitute:

Substitute (S-2).

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

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 71

Yeas—17

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

Nays—21

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

Excused—0

Not Voting—0

In The Chair: President

Protest

Senator Cassis, under her constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the substitute offered by Senator Cherry to Senate Bill No. 619 and moved that the statement she made during the discussion of the substitute be printed as her reasons for voting “no.”

The motion prevailed.

Senator Cassis' statement is as follows:

Here we are, here we are pulling out our hair and wringing our hands trying to balance a budget with reduced revenue due in large measure to joblessness. Yet, some colleagues would ignore this reality and add expenditures and spend—spend in the millions—with no identified ability to pay. In fact, the solution put forward was documented in our committee. It simply doesn't work.

So, once again, the budget is a leaky bucket. I need to say that unless we get our house in order, we will consistently find ourselves running out of money in the pursuit of targeted benefits to one industry at the expense of the whole.

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. 72

Yeas—37

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

Nays—1

Switalski

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Cherry, Jacobs, Cassis, Switalski, Whitmer, Birkholz, Allen and Kahn asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cherry's first statement is as follows:

This bill, as we all know, is the Pure Michigan funding bill. It is something that I hope and know that most of you support. This bill, though, as we are passing it today, is very limited in what it does. It does not fully fund this promotional program, which has been so successful that it is clearly a good buy for the buck. The advertisement campaign that has been running now has generated 1.3 million trips to Michigan last year.

Last year, Pure Michigan was on a national cable buy for the first time with \$7.8 million. Programs like Pure Michigan are designed to have multiyear effects on the consumers they reach, and they have had a huge return.

So this amendment merely says that we are going to fully fund this program because the bill that we are dealing with today only partially funds it. I have to tell you that as we heard testimony in committee over this bill, it was very clear that full funding of this program is vital to the healthy economy of our tourism industry. There are many businesses that are

on the edge. Many hotels and many tourist kinds of businesses are having a hard time actually continuing, and they are ones that in this state we have depended on for so long. They said they are going to support this bill, but this bill does not adequately fund the Pure Michigan program.

So the amendment that I have tie-bars this bill to House Bill No. 5017, which imposes a car rental fee of \$2.50 a day, and it is only on car rental fees that are rented at a hotel, a commercial airport, a train station, or a convention facility. It is because we want it to affect largely visitors to our state. It is an important funding source for this program which is so vital to our economy.

As I have talked about over the past few weeks, our focus should be on creating jobs. This bill is one of those bills, but as it currently stands, it's only partially doing its job. We need to fully fund this program if we want a good comprehensive effect and if we really want to help the businesses in our state.

So I hope that members will support my amendment.

Senator Jacobs' statement is as follows:

I also rise in favor of the Cherry amendment. You know, I know that there is not a lot of desire to talk about taxes in this chamber. But as we heard in committee, the return on it, the investment is so huge for these tourism dollars, which is one of the driving forces of our economic growth here in this state. The lion's share of the businesses that are going to be positively impacted if we fully fund this Pure Michigan are the small businesses, which are the drivers of the economy. I would say probably 90 percent to 95 percent of the businesses that will be affected, if we are able to do this, will be the small businesses. That is really going to be the heart of Michigan's comeback, so I don't think this is excessive.

I just came from Washington, D.C., where sales tax there is 10 percent, where the room tax was, I think, maybe 10 percent to 15 percent. The people still go there, and they still pay that.

So I don't think that what we are asking for is excessive. It is a creative way to pay for this, and we are going to get a huge return at the end of the day.

Senator Cherry's second statement is as follows:

It is not irresponsible to help create jobs in this state. I believe that is what we are here for; to make sure that we have a strong economy. The restaurants, the hotels, and the tourist business in this state have asked for full funding of this program and for this advertising campaign.

It has brought in thousands and millions of dollars to this state above and beyond what we paid for. So I am hopeful that we can rise against the current—I don't know what you want to call it—environment in which we cannot actually take positive steps to solve a problem. This compromise doesn't solve the problem. Now we all support a little bit, but a little bit really is not the effective amount of dollars that we need for this program.

I hope that members support it with the intent of raising the amount of money that we need to fully fund a program that saves Michigan jobs.

Senator Cassis' first statement is as follows:

Two of the three previous members who spoke and the author of this amendment approved the compromise approach that came out of the Senate Finance Committee that we felt was responsible and accountable in light of our current budget problems. So today to have before us an amendment that now jumps another million dollars overall—in fact, more than a million dollars—from \$15 million up to \$19.5 million simply is irresponsible and then tie-barring it to a new tax. A car rental fee of \$2.50 is really so questionable as to beg the question: How do we help businesses by increases a targeted tax? How do we do that?

Yesterday some of my colleagues on the other side of the aisle voted against helping small businesses that face a cascading hardship. Now look, actions speak louder than words. How can you justify continuing to spend, spend, spend when you have this incredible continuing budget crisis. You have an opportunity today to get the house in order.

I am asking that you defeat this amendment.

Senator Switalski's statement is as follows:

I rise in support of the Cherry amendment. You know, there are many worthy proposals out there, be it Pure Michigan or be it cascading taxes, but the principle we should keep in mind is that we have to pay as we go. We have to pay for these things. I was saying that there are many worthy proposals out there. Yesterday it was the cascading taxes; today it is Pure Michigan. Those are good things, and I would like to support those.

But we have to have the discipline to pay as we go, and I commend the sponsor of the Cherry amendment, Senator Cherry, because she has that discipline. She has actually proposed a way to pay for her proposal. I think it deserves our support.

Senator Cherry's third statement is as follows:

This is my last try. It is the substitute which restores language from the bill as it was introduced and increases the amount of monies sent to the Michigan promotion fund to fully fund the program at \$40 million.

I have said before how this campaign makes money for this state. Just as an example, this program creates a \$2.23 investment for every \$1 that is spent and has only been in the first year of the program. Visitors who have come into this state have generated 681,000 trips, and they have spent \$250 million at Michigan businesses and paid \$17.5 million in Michigan taxes.

Last year, it paid for itself and brought money into this state, so I am hopeful that we can increase the money. In addition to the increase in money, my substitute provides a long-term funding solution to the Michigan promotion fund. It captures increases in the use tax and certain tourism-centric fields, including hotels, camps, and RV parks.

This increase would not increase in the next couple of years, but it is estimated that it will be able to fully fund the program by 2015. The Pure Michigan program deserves long-term funding, and this amendment—this substitute—will solve the problem.

So, Mr. President, once again, I ask that members understand that what we are talking about is creating jobs for the tourism industry so that we can strengthen our economy by taking some very, I think, pretty simple actions. I hope that members will support it, and count this as a vote towards jobs in Michigan.

Senator Whitmer's statement is as follows:

I would like to thank my colleague from the 26th District for her efforts to secure full funding for this Pure Michigan initiative. I think it is extremely important, and if you had sat in our committee hearings and heard the testimony from all the business owners across our state about the studies that had been done that show the authenticity of this program, I think you would have really had your eyes opened.

So I rise to support this bill, but I don't think that it is good enough. It is actually a fraction of what is needed to do a good job and have a successful program, and in my mind, that is just a no-brainer.

In our committee, we heard talk from people across Michigan who said this campaign really impacts how other people in other states view Michigan; a positive impact on what Michigan is like to do business in and to tour and to travel. I pointed out it's not bad for our morale either. Every time I see those Pure Michigan commercials that show the beauty of our state—the beauty of our state with Tim Allen's voice—it does send chills up my spine. I am proud to be from Michigan. I love this state. There are four generations of us living here, from 6 to 96. Michigan is a beautiful place, and we do need to let the world know.

So with that said, I know that this is the only option we have before us. To promote our state is not just about good feelings, but it is also about good business sense. There is science that shows this pays off for every dollar that we invest. With that said, I am a reasonable person and reasonable people choose amputation over death. So I am going to vote in favor of this, but it is not enough. We need to do more, and I implore us to take action to ensure that this program continues for the sake of the businesses, the people, and our reputation around the country. This is an important thing for us to do.

Senator Cassis' second statement is as follows:

Emotionally, there is absolutely no doubt that these Pure Michigan ads are first-class, and they inspire us all. But logically, acting on undocumented and nonscientific information that has been presented to us, this is information that cannot be verified independently.

