

No. 33
STATE OF MICHIGAN
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Senate Chamber, Lansing, Wednesday, April 21, 2010.

10:00 a.m.

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

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

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

Pastor Kyle Ray of Kentwood Community Church of Kentwood offered the following invocation:

Dear Heavenly Father, we come to You today thanking You and praising You for another day. We thank You, Lord, for waking us up this morning and allowing us to see this new day. We look forward to what You have in store for this day. Lord, You know the men and women whom You have called here to do this work, and I just pray that everything that is said, done, and thought here today would glorify You.

I pray, Lord, that where there is brokenness that You would bring reconciliation; where there is depression or doubt that You would replace that with hope and optimism. And, Lord, I just pray that You would allow each of these individuals to work and serve in such a way that pleases You, Lord.

Lord, I just ask that as they meet today that this would not be just another routine meeting, but that You would allow us to feel the power and presence of Your Holy Spirit in new and wonderful ways. Lord, I know that we come from all different backgrounds and walks of life, but we know that You love us, and I just pray that You would bless us.

I offer this prayer in the name of Jesus. Amen.

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

Motions and Communications

Senators Kahn, Clarke and Brown entered the Senate Chamber.

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

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

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

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

Recess

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

The motion prevailed, the time being 10:06 a.m.

10:27 a.m.

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

During the recess, Senator Birkholz introduced members of the Citizens Committee for Michigan State Parks; Department of Natural Resources and Environment Director Rebecca Humphries; and presented Citizens Committee Chairman Murdock Jemmerson with the White Pine Award for their environmental excellence concerning the natural resources of the state.

Chairman Jemmerson and Director Humphries responded briefly.

During the recess, Senators Bishop, Sanborn, Brater and Cherry entered the Senate Chamber.

Senator Garcia entered the Senate Chamber.

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

The motion prevailed.

Senator Patterson's statement is as follows:

I am joined today by my colleague, Senator Anderson, who actually, at least in this instance, is more courageous than I. Most of you realize that I am a shy, retiring, and somewhat soft-spoken individual—some of you—some of the time. We have been here in celebration this morning, recognizing from a joyous perspective things that have been accomplished as free men and women. I have been in elected office now for almost two decades, and there is nothing more personally difficult than to try to muster the words that express the appreciation and respect for someone who has demonstrated the courage and commitment to put it all on the line and to lose his life for us.

Despite my bravado, it is on occasions such as this and on the occasion of the memorial and the funeral arrangements for Marine Corporal Jacob Turbett that I have a tough time speaking out. Each and every one of us has had members of the family of a fallen soldier in the Gallery from time to time over our years in the Senate, and it is always difficult. We know that we wouldn't have life, liberty, or the ability to pursue happiness if it wasn't for these military people. I want us to remember this forever.

Senator Anderson's statement is as follows:

I know when Corporal Turbett was brought back to the United States, to Canton Township for the services, Senator Patterson was out there in the welcoming line with folks. And a show of strength and support for the family lined the streets from the airport into Canton Township. Corporal Turbett's mother lives in my district and at one time lived in Senator Patterson's, so we do this as a joint tribute to the family of this fallen soldier.

Marine Corporal Jacob H. Turbett, 21, of Canton died on February 13 of this year while supporting combat operations in Helmand province in Afghanistan. He was assigned to the 2nd Combat Engineer Battalion, 2nd Marine Division, II Marine Expeditionary Force, out of Camp Lejeune, North Carolina.

"LET IT BE KNOWN, That it is with deep sadness that we learned of the passing of Corporal Jacob Turbett, a Marine who dedicated his life to serving the United States of America.

Corporal Turbett was killed in the line of duty in Afghanistan. With great respect for Corporal Turbett's service to his country, we offer condolences to his family and friends. He will be sincerely missed and long remembered.

Corporal Turbett was a 2007 graduate of Canton High School who always said that he wanted to be a Marine. He enlisted after graduation and became a combat engineer. His unit was based in Camp Lejeune, North Carolina. Corporal Turbett completed tours of duty in Bangladesh, Iraq, and Japan. Corporal Turbett came from a military family with his grandfather, two uncles, and a cousin preceding him to the Marines. He had one uncle in the Navy, and his sister followed him into the military service this year. Corporal Turbett was quoted as saying that he wanted to defend his country against terrorism and make the world a safer place.