Until we are able to get the backup data on how the supposed study was accomplished, we really cannot make good judgments. I am surprised and disheartened that some members would seek to lay all their claims on the study, and we have not even seen its full report. We are told by the Michigan Economic Development Corporation it won't be available for up to another 60 days. That isn't the way a Senate should operate. Now I, for one, eagerly look forward to the backup information that will show results and then end with an agreement that should these findings show the ability to be replicated, we would work in the near future to look at a long-term funding source.

It may be not all that some members would wish because this year, in support of the program, we have supported it with \$15 million. So going forward to support it with another \$25 million would require verification. That is good policy, and I think we would all, ultimately, agree with that.

Senator Birkholz's statement is as follows:

I, too, have done a lot of soul-searching on this legislation. My home area is one of the largest tourism areas of the state and brings in a significant amount of tourism dollars. Tourism is not a small part of Michigan's economy. It is not a niche economy; it is one of the three legs of our economic stool in Michigan.

A lot of these businesses are small businesses, literally mom-and-pop businesses where mom and pop do the cleaning, the cooking, and stay up half the night to welcome guests who don't get there until 3 or 4 in the morning. These are truly what we would term small businesses that are operated on a shoestring and do not have a lot of cushion to rely on when they have a bad year. Their years are determined by the weather, the economy, and by people's desires and whims of where they want to be that year to spend their vacation dollars. A lot of that is out of our control, but we do know that a large part of that decision making by the travelers is made by people who saw the Pure Michigan campaign.

I know; I have sat on the porches of the bed and breakfasts. I have visited people in the motels. I frequent the restaurants. I hear it all the time from guests who come in who never knew that Michigan was a great place to vacation. Now they have had a great experience, and they are going to come back. We need to do everything we can to help the tourism industry, and we know that the best thing we can do is to fund the Pure Michigan campaign.

I am following the lead of the good Senator from Traverse City on this issue because I know that he has worked diligently to try and find a permanent source of funding to make sure that we have a dependable source of funding that the tourism industry can rely on each year. I will be voting “yes” on this bill but continuing to help him find ways for a permanent source of funding for the Pure Michigan campaign. The bottom line is that it works, and it helps our small business people in this state.

Senator Allen’s statement is as follows:

I want to thank my esteemed colleagues for their support on this legislation, and I recognize that we still have a long way to go in regard to this. Some of the stories I have heard and the documentation I have seen from places like Sault Ste. Marie, Michigan, where last year they were at almost 57 percent of their tourism which was from out of state. Just a few years ago, it was about 70 percent in-state. The stories that we are hearing from places like Petoskey, Charlevoix, Sault Ste. Marie, and all over northern Michigan have seen great results from these ads.

I very much recognize that the long-term solution is going to have to be both an intermediate and long-term step. I look forward to working on a bipartisan basis to establish that as a goal before we depart this institution. We know that Michigan has seen great accolades in regard to the Pure Michigan ads. The concept of what we have put together has been lauded throughout the country and even referenced in other State of the State addresses by other governors.

I thank the body for their efforts and look forward to the next part of the discussion on this long-term funding solution.

Senator Kahn’s statement is as follows:

I rise to support this bill with the understanding that it is the best we can do in an imperfect and troubled time. Pure Michigan funding is clearly one of the best things we have going to support industries in the state of Michigan and to bring new tax revenues into this state. I wish the funding for this was more, but given the realities of our budget, this will have to suffice for this year. I hope that we can increase it next year.

The following bill was read a third time:

House Bill No. 4324, entitled

A bill to amend 1919 PA 339, entitled “Dog law of 1919,” by amending section 6 (MCL 287.266), as amended by 2000 PA 438.

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. 73

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act relating to dogs and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the determination and payment of damages done by dogs to live stock and poultry; imposing powers and duties on certain state, county, city and township officers and employes, and to repeal Act No. 347 of the Public Acts of 1917, and providing penalties for the violation of this act,”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1013, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding sections 40110a, 43528a, and 43540d; and to repeal acts and parts of acts.

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. 74

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 757, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1278b (MCL 380.1278b), as amended by 2009 PA 204.

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. 75

Yeas—37

Allen	Clark-Coleman	Jacobs	Prusi
Anderson	Clarke	Jansen	Richardville

Barcia	Cropsey	Jelinek	Sanborn
Basham	Garcia	Kahn	Scott
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Olshove	Thomas
Brown	Hardiman	Pappageorge	Van Woerkom
Cassis	Hunter	Patterson	Whitmer
Cherry			

Nays—1

Nofs

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 692, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” (MCL 168.1 to 168.992) by adding section 931a.

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. 76

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 693, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 931 (MCL 168.931), as amended by 1996 PA 583.

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. 77

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 694, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 519 (MCL 168.519).

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. 78

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Jacobs' statement is as follows:

I did not have an opportunity to speak to this package of bills. I just want to take a moment to do that. I am supporting these bills. I believe that they are really a very good first step, but there is so much more work to be done in terms of fraud and making sure that we have a clean system.

You know, we dealt with fraud in the initiative package, but language really needs strengthening here and in that package as well. My hope is that when it goes over to the House, this is going to be fixed.

Now what we need to do is to continue to protect legitimate votes and not inadvertently provide more roadblocks for qualified electors. Equally important is preventing fraud in registration and the need to prevent fraud in the qualified electorate from exercising their constitutional right to vote.

Now I would urge my colleagues to continue to support this package. You know, I look at what happened with the Andy Dillon recall situation where somebody put, I believe, the fire chief's name on the petition. I am not sure that all this addresses some of those concerns. I think we need to continue to work on protecting the voting public, but I just wanted to say that I just don't think that this package goes quite far enough.

The following bill was read a third time:

Senate Bill No. 695, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11d of chapter XVII (MCL 777.11d), as added by 2002 PA 31.

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. 79

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 999, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” (MCL 168.1 to 168.992) by adding section 932d.

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. 80

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1172, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 17231.

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. 81

Yeas—38

Allen	Clark-Coleman	Jansen	Prusi
Anderson	Clarke	Jelinek	Richardville

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Cassis, Cropsey, Jelinek and McManus were named co-sponsors of the bill.

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 Bill No. 1172 amends the Public Health Code to grant the Michigan Department of Community Health the statutory authority to issue an honorary nursing license to an individual who has met all of the requirements, except for passage of the nursing exam and was unable to take the exam due to an advanced illness.

This legislation is named in honor of Katie Viger, a 23-year-old nursing graduate who was diagnosed with an aggressive form of brain cancer just days before she was to take her state nursing exam. Katie's dying wish was to be granted a nursing license. She passed away on February 12.

Although I had only known Katie for a short time, through my interactions with her family and friends over the past month—including the heartfelt posts by some of her 6,000 friends on Facebook—I feel I have come to know the kind of person she was, and it was something special. It was so special, in fact, that she developed a very close relationship with her first nursing instructor at Henry Ford Community College, Ms. Cathy Wakefield. When Cathy learned of Katie's prognosis, she vowed to do everything she could to see that her wish for an honorary nursing license was granted. She wasn't deterred when the Department of Community Health first told her they weren't authorized to issue honorary licenses.

Cathy recalled that my wife and daughter were both nurses, and she sought my assistance. Working closely with the Department of Community Health, we've crafted Senate Bill No. 1172, and with this legislation pending, the department was willing to issue Katie her honorary license. She received it just days before she passed.

But we would not be voting on this legislation today and Katie would never had received her honorary license if it weren't for the involvement of several key individuals. I would, therefore, like to publicly thank Cathy Wakefield, Director Janet Olszewski, the Department of Community Health staff, Senator Mike Bishop, Senator Bruce Patterson, and Senator Tom George.

Also I would encourage members to support this legislation. Joining us today in the north Gallery is Ms. Wakefield. Could we please welcome her also.

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 Kuipers as Chairperson.

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

House Bill No. 5657, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12412 (MCL 333.12412).

House Bill No. 5658, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12431 (MCL 333.12431), as amended by 2005 PA 43.

Senate Bill No. 727, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 27a and 68 of chapter X (MCL 710.27a and 710.68), section 27a as added by 1994 PA 208 and section 68 as amended by 1994 PA 373.