The United States Marine Corps adopted the motto 'A few good men' in 1779 to describe the type of person and people who serve in the USMC. Corporal Turbett was one of the few good men, one who gave all, and he is a hero.

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to offer words of praise as a memorial for Corporal Jacob Turbett. May his family and friends find comfort in their faith and their memories of this fine man who gave the ultimate sacrifice to his country."

With us today is Corporal Turbett's mother, Shelia Turbett; his uncle, James Radcliff; his friend, Pamela Wong; and Sergeants Jeff Martinez and Brian Ladentia in honor of Corporal Turbett.

A moment of silence was observed in memory of Marine Corporal Jacob Turbett.

The Secretary announced that the Majority Leader has made the appointment of the following standing committee:

Appropriations - Senator Garcia replacing Senator Gilbert.

The standing committee appointment was approved, a majority of the members serving voting therefor.

The following communication was received:

Department of Treasury

April 16, 2010

Please find attached one copy of the Principal Residence Exemption Compliance Program Quarterly Report for the period January 1, 2010 - March 31, 2010. The report is required by Public Act 128 of 2009, the General Government Appropriations Act. Section 947 of the Act provides, in part, as follows:

(2) Of the funds appropriated in part 1, \$500,000.00 shall be used for the principal residence exemption compliance program. The department shall submit quarterly progress reports that include the number of exemptions denied and the revenue received under this program. The legislative auditor general shall complete a performance audit of the principal residence exemption compliance program prior to April 1, 2010. Revenue generated to the state from the principal residence exemption compliance program shall be used to reimburse the state general fund for the \$500,000.00 appropriation prior to any other allocation.

Frederick Headen, Director
Bureau of Local Government Services

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, April 20:

House Bill No. 4406

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, April 20, for her approval the following bills:

Enrolled Senate Bill No. 130 at 10:28 a.m.

Enrolled Senate Bill No. 455 at 10:30 a.m.

Enrolled Senate Bill No. 129 at 10:32 a.m.

The Secretary announced that the following official bill and joint resolution were printed on Tuesday, April 20, and are available at the legislative website:

Senate Bill No. 1267

Senate Joint Resolution V

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Sanborn as Chairperson.

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

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.

Senate Bill No. 651, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 430a (MCL 750.430a), as added by 1998 PA 110.

Senate Bill No. 652, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16v of chapter XVII (MCL 777.16v), as amended by 2008 PA 412.

Senate Bill No. 1228, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40114 (MCL 324.40114), as amended by 2009 PA 109.

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:

Senate Bill No. 647, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2685, 2690, 2691, and 2692 (MCL 333.2685, 333.2690, 333.2691, and 333.2692) and by adding sections 2693 and 2696.

Substitute (S-4).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 3, following line 7, by inserting:

"(4) A PERSON THAT CONDUCTS RESEARCH USING LIVE HUMAN EMBRYOS AS PERMITTED IN SUBSECTION (3) SHALL ESTABLISH A STEM CELL RESEARCH OVERSIGHT COMMITTEE SUBSTANTIALLY IN ACCORDANCE WITH THE GUIDELINES FOR HUMAN EMBRYONIC STEM CELL RESEARCH ISSUED BY THE NATIONAL RESEARCH COUNCIL AND THE INSTITUTE OF MEDICINE OF THE NATIONAL ACADEMIES IN 2005. NOT LESS THAN ONCE PER YEAR, THE STEM CELL RESEARCH OVERSIGHT COMMITTEE SHALL CONDUCT CONTINUING REVIEW OF RESEARCH USING LIVE HUMAN EMBRYOS IN ORDER TO ENSURE THAT THE RESEARCH CONTINUES TO MEET THE STANDARDS OF THIS PART. PURSUANT TO ITS REVIEW UNDER THIS SUBSECTION, A STEM CELL RESEARCH OVERSIGHT COMMITTEE MAY REVOKE ITS PRIOR APPROVAL OF RESEARCH UNDER THIS SUBSECTION AND REQUIRE MODIFICATIONS TO THE PLAN OR DESIGN OF A

CONTINUING RESEARCH PROJECT BEFORE PERMITTING THE RESEARCH TO CONTINUE. A STEM CELL RESEARCH OVERSIGHT COMMITTEE MAY PROVIDE SCIENTIFIC AND ETHICAL REVIEW OF RESEARCH CONSISTENT WITH THIS PART.”.