Senate Bill No. 1118, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 17 of chapter XII (MCL 712.17), as amended by 2006 PA 488.

Senate Bill No. 1120, entitled

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

The 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 bill:

House Bill No. 5645, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2150, 2151, 2154, and 51106 (MCL 324.2150, 324.2151, 324.2154, and 324.51106), section 2150 as amended by 1996 PA 585, section 2151 as added by 1995 PA 60, section 2154 as amended by 2004 PA 513, and section 51106 as amended by 2006 PA 382.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1119, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 15 of chapter XII (MCL 712.15), as amended by 2006 PA 488.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1131, entitled

A bill to amend 2001 PA 266, entitled "Grade A milk law of 2001," by amending sections 31 and 33 (MCL 288.501 and 288.503), section 31 as amended by 2008 PA 136.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1132, entitled

A bill to amend 2001 PA 267, entitled "Manufacturing milk law of 2001," by amending section 110 (MCL 288.670), as amended by 2008 PA 147.

Substitute (S-1).

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

Resolutions

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

Senate Resolution No. 41

Senate Resolution No. 75

Senate Resolution No. 88

House Concurrent Resolution No. 28

The motion prevailed.

Senator Basham offered the following resolution:

Senate Resolution No. 120.

A resolution to encourage the U.S. Department of Transportation to approve the application of Delta Air Lines for a new route from Detroit Metropolitan Airport to Haneda Airport in Japan.

Whereas, The new Open Skies bilateral aviation agreement with Japan allows for limited U.S. airline service into Haneda Airport, also known as Tokyo International Airport and the largest in Japan, for the first time since 1978. Delta Air Lines has applied for the rights to operate daily service into Haneda from Detroit, Seattle, Los Angeles, and Honolulu. Delta's Detroit hub is one of the largest and most effective U.S. airline hubs for service to Asia and provides convenient connecting service from more than 100 American cities; and

Whereas, Over 500 Japanese companies are located in Michigan, and Michigan exports over \$1.5 billion a year to Japan. The local market and connecting service would strongly support air service to Haneda. New air service to Haneda would create direct and immediate economic benefits for metropolitan Detroit and the state of Michigan. A new transpacific air route can generate up to \$150 million in annual economic activity, and Delta estimates that 300 jobs are created to support each new long-haul transpacific route; and

Whereas, With four new Haneda air routes to award, the U.S. Department of Transportation should select the carrier that will maximize the consumer and economic benefits associated with the new bilateral aviation agreement. The department has the opportunity to ensure that Michigan remains an important gateway to Asia and to boost the Michigan economy by approving this timely application. Delta Air Lines is strongly positioned to compete with Japanese carriers and their U.S. partners in large local markets that will receive new Haneda service; now, therefore, be it

Resolved by the Senate, That we encourage the U.S. Department of Transportation to approve the application of Delta Air Lines for a new route from Detroit Metropolitan Airport to Haneda Airport in Japan; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of the U.S. Department of Transportation.

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

Senator Cropsey moved that the rule be suspended.

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

The resolution was adopted.

Senators Anderson, Barcia, Birkholz, Brater, Cherry, Clark-Coleman, Clarke, Garcia and Gleason were named co-sponsors of the resolution.

Senators George and Richardville offered the following resolution:

Senate Resolution No. 122.

A resolution commemorating March 6, 2010, as Go Curling Day in Michigan.

Whereas, The 2010 Winter Olympics in Vancouver, British Columbia, have just ended, reminding citizens everywhere of the intrigue of the sport of curling and its growing popularity; and

Whereas, The USA Curling National Championship is the premier event for the selection of the elite athletes to represent the United States in the 2010 men's and women's World Curling Championships; and

Whereas, Southwest Michigan was able to beat out two curling powerhouses in St. Paul, Minnesota, and Milwaukee, Wisconsin, in the bid competition to host the 2010 USA Curling Nationals; and

Whereas, The USA Curling Nationals are being held March 6-13, 2010, at Wings Stadium in Kalamazoo, with ten men's teams and ten women's teams competing, representing the best in the nation; and

Whereas, It is the hope of the 2010 USA Curling Nationals to bring in over 20,000 spectators to Wings Stadium to witness the event, contributing over \$1 million to the southwest Michigan economy; now, therefore, be it

Resolved by the Senate, That we hereby commemorate March 6, 2010, as Go Curling Day in Michigan. We express our support and gratitude for the proactive leadership of the Kalamazoo Organizing Committee and the Kalamazoo Curling Club in securing this prestigious event that will bring in much-needed revenue to Michigan's economy and provide an exciting and historic family-friendly event for the people of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to Jeff Weber, chairman of the Kalamazoo Organizing Committee for the 2010 USA Curling Nationals, and Kent Elliot, president of the Kalamazoo Curling Club.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Cropsey moved that the rule be suspended.

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

The resolution was adopted.

Senators Barcia, Birkholz, Brater, Cherry, Clarke, Garcia, Gleason and Pappageorge were named co-sponsors of the resolution.

Senators Jelinek and Bishop offered the following concurrent resolution:

Senate Concurrent Resolution No. 35.

A concurrent resolution to reject the 3 percent compensation increase authorized for civil service employees by the Civil Service Commission for the 2010-2011 fiscal year.

Whereas, Article XI, Section 5 of the *Constitution of State of Michigan of 1963* provides that increases in rates of compensation in the state classified services authorized by the Civil Service Commission require prior notice to the Governor. The *Constitution of the State of Michigan of 1963* also requires that the Governor transmit such increases to the Legislature as part of the Governor's budget; and

Whereas, Article XI, Section 5 of the *Constitution of the State of Michigan of 1963* reads, in part, as follows:

"Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission"; and

Whereas, The additional cost of these state employee contractual increases to the fiscal year 2010-2011 budget is estimated to be \$77.3 million; and

Whereas, Michigan's hardworking families and private sector employees have faced layoffs, pay cuts, loss of benefits, and other employment concessions. According to government statistics, the average annual salary of a Michigan classified state employee in 2009 was \$54,246, while the average annual salary for the state's private sector employees was \$43,831, a difference of 23 percent. Michigan's state classified employee base salary ranked sixth-highest in the nation; and

Whereas, As of November 2009, Michigan has lost 831,500 wage and salary jobs since 2000, a decline of 17.7 percent. The Senate Fiscal Agency forecasts continued job losses for 2010 and 2011. In December 2009, our unemployment rate continued to be the highest in the nation at 14.6 percent. Michigan's unemployment rate has been the highest in the nation for the last four years. Since December 2008, the state's jobless rate is up 4.4 percent from 10.2 percent. Michigan's per-capita personal income is expected to decline by 2.7 percent in 2009. This decline in personal income in 2009 will be the first decline since 1958 and the worst drop since 1945; and

Whereas, Based on the January Consensus Revenue Estimate, Michigan faces a potential budget deficit of \$1.6 billion. The Governor's proposed FY 2011 budget closes this gap by a mixture of tax increases, one-time revenue, program cuts, and reforms, including the elimination of the FY 2011 3 percent salary increase for nonexclusively represented state classified employees; and

Whereas, In light of these facts, it would be grossly unfair and fiscally irresponsible to provide salary increase to state classified employees; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature, pursuant to Article XI, Section 5 of the *Constitution of the State of Michigan of 1963*, hereby rejects the 3 percent compensation increases for civil service employees authorized by the Michigan Civil Service Commission for fiscal year 2010-2011; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor and the Civil Service Commission.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,
 Senator Stamas moved that the previous question be ordered.
 On which motion Senator Cropsey 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. 82

Yeas—22

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

Nays—15

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

Excused—0

Not Voting—1

Patterson

In The Chair: Richardville

The question being on the adoption of the concurrent resolution,
 Senator Cropsey requested the yeas and nays.
 The yeas and nays were ordered, 1/5 of the members present voting therefor.
 The concurrent resolution was not adopted, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 83

Yeas—22

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

Nays—15

Anderson	Cherry	Hunter	Scott
Barcia	Clark-Coleman	Jacobs	Thomas

Basham
Brater

Clarke
Gleason

Olshove
Prusi

Whitmer

Excused—0

Not Voting—1

Patterson

In The Chair: Richardville

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

Protests

Senators Whitmer, Jacobs, Thomas, Hunter, Prusi, Cherry, Brater, Scott, Clark-Coleman and Basham, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Concurrent Resolution No. 35.