2. Amend page 4, line 12, by striking out all of subdivision (E) and inserting:

“(E) “NOT SUITABLE FOR IMPLANTATION” MEANS THAT THE HUMAN EMBRYO EXHIBITS GENETIC OR MORPHOLOGICAL CHARACTERISTICS THAT, IN THE BEST JUDGMENT OF THE ATTENDING PHYSICIAN, NEGATIVELY AFFECT THE POTENTIAL FOR SUCCESSFUL IMPLANTATION, GESTATION, OR HEALTHY DEVELOPMENT OF THE EMBRYO; OR LEAD TO A DISEASE LIKELY TO BE FATAL TO THE EMBRYO OR ANY HUMAN DERIVED FROM THE EMBRYO. NOT SUITABLE FOR IMPLANTATION DOES NOT INCLUDE GENETIC CHARACTERISTICS THAT DO NOT AFFECT THE HEALTH OF THE HUMAN EMBRYO OR ANY HUMAN DERIVED FROM THE EMBRYO, INCLUDING, BUT NOT LIMITED TO, GENDER OR PHYSICAL APPEARANCE.”.

3. Amend page 6, line 1, after “SECTION.” by inserting **“A PERSON THAT CONDUCTS RESEARCH USING LIVE HUMAN EMBRYOS IS NOT REQUIRED TO FILE THE REPORT REQUIRED UNDER THIS SUBSECTION UNTIL THE DEPARTMENT HAS DEVELOPED AND MADE THE FORM AVAILABLE UNDER SUBSECTION (4).”.**

4. Amend page 6, line 26, after “(A)” by inserting **“ON OR BEFORE THE EXPIRATION OF 1 YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION,”.**

The Senate agreed to the substitute, as amended, 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. 648, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13k of chapter XVII (MCL 777.13k), as added by 2002 PA 30.

Substitute (S-2).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 2, line 3, by striking out all of line 3 and inserting:

“333.2690(1)	PUB TRST	E	TRANSFER, DISTRIBUTE, OR DONATE AN EMBRYO, FETUS, OR NEONATE FOR WRONGFUL USE	5
333.2690(2)	PUB TRST	E	PURCHASE OR SELL, OR OFFER OR ATTEMPT TO PURCHASE OR SELL, A HUMAN EMBRYO OR OOCYTE FOR STEM CELL PROCEDURE	5”.

The Senate agreed to the substitute, as amended, 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. 649, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding sections 2694 and 2695.

Substitute (S-3).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 3, line 14, after “SECTION.” by inserting **“A PHYSICIAN OR HEALTH FACILITY OR AGENCY THAT PROVIDES HUMAN IN VITRO FERTILIZATION SERVICES IS NOT REQUIRED TO FILE THE REPORT REQUIRED UNDER THIS SUBSECTION UNTIL THE DEPARTMENT HAS DEVELOPED AND MADE THE FORM AVAILABLE UNDER SUBSECTION (3).”.**

2. Amend page 4, line 20, after “(A)” by inserting **“ON OR BEFORE THE EXPIRATION OF 1 YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION,”.**

The Senate agreed to the substitute, as amended, 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. 650, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13k of chapter XVII (MCL 777.13k), as added by 2002 PA 30.

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.

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:

Speaking of Central Michigan University, I have an intern who lives in the city of Romulus but attends school at CMU studying political science and journalism. His name is Ryan Thomas. He has done a phenomenal job in our office, and we greatly appreciate his service to our district and the state of Michigan.

Ryan is going on to greater things in Alabama to work in underprivileged areas teaching children. So our future will be bright not only in this state, but in this country. Having said that, I would like members to recognize the talent pool that we have in this great state and the kids from Central Michigan University like Ryan Thomas and the great work they do for nothing in Senate offices.

So please help me in saying thank you to Ryan for a job well done.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 647

Senate Bill No. 648

Senate Bill No. 649

Senate Bill No. 650

Senate Bill No. 651

Senate Bill No. 652

Senate Bill No. 1204

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

The following bill was read a third time:

Senate Bill No. 647, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2685, 2690, 2691, and 2692 (MCL 333.2685, 333.2690, 333.2691, and 333.2692) and by adding sections 2693 and 2696.