Senators Whitmer, Prusi and Cherry moved that the statements they made during the discussion of the concurrent resolution be printed as their reasons for voting “no.”

The motion prevailed.

Senator Whitmer’s statement, in which Senators Jacobs, Thomas and Hunter concurred, is as follows:

Sadly, here we go again. Michigan is facing another budget deficit, and the Senate majority wants to balance it on the backs of the state’s hardworking public employees, instead of making concessions themselves. Every time state government is in a crisis, the leadership of this body asks state employees to make more sacrifices when they have made none. Today is another example of this hypocrisy.

From fiscal year 2004 to fiscal year 2011, state employees have made concessions that have resulted in \$700 million of savings to our state. They have taken unpaid furlough days, given up earned leave time, paid higher premium shares for their health insurance, and had increased co-pays and lost overtime. Have you done any of those things? No. All of this was for the good of the state. Framing this as a raise is ridiculous and a partisan spin.

This so-called pay increase of 3 percent is not really a raise at all. It was adopted in exchange for agreed-upon reductions in benefits that amount to a 4.35 percent cut—a cut in total compensation. And while the concessions these employees have made can’t be touched or undone, the Senate majority is trying to renege on our end of the bargain.

Our state employees have and continue to act in good faith, but today the Legislature is not doing the same. These employees are vital to providing the services that Michigan residents rely on every day to survive. These are the men and women in Child Protective Services who help keep kids safe. They are the people in the Department of Human Services who make sure families and seniors have the assistance they need to put food on their tables. Do any of you worry about how you are going to put food on your table? These are the police officers and firefighters who help keep our communities safe.

Let me tell you something. Child abuse does not take a furlough day, hunger does not take a furlough day, and crime does not take a furlough day. Then why should we ask the people who combat these challenges to take furlough days? These men and women do not look at their jobs as just another paycheck. In turn, state government should not be looking at them like just another price tag. These certainly aren’t nonessential services, and they’re surely as important to the people in your districts as they are to the people in mine.

When there is a constituent concern, who does your staff pick up the phone and call? What if there was no one on the other line of that phone, no one to solve that problem, no one to help that person? Are these really the services we want to target to realize cost savings in state government?

If these drastic times call for drastic measures, then why not make them yourselves. It’s the height of hypocrisy when the majority wants to cut state employees to save \$48 million but not willing to cut their own lifetime health care benefits or reduce the drastic disparity in partisan office budgets.

Also ironic, the spokesperson for one of the groups, who is a chief proponent of state employee cuts, was once one of, if not the highest-paid state employee in Michigan history. Now he wants cuts from all the other state employees. I am proud to represent the majority of Michigan's hardworking, dedicated state employees. But more importantly, I am proud to have them represent me and represent our state.

I will not support reforms at their expense, and I am ashamed that more people in this body don't value our public employees the same way. I abhor the politics of fear, but when we take measures like this, it is only a matter of time before someone falls through the cracks and have a devastating story in Michigan. We can't afford to let that happen, and because of that, I am going to be voting "no."

Senator Prusi's statement, in which Senators Cherry, Hunter, Brater, Scott, Clark-Coleman and Basham concurred, is as follows:

It has become very politically popular to demonize public employees and state workers, but I think if the general public was aware of some of the sacrifices they have already made, the polls would look a little different. We should not operate under polls regardless.

I think people need to be aware that there are 17 percent fewer state workers on the payroll today than there were eight or nine years ago. No one has seen a corresponding diminishment of the services required or the needs to be satisfied from the constituents we represent. Their workloads haven't shrunk by 17 percent; it has been growing commensurate with the economic crisis here in the state of Michigan.

Would you like to go to work in one of our maximum security institutions and work with the very worst people in our society day in and day out and be told by the State Legislature that the work you do is important, but we don't value it enough to give you the raise you bargained in good faith for? You bargained to replace all the concessions—the \$700 million that the previous speaker represented. I don't think any of us would want to do that and be told that our jobs are worth less.

Would you like to ride along with one of our state troopers when our at-post trooper strength is as low as it has been in the last 20 years? Have you seen crime, traffic, or any of the problems that our state troopers wrestle with go down? I don't believe you have. Those troopers are out there every day protecting us and our families, and I think they are worth the money that they earn and more on top.

How would you like to sit at the desk of a DHS workers with 700-800 cases open? These are people desperate because of the economy, trying to find a way to feed their families, get medical care, and to pay their bills and heat their homes. Those DHS workers who sit at those desks every day are not faceless numbers. They are not just some equation or bottom line. They are human beings just like everyone else, and they are doing the very best they can to help those disadvantaged people in our state recover and get back on their feet.

I think it is an atrocity that we will tell these people—after the \$700 million that they have sacrificed, after the collective bargaining agreements that go forward in the future with two-tiered health care programs, saving the state hundreds of millions, if not billions, of dollars in the decade ahead—after all they have sacrificed year in and year out over the years that we are coming back for one more bite at the apple and another.

When is enough enough? I think now is enough. These state workers have demonstrated time and again their willingness to sacrifice and work hard on behalf of the people of the state of Michigan. I think for us slap them in the face and tell them they are worth less, I think, speaks ill of this body. I would encourage members to vote "no" on this concurrent resolution.

Senator Cherry's statement is as follows:

I just want to point out a couple of things so that we don't forget what it is we are doing today. I spent last week or the week before talking to Department of Human Services workers who were doing an informational picket at the time. As was said earlier, they have caseloads of about 800 people. They don't take breaks. They work through. They don't have enough time to service the clients they have. They have given up, as was said, furlough days even at a time when the need for their services continues.

So my point to all of that is that those workers are just an example. If the \$700 million in cuts that workers have taken already and this year they have agreed in negotiations to cut \$50 million out of their package of pay and benefits, this pay raise costs somewhere between \$35 million to some \$40 million. In effect, they are taking a pay cut this year. Even though we're just voting to stabilize their pay, understand that they are taking a pay cut this year. We need to recognize that.

To make sure that we are being clear to everyone, this vote is a vote to cut pay. It's not just to stop a pay raise. They have already agreed to, as I said, \$700 million in the past and \$50 million in cuts this year, which is more than what that pay raise costs.

Senators Pappageorge, Jelinek, Switalski, Hardiman, Garcia, Brown, Cropsey, Bishop and Patterson asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Pappageorge's statement is as follows:

Let's be clear about something at the very beginning. This is a subset of the state's public servants. I do not use the term "public employees." The Civil Service Commission has already cut the 3 percent pay increase for nonunion employees. This is not an antiunion vote. This is about sacrifice on the part of public servants.

In times of crisis, which everyone agrees we are in now, public servants should be the first to step up. That is why it is important in this instance to vote "yes" on this resolution. It's also fair. All public workers should be treated the same way, and therefore, I urge you to vote "yes" for this resolution.

I also give you the example of what happened with the State Police last fall. We told them that they were going to need to take a 5 percent decrease in pay. The answer from the top of the pyramid was, "No, we are not going to take a cut; we are going to send 82 troopers out the door"—troopers who were just graduated from trooper school. Do you know what was going on at the bottom of that pyramid? The 82 troopers said, "Sure, we will take a 5 percent cut, keep a job, and have health care." It is the same situation here.

The middle ground in all this talk about cuts and tax increases is to reduce the cost of government without sending anyone out the door. That is precisely what this resolution does. It reduces the cost of government without sending anyone out the door, and it is possible because public servants are going to have to sacrifice—a subset of those public servants will have to sacrifice.

Senator Jelinek's statement is as follows:

This is the real world and the real economy of 2010. Who in this body does not know of the economic crisis in this state and in this country? As much as we would all like a raise next year, it does not make sense in this economy. Private-sector employees everywhere are taking cuts in pay and benefits. We are not proposing cuts in pay to state employees at this time; we are proposing to not raise pay by 3 percent.

It is our duty to provide a balanced budget in this state. This is a \$44 million General Fund part of that budget. There will certainly be more cuts to all people and departments in state government in the future. This is just a warmup. Come on, people, this is not a reflection on the good workers of this state. This is a necessity with more tough decisions coming. This is an effort to save jobs. Don't stand here and spew drivel about not making sacrifices ourselves. That's not true. We have made personal cuts. I have and I know all of my colleagues here have done the same.

We do care about and appreciate our state workers; so do the Michigan citizens. But those citizens are hurting, and they need us to help them by holding down costs. State employees know that as well. I have talked to several who understand and agree with what we are doing because they want to save their jobs and their fellow workers' jobs.

We have no choice. We must eliminate this raise, and ask everyone to join the effort to save jobs and balance our budget. We need a two-thirds vote to make this happen. So let's join together, work together, balance this coming year's budget, and save jobs by voting "yes" on this concurrent resolution.

Senator Switalski's statement is as follows:

I appreciate the remarks of my colleagues, especially Senators Prusi and Whitmer. I thought they had a lot of truth in what they said. This is a very difficult vote. The state has negotiated a contract with the employees, and under normal circumstances, we should honor that contract. But these are not normal times.

Article 11, Section 5 of the State Constitution specifically allows the state to modify a pay increase for employees by a two-thirds vote. This is an important limit on the immutability of our contract, and the supermajority required to rescind the increase purposely sets the bar high.

The framers of the Constitution did not want demagogues to try to make themselves look good by beating up on state employees. That is why the framers specifically denied the Legislature the ability to cut pay in this same article. But they recognized that in rare cases, the state may need to reduce or reject a pay increase.

The Governor has already used her power to rescind the 3 percent increase scheduled for the nonexclusively represented employees (NEREs). Basic fairness suggests that we treat both the NEREs and unionized employees the same. Represented status should not confer a special benefit nor carry a penalty. To treat the groups the same requires elimination of the 3 percent increase.

I have spoken to the NEREs, and for the most part, they prefer both they and the union get the 3 percent increase. But that is not the option before us today. The NEREs have already lost the 3 percent. Equal treatment would require union employees to have their increase cancelled also.

Canceling the increase would mean the state would fail to live up to the provisions of the contract we bargained with the employees in good faith. Many employees see that as deeply unfair, and it will cost us in terms of lost trust. The Legislature must choose between bad options. We can cheapen our word, or spend money we don't have.

At one end of the spectrum, my Republican friends proposed several weeks ago that all public employees take an across-the-board 5 percent pay cut. I do not support that proposal. Besides violating the Constitution, which says the Legislature cannot cut pay, I believe the proposed pay cut would be impossible to administer fairly.

At the other end of the spectrum, we have the negotiated 3 percent increase. In these times, with the state \$1.6 billion deficit, it is hard to justify giving anyone an increase, especially when wages are falling for so many of our constituents who pay the bills.

Most importantly, the \$50 million spent to increase wages would amplify our deficit and require additional reductions in the ranks of state employees. If I am given a choice between freezing pay and avoiding layoffs or granting increases to some while laying off others, I choose to freeze pay and avoid layoffs. Solidarity means looking out for each other, and the last thing we need in Michigan is more unemployed workers.

I believe freezing the pay at current levels, not giving an increase but not taking a cut, steers a middle course between the extremes and is the best of some admittedly bad options. It is a vote I cast with regret but one I cannot avoid.

Senator Hardiman's statement is as follows:

These are very, very difficult times. They are not only difficult times for those of us in this chamber and those of us who work for the state of Michigan, but they are difficult times for everyone in Michigan. I just spoke with a business owner who said that he had to cut the pay of his employees and himself by 10 percent. Not only did he do that, but he reduced the number of days they worked to four—just to get through.

Last year, I spoke to someone as I walked on a trail. He asked me to say a prayer for him and guys like him. He said that he had just been downsized after 26 out of 30 years, and he had two kids going to college. These are tough times.

The resolution before us is not cutting anyone's pay. It is not asking anyone to leave. It is simply not granting an increase. It has been said that those of us who might support this resolution do not value our state employees. I have been in the offices of the Department of Human Services. I have seen some of the lines. I have seen some of the people needing help. I have seen the workers working diligently to provide that help. I know of the CPS workers who are working diligently for those who are vulnerable. I understand what they do, and I appreciate it. But these are very, very difficult times, and we have to make tough decisions.

I believe this is a fair way to support this resolution, rather than to allow the 3 percent increase to go through and then cut jobs or cut services because of it. Therefore, I will support the resolution with regret but understanding that there are worse options.

Senator Garcia's statement is as follows:

I rise to share my feelings about this resolution. As many of you know, I have a number of state employees in my district. As previous speakers, especially the first two, pointed out, our state employees do a great job. They are overworked. They have a tremendous amount of pressure. When you take a look at the people working in DHS, Corrections, or our state troopers out there, many times they are putting their lives on the line for us and the citizens of this state.

It is true that they have made many sacrifices, but as it has also been said, these are very difficult times. As the previous speaker has mentioned, there are companies reducing the pay of their employees and reducing their work hours. I have received letters at home from employers who had to lay off many workers, many they have known for many years. They know their families, and their children play with each other, and yet, they have had to lay them off in order for the company to survive. These are very painful, very difficult decisions for those in the private sector to make.

Today, we are faced with a very similar situation. The question before us is not whether or not we balance the budget on the backs of state employees. The question is: Do we remain fiscally responsible? As others have said, this is only to not reward a pay raise. It is not a pay cut. If we don't support this, what will happen is that we will have fewer state employees. That means more layoffs, fewer people working, and more people in the unemployment lines. Do we really want that? Given a choice between keeping a job or reducing the pay, what is the choice? I think it is obvious.

I would like to support the state employees. I would like to reward their hard work and diligence. Unfortunately, the state just doesn't have the money to give a pay increase. Reluctantly, I, too, will be supporting this resolution because I want to protect jobs and keep people working.

Senator Brown's statement is as follows:

These are indeed unprecedented times. The other weekend, I spent the better part of a Sunday afternoon talking with a local industrialist in my district, and he at some length very poignantly told me about the sacrifices that his company is making just to keep the doors open, including layoffs, including the suspension of his own salary, and significant salary cuts of key managers.

There is a disconnect between some of what we have heard today in this Senate Chamber as opposed to the reality of what is happening in the private sector—the fuel engine of our economy. After all, government does not create wealth.

To be sure, our public employees are our greatest asset. This freeze—and I say again, this freeze—is an effort to be fair to all concerned and to show solidarity to those who are suffering. To the claim made by the other side by some of the speakers that these sacrifices, these adjustments in our own salaries have not been made, you better check the record because some of these adjustments in our salaries have been made by some of us, going back to the first year we began serving.

Senator Cropsey's statement is as follows:

Though our state employees do a terrific job, they've been asked to do more with less for some time. If you take a look at the State Police, we all know we have fewer state troopers now than we have in the past. We know in some areas of budget, we'll actually have to beef it up because of the crime lab issue. The crime lab is full and overflowing and backlogged.

We have state employees there who are working their tails off, and it's just not enough. That's one area of the budget, I believe, we'll probably have to increase—in other areas too. I took a look at the judiciary budget, and I've been in touch with the Court of Appeals judges and the Supreme Court justices and taken a look at their staffs and many of their staff have taken several leave days in order to make their budgets balance also.

I have several prisons in my district. I always wonder how on earth do you pay a prison guard enough or a corrections officer enough for them to do the job that they do. The job that the State Police do and the job that the corrections officers do are priceless jobs, and we can never pay them enough. I think we all recognize that. Too often they are not appreciated. But they are doing a job, and they're doing a very good job. They're doing it under some tremendous financial stresses in these different departments.

There are jobs there that I would never want to do. I think of the people on the parole board. Even though these are not unionized jobs, they are jobs that I would challenge almost anybody here to say how they would like to go do that job, and then go home and try to sleep at night, knowing the pressure that they are under.

But I also have to take a look at the private sector, take a look at the jobs that have left, take a look at the tax base that is leaving, and take a look at the number people who are leaving. We just say we do not have the resources that we once had. We have not had the resources that we thought we were going to have; that the economy would sooner or later bounce back. We have been thinking that for the last eight years.

So we are really caught in a tough position. We are caught in a tough position of how to pay state employees adequately for the tremendous service that they do for the people of this state. But at the same time, you say how do we make government run more efficiently and effectively and leaner, so that we don't have to continue to put more and more taxes on the tax paying public?