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. 195

Yeas—25

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

Nays—12

Anderson	Clark-Coleman	Jacobs	Scott
Brater	Clarke	Patterson	Switalski
Cherry	Hunter	Prusi	Whitmer

Excused—0**Not Voting—1**

Thomas

In The Chair: Richardville

The Senate agreed to the title of the bill.

Protests

Senators Patterson, Prusi, Jacobs and Switalski, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 647.

Senator Patterson's statement, in which Senator Prusi concurred, is as follows:

The bill upon which we just voted is part of a package of bills appertained to a very important set of issues—life. I chose to run for elective office because of my conviction to uphold the Constitution of the United States in the state of Michigan. There were a couple of issues that stuck out in particular: one, life; the other was the right to keep and bear arms.

To that end, I have been privileged to serve for over a decade in this building. I have been called upon to cast many votes on policy. On only one previous occasion did I choose not to vote at all. I was criticized for that, but I think I had done the right thing. I voted based upon my duty and my obligation—sworn oath to uphold the Constitution. I am a self-described right-to-life advocate; a record that I believe my votes cast over the last nearly twelve years support my assertion.

Before casting votes, I have always felt obliged to do my due diligence; to read, research, and carefully consider the words and the intent of the laws that we enact. Thus, I have read all of the information that is in this three-ring binder, and I have read the good clinical practice document that was provided for me by the University of Michigan, to which I often refer to as the vaunted University of Michigan, and sometimes I reference it as West Washtenaw Tech.

With that, we all know the regard in which the University of Michigan is held. I remember before the State of the State Address in which the Governor said that we should change the laws in the state of Michigan in order to create jobs in research. I happen to have given her a hug that night before the speech. After she suggested that we should change in order to create jobs and tamper with life, I refused to even stand up. I was so aghast.

But now the people have spoken. We the people, whom we serve, have amended our Constitution, and I have read that too. While I didn't vote for that amendment, while I support the efforts of Dr. George to properly enact legislation to implement the will of the people, I respect his understanding of science. I am, however, bothered by the testimony that was put on the record via an e-mail by a world-renowned research scientist, Max Wisha, M.D., who leads the University of Michigan and I have personally known for 30 years. He describes these bills as creating a chilling effect, notwithstanding the sincere efforts of Dr. George, the Health Policy chair, to find middle ground. I have also reflected upon the words of Ed Goldman, associate professor at the University of Michigan, jurist doctorate; someone whom my wife has looked to for guidance during her 40 years at the University of Michigan.

When we look at the written words set forth in Section 27, Article I, the people decided to “ensure that Michigan citizens have access to stem cell therapies and cures, and to ensure that physicians and researchers can conduct the most promising forms of medical research in this state, and that all such research is conducted safely and ethically, any research permitted under federal law and only the following” specific limitations shall control. I am sorry, I believe these bills go further than that.

It goes on to state that the human embryos must have been created for the purpose of fertility treatment. Consider the language of Ed Goldman, expert, not just some flunky. There is nobody in this room today, in this Capitol today, who compares to Ed Goldman and Max Wisha. And yet, we are going to disregard the experts who have testified conclusively, beyond a reasonable doubt, and we are tampering with the will of the people. We are going forth on a mission that thumbs our nose at the will of the people. I, for one, cannot do that.

It goes on and sets forth that all stem cell research, therapies, and cures must be conducted and provided in accordance with state and local laws of general applicability. These bills are specific to this. We only have the ability to go forward with regard to bills of general applicability in the implementation of the will of the people. To prevent, restrict, obstruct, or discourage—let alone a chilling effect—any stem cell research or therapies and cures, that’s a no-no, ladies and gentlemen. We don’t have that authority.

So while it personally troubles me because of my personal philosophical commitment unto life, I have taken an oath, and I personally cannot violate the meaning of that oath as I understand it. I do not have that latitude. So, colleagues, think very carefully; reflect on your constitutional oath. I plead with you.