I appreciate the chairman of the Appropriations Committee and also the Democratic leader on Appropriations. But what I don't appreciate is when people get up and demagogue one way or another. I don't appreciate people getting up and saying hypocrisy when the Senate has taken this year a 23 percent decrease in our budgets. I don't appreciate people yelling hypocrisy when those very same people have been out there and have introduced a resolution to give an increase to their staff on the other side of the aisle. And, yes, a Senate resolution that was co-sponsored by the Senator across the aisle and co-sponsored by several of her colleagues, it would have given an increase to their staffs and only to their staffs, but yet, she gets up and cries hypocrisy. It is amazing the hypocrisy that I see. It is time that that person was called on it.

It was Senate Resolution No. 51, and everybody is going to be sharing the sacrifice, but the person crying hypocrisy is the one who wanted to make sure that her staff got raises through Senate Resolution No. 51. People are losing their jobs and their homes. Our Democratic Governor has been pressuring state employees to give up more, and the private sector is asked to pay more in taxes and fees. Why on earth would anyone sponsor a resolution then to give their legislative staff salary increases when everybody is taking a cut?

Senator Bishop's statement is as follows:

We spent the better part of an hour debating whether or not we have the money to do certain things, and one of those is a pay increase for employees. And I'd just like to respond very simply by saying no, we can't. It's very obvious that we can't, yet we spend all this time debating and discussing, and we ignore the facts. In fact, for the past three years, we've been mired down in a discussion and a debate about diminishing revenues and what we should do about that. That is an unwinnable challenge for any of us. We have no control.

The harsh reality is we can't afford the government that we have, and as we sit here today, we continue in denial. The denial has reached a level that I have never, could never, predict. We are now at a point where we are looking at the perfect storm, and we are in the heart of the perfect storm.

Consider the facts. The *Wall Street Journal* listed them; many other papers have listed them as well. Consumer confidence is still down in this country and in this state. The poor continue to feel poor, and some of our friends and neighbors and many others feel poor as well. Most people don't see the end of this crisis—on the outside.

We're seeing record lows in light-vehicle production and sales. That's the bread and butter of this economy, and it's going to continue to get bad in this state until we resolve that. Retail sales are down and remain at record levels that we haven't seen since 1947. Housing starts and property values continue to plummet. Contractions in Michigan's economy have thrown 15 percent of our state residents into unemployment. We've lost almost 1 million jobs this decade; a full third of those happened in the past two years.

We are 55 percent higher than the rest of the nation in unemployment. And if you look at the city of Detroit, our urban center, it is about 30 percent unemployment. It's way higher than any other similar heavy manufacturing base like Pittsburgh, for example, which has a 7.7 percent unemployment, or Cleveland at 11.4 percent.

Not to mention personal income continues to fall. That's a statistic we haven't seen since 1958. Michigan is one of two states that is actually losing population. And as people leave this state, guess what? It's less people contributing to our economic base, which means less dollars to this state—significantly less.

While these statistics are harsh, it's a reality. We can debate all day, but we can't change the facts. All of us have seen the impact on our families, friends, and neighbors. Everybody has seen the impact. Everybody is making adjustments, except state government. And we have the audacity to sit up here and debate this subject as to whether or not we can afford this.

As we debate this here locally, another storm looms larger nationally. The federal government since 1969 has spent more than it has. We've had to borrow to cover that. Our national debt has reached \$13 trillion. Our deficit is somewhere around \$3 trillion. And as we debate this in our state, we continue to ignore that fact too.

The U.S. dollar continues to lose ground globally. Inflation is soon to follow. The New York Stock Exchange is at a 60 percent rally for no apparent reason. Gold has reached new heights. As my colleague would say, hello.

We have a perfect storm here. And if we are overly simplistic, we'll just address the symptoms and never address the real problem. You know, as we face the current crisis and that billion-dollar budget deficit that we have, we are talking about a \$400 million cut to our public schools, cuts to law enforcement, and local governments. As we decide what we do with that, we're all talking about paying our state employees more. So we are going to pass out pay increases while we cut public education and local government and law enforcement. How much sense does that make? It doesn't make sense. It does not sit well with me, and I do not support it.

The great President Ronald Regan once said, "A leader once convinced a particular course of action as the right one, must have the determination to stick with it and be undaunted when the going gets tough." This may be a tough vote for some of you, but it's the right vote. Do the right thing.

Senator Patterson's statement is as follows:

I hesitate to rise today because I'm not very effective as a public speaker, and I'm somewhat intimidated by the prospect. But my comments will not be emotion-based or reactionary. They will be grounded in legal principles. You've heard me say that before.

I took an oath not only as a state legislator, but as an attorney, a very long time ago. I hear people using the word "fair." Not the State Fair, but "fair" a four-letter word. It has absolutely no legal meaning, lawmakers. "Just," also a four-letter word, has legal meaning. By some accounts, I'm called the "language Nazi," always reminding people that words have meaning. Be precise. We write laws, and yet, we blather on talking past one another.

Legal meaning and purpose. Reform, r-e-f-o-r-m—to put or change into improved form or condition; to put an end to an evil by enforcing or inducing a better method or course of action; to induce or cause to abandon evil ways, as in to reform a drunkard.

So as a lawyer, when I look at this resolution, I don't see reform; I see change. That's a four-letter word if you get my drift as a Republican.

I listen to people talk eloquently about how it's fiscally imprudent to spend more money than we have, and yet, I watch day after day as we spend something called federal stimulus dollars. That ain't real money; that's my granddaughter's money that we're spending today. That, I find reprehensible. So as a fiscally-responsible person, I am challenged by the law.

The first challenge is does the Constitution, Article I, Section 10, talking about impairment of contracts, carry the day here? No, it does not because the Constitution, as the resolution suggests in Article XI, Section 5, does give us the authority or the power. But just because we have the authority, is what we are doing just, j-u-s-t?

Well, I've heard a lot of speechifying today, but I'm haunted by a legal question to which I do not know the answer, I must hasten to add. And it arises from *MIRS*, March 2, page 6 of 14, wherein the State Budget Director, Bob Emerson, said it would be an unfair labor practice.

Well, I never was a labor lawyer, but it gives me pause. I've yet to hear anybody address the legality, and there are allegedly several attorneys in this room, but nobody has raised the question as to whether or not this really is an unfair labor practice.

And I see where the Granholm Administration, a Harvard-educated lawyer, claims that this is illegal. But I hear this makes only common sense. Well, guess what? Common sense is a phrase made up of two words that are slovenly used. Common sense, it used to be common sense that the world was flat. Hello. Common sense, if it were really common sense at all, would be common, if the most populous group in the world believed it so. I don't think the Chinese give a darn about this. But they should because we are spending their money.

So I need to know whether or not we, as lawmakers, choose to use words that have meaning and whether or not we know for a fact that this does not violate labor laws. For lawmakers, whether it's at the federal level or at the state level, we should obey the law. And while I get outraged at the prospect of the United States Congress and the U.S. Senate using reconciliation and violating their own laws or disobeying PAYGO or whatever that recently signed into the law version was, we, too, have to follow the law.

So until such time as the answer to my question is given, I will not be voting, period.

House Concurrent Resolution No. 35.

A concurrent resolution to urge the Secretary of the United States Department of Health and Human Services to continue the Perinatology Research Branch facility in Detroit, Michigan.