Senator Jacobs’ statement is as follows:

My colleagues before me have been excellent at describing some of the issues that are here. I would like to get a little more technical because I think folks here really need to listen up and understand the consequences of what we just passed in Senate Bill No. 647. Ed Goldman has been cited twice now by my colleagues, and I would like to go back to some of his analyses because I think that they are critical for us to take into consideration, especially on Senate Bill No. 647.

In what we just passed, we make it illegal to sell an oocyte for any purpose. These are all part of the embryonic stem cells. They are routinely purchased from healthy donors by infertile couples who are undergoing in vitro fertilization. This provision would, therefore, prevent a very common form of IVF from occurring in Michigan. Again, is this the intended or unintended consequence of the bill?

We have also passed a bill that blocks the creation of embryo chimeras. What is that? It is an individual organ or a part consisting of tissues of diverse genetic constitution. This is currently an unexplored area of science. Blocking this area of science has unknown consequences and could potentially prevent important areas of research from occurring in Michigan. This research is legal under federal law and in all of our states. Is this what we want to be known for in Michigan?

Another part of the legislation that we just passed makes it illegal for a person to maintain statistical information that may reveal the identity of an individual who has donated embryos for research. What does this mean for Michigan? It will make illegal a protocol of Dr. Eva Feldman that has already been approved by our Human Pleura-Potent Stem Cell Oversight Committee. This protocol will maintain confidential information on some embryo donors so that the characteristic of embryonic stem cells can be compared to their critical history. The maintenance of such confidential information on patients is a common practice in clinical trials but is only approved after institutional review boards and HPSCO committees confirm that stringent mechanisms are already in place to protect confidential information.

Now a subsection of Senate Bill No. 647 may have been intended to prevent individuals from inadvertently being identified in the reporting process to the state government. Instead, this bill now blocks a form of stem cell research that was approved by voters under Proposal 2 and is already going ahead in the state. This is one of the main research goals of the Taubman Institute and will be eliminated by this bill. Is this really what we want to do in this state?

Senator Switalski’s statement is as follows:

We all have sworn to uphold the Constitution. As Senator Whitmer and my colleagues have eloquently pointed out, the people of Michigan have spoken, and their will should not be overturned legislatively. Accordingly, I believe that any implementing legislation should require a three-fourths vote. I respect Senator Patterson because although he disagrees with the policy, he recognized the primacy of citizen-initiated constitutional language. That is the definition of integrity.

The language in the Constitution states that any research permitted under federal law on human embryos may be conducted in Michigan subject to the requirements of federal law and only the following additional limitations and requirements. You can read those additional limitations and requirements. But this bill included prohibitions described mostly by Senator Jacobs and other requirements that are not in federal law.

Why repeat what is already in federal law, and what do we do if federal law changes? We are left with laws that would violate our Constitution because they exceed federal requirements. I believe upholding our oath requires a “no” vote on this package of bills.

Senator Patterson moved to reconsider the vote by which the following bill was passed:

Senate Bill No. 647

On which motion Senator Whitmer requested the yeas and nays.

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

The motion did not prevail, a majority of the members serving not voting therefor, as follows:

Roll Call No. 196**Yeas—12**Anderson
Brater
CherryClark-Coleman
Clarke
HunterJacobs
Patterson
PrusiScott
Switalski
Whitmer**Nays—25**Allen
Barcia
Basham
Birkholz
Bishop
Brown
CassisCropsey
Garcia
George
Gilbert
Gleason
HardimanJansen
Jelinek
Kahn
Kuipers
McManus
NofsOlshove
Pappageorge
Richardville
Sanborn
Stamas
Van Woerkom**Excused—0****Not Voting—1**

Thomas

In The Chair: Richardville

The following bill was read a third time:

Senate Bill No. 648, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13k of chapter XVII (MCL 777.13k), as added by 2002 PA 30.

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. 197**Yeas—26**Allen
Barcia
Basham
Birkholz
Bishop
Brown
CassisCropsey
Garcia
George
Gilbert
Gleason
Hardiman
JansenJelinek
Kahn
Kuipers
McManus
Nofs
OlshovePappageorge
Patterson
Richardville
Sanborn
Stamas
Van Woerkom**Nays—11**Anderson
Brater
CherryClark-Coleman
Clarke
HunterJacobs
Prusi
ScottSwitalski
Whitmer

Excused—0

Not Voting—1

Thomas

In The Chair: Richardville

The Senate agreed to the title of the bill.