Whereas, In 2002, the National Institutes of Health (NIH) awarded a 10-year contract to house the PRB at Wayne State University. The mission of the Perinatology Research Branch (PRB) is to conduct clinical and basic research in perinatal medicine with the goal of developing diagnostic, therapeutic, and preventive strategies to improve pregnancy outcome. In addition, the mission also includes the training of physicians and scientists whose aim is to improve the healthcare of pregnant women and their unborn children; and

Whereas, The PRB has been transformational in the delivery of obstetrics care in the city of Detroit and state of Michigan. Over 15,000 pregnant women, mostly from indigent households, have received world-class care as a result of the PRB and its clinical partnership with Wayne State University. Housed in the city of Detroit, the PRB provides a racially and ethnically diverse patient population a unique and critical set of clinical access points; and

Whereas, The city of Detroit, the state of Michigan, the Detroit Medical Center, and Wayne State University have made significant investments in infrastructure to properly house the PRB at no cost to the NIH. These entities understand the value of the services the PRB brings to the region; and

Whereas, The PRB has had a tremendous economic impact on Detroit and the state of Michigan. The PRB employs over 120 individuals, mostly in high paying research and clinical positions. The PRB has also brought 150 indirect jobs due to the collaboration with Wayne State University. In addition to the jobs, the PRB has brought with it more than \$200 million in federal research funds to our state over the past 10 years; and

Whereas, During the last decade, the Detroit-based PRB has had an impressive list of research accomplishments, which were made possible because of the unique resources our region has provided to the facility. The PRB has been able to collaborate with the Wayne State University School of Medicine, which is regarded as one of the top urban health research centers and an institution with a high level of expertise in obstetrics and gynecological research; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Secretary of the United States Department of Health and Human Services to continue the Perinatology Research Branch (PRB) facility in Detroit, Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of the United States Department of Health and Human Services and to Wayne State University.

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Health Policy.

The motion prevailed.

Senators Barcia, Brater, Cherry, Clark-Coleman, Clarke, Gleason and Scott were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Cropsey, Cherry, Jacobs, Scott, Patterson and Cassis asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cropsey's statement is as follows:

People regularly ask me why it is so hard to pass a budget in Lansing. The Senator from the 23rd District was quoted sometime ago in *Gongwer* as saying there is no courage in cutting someone else; real courage is leading by example, sharing, and sacrifice. Then today that same Senator got up and screamed, "Hypocrisy" at the Republican Caucus.

I want to talk about shared sacrifice. Since the start of this legislative session, the Senate has taken a roughly 23 percent cut in funding, and yet, just three weeks after the Senate cut its budget last year, the Senator from the 23rd District introduced Senate Resolution No. 51, which would set the Senators' staff and offices budgets "which will initially be the levels the minority offices had at the start of the 95th Legislature." Here is her dirty little secret: By the sponsor choosing the funding level "at the start of the 95th Legislature," she would actually be requiring that all Democrat offices and only Democrat offices get a budget increase. Let me be very clear. Her resolution would give every Democrat Senators'—and only Democrat Senators—offices an obscene 23 percent pay raise. The sponsor knew this, and now, hopefully, so does everyone else.

Mr. President, demanding that everyone share in sacrifice while Democrats—and only Democrats—get pay raises is appalling. People are losing their jobs and their homes. Our Democrat Governor is pressuring state employees and unions for concessions, and the private sector is being told to pay more in taxes. Schools are being told to take more cuts. But this Senator and 11 Senate Democrat co-sponsors insist on outrageous budget raises for Democrat staff and only Democrat staff.

First, the Senate Democrats try to get us to fire all the nonpartisan staff, and now they have a proposal to give only Democrat Senators' staff a monstrous budget increase.

Mr. President, for the record, I ask that my remarks be printed in the Journal so that the people may know one reason why it is so tough to pass a budget here in Lansing.

Senator Cherry's statement is as follows:

I am also proud that I am a co-sponsor of the resolution that was recently referred to and to point out to all of you that the resolution says that all levels will be taken down to the minority level. Currently, the Republican majority gets a significant increase in their budget from the minority party. That resolution was to bring everyone's level down to minority level. It is not an increase in anybody's budget. It was to bring all of us equal, as we all are elected equally to serve an equal amount of people and residents of this state. So I want to be clear that the resolution has been misrepresented and that I support a resolution that cuts all of the budgets and brings them down to the Democratic minority level.

I also just wanted to point out, too, that we passed legislation that I am glad we passed today on Pure Michigan funding. It is an important piece of legislation, and it solves the budget problem for Pure Michigan temporarily. But I did find it amazing that there is a majority in this Senate that wants to solve this problem permanently, and yet, we could not do that today. It is amazing to me that we are only taking steps temporarily when we could have solved this budget problem. We could have fully funded the Pure Michigan campaign today, and now we have put it off for the future.

Senator Jacobs' statement is as follows:

I just want to further clarify some of the points that I made earlier when we took up the package of bills that came out of the elections committee. The bills purport to address election fraud, but there are so many instances of election fraud that were, unfortunately, not addressed with this package—voter suppression, for example, voter intimidation, fraud in the petition circulations.

So much of what we heard in committee was anecdotal. However, there were two incidents that were true, that were not anecdotal, and are not addressed in this package of bills. For example, as I mentioned before, is the documented fraud in the Dillon recall and also the organizers and supporters of so-called Michigan civil rights initiative, as recognized by a federal court and the Michigan Civil Rights Commission.

I think we have to be careful that we should not try to foment fear among the electorate, which we often find happens to be the case here. We should actually do something to address actual, documented fraud. A lot of folks are looking at the famous ACORN video and think of these bills as the ACORN bills. But I would like to remind this chamber that the Young Republican who was involved in that incident was recently charged with a crime for trying to break into a United States Senator's office.

I just wanted to add these to my comments earlier. I do hope that we can move more substantive bills forward in the future and that the bills that we did pass today will go over the House, and hopefully, some of these substantive changes can be made to them.

Senator Scott's statement is as follows:

Henry Ward Beecher said, "The only victories worth having come as a result of hard fighting." We did some fighting today, didn't we? If what Mr. Beecher says is true, then when we finally vote to reform and bring fairness to the auto insurance industry, I believe that we will do that by the end of our legislative session later this year. Then it will have been an extremely hard-fought victory for me.

I've been advocating for this for a long time. Reforming our insurance industry has been my cause. I fight for all Michigan citizens because I see an industry out of touch with many of its customers. I fight for all Michigan citizens because we have required them to buy auto insurance. We created what has become a monster, causing great financial difficulties for too many of our citizens. It is our job to fix this problem. We have bills to do this in committee. I ask you to please work with me on these bills so that we can give our hardworking citizens a fair auto insurance industry which offers affordable policies.

No one is arguing that we don't need auto insurance. No one is saying that they don't want to pay for auto insurance. Our constituents simply want to pay their fair share, and I'm sure you've heard that word "fair" today. With hard work and determination, we can pass legislation this year to ensure that everyone pays a fair price for their auto insurance premium.

So thank you, Mr. President, and I would like some fairness in insurance.

Senator Patterson's statement is as follows:

I'm concerned—surprise, surprise—this time about health insurance reform. I have been concerned with the individual health insurance market in Michigan for more than 15 months, going way back to when I was the vice chair of the Health Policy Committee. That's how long ago I've expressed concern.

I have repeatedly and strenuously articulated my very deep concern. I did so because financial projections indicated at that time that a crisis was brewing relative to the continued viability of Michigan's own Blue Cross Blue Shield affiliate.

Now I am advised that the projections for 2009, which would be last year, of underwriting losses largely in individual policy issuance, those projections were very accurate—\$260 million in underwriting losses. Now that's no longer a large sum of money. I understand that. We burn through that in about as much time as it takes me to make this statement. But these losses would have been catastrophic but for other reforms instituted—and that's actually reforms—by Blue Cross Blue Shield of Michigan's management and their especially effective investment portfolio management.

While I hope that Blue Cross Blue Shield of Michigan's investments continue to be spectacular, we cannot rely on such success and disregard the reality. As the insurer of last resort and with a growing pool of individual insureds, underwriting losses of an even greater magnitude looms.

Structural change must occur or else. The clock on the wall is ticking ever more loudly, ever more ominously. Be prepared. Be forewarned.

Senator Cassis' statement is as follows:

I rise for purposes of a comment, a question, and a caution. Some of my colleagues this morning and afternoon have seemingly led us to believe that above all other necessities, Pure Michigan rises to the level deserving—deserving—of a permanent revenue source. My colleagues who claim this indicate that Pure Michigan is a higher priority than K-12 education, Medicaid, and support of revenue sharing for police and fire in our local communities where no permanent revenue sources exist. I humbly suggest we be very careful with words and priorities lest we be misunderstood.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Scott and Switalski introduced
Senate Bill No. 1181, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

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

Senators Cherry and Switalski introduced
Senate Bill No. 1182, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2011; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

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

Senators Clark-Coleman and Switalski introduced
Senate Bill No. 1183, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2011; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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

Senators Brater and Switalski introduced
Senate Bill No. 1184, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

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

Senator Switalski introduced
Senate Bill No. 1185, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

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

Senators Scott and Switalski introduced
Senate Bill No. 1186, entitled

A bill to make appropriations for the department of energy, labor and economic growth and certain other state purposes for the fiscal year ending September 30, 2011; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

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

Senator Switalski introduced
Senate Bill No. 1187, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general; civil rights; state; technology, management, and budget; and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2011; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

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

Senator Switalski introduced
Senate Bill No. 1188, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2011; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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

Senators Scott and Switalski introduced
Senate Bill No. 1189, entitled

A bill to make appropriations for the department of human services and certain state purposes related to public welfare services for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

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

Senators Brater and Switalski introduced
Senate Bill No. 1190, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2011; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain state and local departments, officials, and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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

Senators Barcia and Switalski introduced
Senate Bill No. 1191, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

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

Senator Switalski introduced
Senate Bill No. 1192, entitled

A bill to make appropriations for the department of natural resources and environment for the fiscal year ending September 30, 2011; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senator Switalski introduced
Senate Bill No. 1193, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 6, 11, 11a, 11d, 11g, 11j, 11k, 11m, 15, 18, 19, 20, 20d, 22a, 22b, 22d, 22e, 24, 24a, 24c, 26a, 26b, 29, 31a, 31d, 31f, 32b, 32d, 32j, 32l, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 64, 65, 74, 81, 94a, 98, 99, 99i, 101, 104, 107, and 147(MCL 388.1606, 388.1611, 388.1611a, 388.1611d, 388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1615, 388.1618, 388.1619, 388.1620, 388.1620d, 388.1622a, 388.1622b, 388.1622d, 388.1622e, 388.1624, 388.1624a, 388.1624c, 388.1626a, 388.1626b, 388.1629, 388.1631a, 388.1631d, 388.1631f, 388.1632b, 388.1632d, 388.1632j, 388.1632l, 388.1639a, 388.1641, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1661a, 388.1662, 388.1664, 388.1665, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1699, 388.1699i, 388.1701, 388.1704, 388.1707, and 388.1747), sections 6, 11, 11a, 11g, 11j, 11k, 11m, 15, 18, 19, 20, 20d, 22a, 22b, 22d, 22e, 24, 24a, 24c, 26a, 26b, 29, 31a, 31d, 31f, 32b, 32d, 32j, 32l, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 64, 65, 74, 81, 94a, 98, 99, 99i, 101, 104, 107 and 147 as amended and section 11d as added by 2009 PA 121; 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 Appropriations.

Senators Barcia and Switalski introduced
Senate Bill No. 1194, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2011; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; to provide for the powers and duties of certain committees, certain state agencies, and certain employees; and to provide for the acquisition and disposition of certain real and personal property.

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

Senator Switalski introduced
Senate Bill No. 1195, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2011; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; 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.

Senator Cropsey introduced
Senate Bill No. 1196, entitled

A bill to amend 1967 PA 291, entitled "An act to authorize state universities and colleges to enact parking, traffic and pedestrian ordinances and to provide for the enforcement of the ordinances; and to dispose of fines collected," by amending section 2a (MCL 390.892a), as amended by 1998 PA 441.

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

Senators Jelinek and Pappageorge introduced

Senate Bill No. 1197, entitled

A bill to amend 2008 PA 387, entitled "Reverse vending machine antifraud act," (MCL 445.651 to 445.669) by adding section 16.

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

Senators Jelinek and Pappageorge introduced

Senate Bill No. 1198, entitled

A bill to amend 2008 PA 388, entitled "Beverage container redemption antifraud act," (MCL 445.631 to 445.643) by adding section 12.

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

Senators Barcia, Kahn, Allen, Jansen, Gleason, McManus, Stamas, Hardiman and Pappageorge introduced

Senate Bill No. 1199, entitled

A bill to require the operators of bowling centers to give certain notices to bowlers; and to grant immunity from civil liability to operators of bowling centers.

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

Senators Basham, Hunter and Gleason introduced

Senate Bill No. 1200, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 25, 33, 37, and 39 of chapter X (MCL 710.25, 710.33, 710.37, and 710.39), section 25 as added by 1982 PA 72 and section 39 as amended by 1998 PA 94.

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

Senators Basham, Hunter and Gleason introduced

Senate Bill No. 1201, entitled

A bill to amend 1956 PA 205, entitled "The paternity act," by amending section 4 (MCL 722.714), as amended by 1998 PA 113, and by adding section 7c.

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

Senators Basham, Hunter and Gleason introduced

Senate Bill No. 1202, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 5 (MCL 722.25), as amended by 1993 PA 259.

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

Senators Basham, Hunter and Gleason introduced

Senate Bill No. 1203, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," (MCL 552.501 to 552.535) by adding section 5b.

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

Senator Allen introduced

Senate Bill No. 1204, entitled

A bill to amend 1980 PA 395, entitled "Community convention or tourism marketing act," by amending section 2 (MCL 141.872), as amended by 1993 PA 224.

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

House Bill No. 5661, entitled

A bill to amend 1989 PA 196, entitled "An act to abolish the criminal assessments commission; to prescribe certain duties of the crime victim services commission; to create the crime victim's rights fund; to provide for expenditures from the fund; to provide for assessments against criminal defendants and certain juvenile offenders; to provide for payment

of crime victim's rights services; and to prescribe the powers and duties of certain state and local agencies and departments," by amending section 5 (MCL 780.905), as amended by 2005 PA 315.

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. 5666, entitled

A bill to amend 1989 PA 196, entitled "An act to abolish the criminal assessments commission; to prescribe certain duties of the crime victim services commission; to create the crime victim's rights fund; to provide for expenditures from the fund; to provide for assessments against criminal defendants and certain juvenile offenders; to provide for payment of crime victim's rights services; and to prescribe the powers and duties of certain state and local agencies and departments," by amending section 4 (MCL 780.904), as amended by 2008 PA 396.

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. 5667, entitled

A bill to amend 1976 PA 223, entitled "An act to create an agency concerned with crime victim services; to prescribe its powers and duties; to provide compensation to certain victims of crimes; to provide for the promulgation of rules; and to provide for penalties," by amending section 11 (MCL 18.361), as amended by 2008 PA 390.

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.

Committee Reports

The Committee on Commerce and Tourism reported

Senate Bill No. 1139, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 11b (MCL 125.2161b), as added by 2008 PA 155.

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, Nofs, Stamas and Hunter

Nays: None

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, March 2, 2010, at 2:30 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Nofs, Stamas and Hunter

Excused: Senator Clarke

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submitted the following:

Joint meeting held on Tuesday, March 2, 2010, at 12:30 p.m., Room 426, Capitol Building

Present: Senators Brown (C), Jelinek and Scott

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, March 2, 2010, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cropsey, Sanborn, Stamas, Whitmer and Basham

Excused: Senators Patterson and Clarke

COMMITTEE ATTENDANCE REPORT

The Committee on Reforms and Restructuring submitted the following:
Meeting held on Tuesday, March 2, 2010, at 2:30 p.m., Room 110, Farnum Building
Present: Senators Bishop (C), Gilbert, George, Kuipers, Prusi, Hunter and Cherry

Scheduled Meetings

Agriculture and Bioeconomy - Thursday, March 4, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

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

Community Colleges - Thursday, March 11, 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building
(373-2768)

Community Health Department - Thursdays, March 4 and March 11, 3:00 p.m., Senate Hearing Room, Ground Floor,
Boji Tower (373-2768)

Higher Education - Monday, March 8, 10:30 a.m., Ferris State University, Interdisciplinary Resource Center, 1301 South
State Street, Big Rapids; and Thursday, March 11, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
(373-2768)

Judiciary and Corrections - Tuesday, March 9, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower
(373-2768)

K-12, School Aid, Education - Tuesday, March 9, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
(373-2768)

Education - Thursday, March 4, 2:30 p.m., Room 210, Farnum Building (373-6920)

Energy Policy and Public Utilities - Thursday, March 4, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower
(373-7350)

Hunting, Fishing and Outdoor Recreation - Thursday, March 4, 1:00 p.m., Room 100, Farnum Building (373-1777)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 12:53 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, March 4, 2010, at
10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