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

The following bill was read a third time:

Senate Bill No. 649, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding sections 2694 and 2695.

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. 198

Yeas—25

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

Nays—12

Anderson	Clark-Coleman	Jacobs	Scott
Brater	Clarke	Patterson	Switalski
Cherry	Hunter	Prusi	Whitmer

Excused—0

Not Voting—1

Thomas

In The Chair: Sanborn

The Senate agreed to the title of the bill.

Protests

Senators Jacobs, Patterson, Brater and Switalski, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 649 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Jacobs’ statement is as follows:

It makes me a little nervous that we just voted to criminalize research in our state. Now if that does not put a chilling effect on our desire to diversify our economy, I don’t know what does.

But I do stand to oppose the Senate Bill No. 649, and I would like to read from a memo we received from the American Society for Reproductive Medicine, which is the nation’s oldest and largest professional organization of physicians, investigators, nurses, and others engaged in treating disorders of the reproductive system. And I quote: “The most troublesome and most intrusive of these proposals is SB 649. This measure would freeze in statute the points that must be covered in discussion with a patient in providing informed consent prior to initiating an assisted reproductive technology (ART) procedure. Informed consent is a vital process for all medical procedures, including infertility therapy. However, the specific information covered in that process is often complex and changes frequently, and therefore does not lend itself well to legislative definition. In addition, informed consent discussions are not standardized; they must be specific to a patient’s individualized treatment plan.

Much of the information gathering and reporting on ART treatments required by SB 649 would not in any way enhance patient care.”

And isn’t that what our responsibility is as legislators—to be concerned about the public good?

I quote again: “This information collection appears rather to be a fishing expedition by those interest groups who oppose the very existence of this, the most pro-life medical intervention possible.

The number of eggs retrieved in an IVF treatment, the number of embryos a patient chooses to have transferred into her uterus, and the number of frozen embryos a couple has stored for another attempt at pregnancy are private matters which belong in patients records, not the state’s records.

Complying with the reporting requirements in SB 649 would do nothing to enhance the safety or efficacy of ART treatment. They are redundant of information already reported to and easily accessible from the federal government. Most importantly, complying with these requirements would only add to the expense of an already costly treatment. The majority of infertility therapy is not covered by insurance; most patients pay for it on their own and the result of this legislation would be to deny even more patients access to the care they need to build their families.”

So, folks, are we in the business of building families? You bet we are. I urge a “no” vote on this bill.

Senator Patterson’s statement is as follows:

Well, I find myself surprised that I am voting against Senate Bill Nos. 647 and 649, the two bills which have substantive measures and each of which is sponsored by the two medical doctors who are in the chamber. I shall assume that they have conscientiously endeavored to do their due diligence and determine that they know better than I with regard to the substantive measures.

However, my legal training, in recognition of the previous speaker’s acknowledgement that he is not an attorney, suggests to me that I have to weigh expert opinions in reaching a decision. While the two doctors who are members of this august body are certified by the state, with all due respect, they do not rise to the level of Drs. Wisha or Sean Morrison or Ed Goldman who is a mere lawyer with regard to these issues.

So when we have testimony—clear and convincing if not beyond a reasonable doubt—clear and convincing evidence on the record that these create a chilling effect, I have to come down on the side of those who do conduct and oversee research—scientific research—each and every day. They are part of the milieu. They are not mere observers. They are not attempting to deduce or assume.

That aside, I do not question the motivation, certainly, or the efforts of the chair of Health Policy. He has been most diligent, and I respect the fact that he can disagree not only with the decision which I have made, but the testimony of the other persons to whom I have made reference.

What does amaze me, however, is again I raise constitutional questions. I am not the only attorney in this chamber. There are several. There are three on my side of the proverbial aisle who are elected and serving and subject to the same oath of office. In recognizing that, I would love to find a way to adhere to my own philosophical underpinnings. If I could find just a simple fig leaf of a scholarly legal opinion which interprets the 27th Amendment in a way different than the one I’ve laid out, I would love to hear it. Anybody who is an attorney could offer an attorney’s opinion, even a general attorney’s opinion—wink, wink. But I am aghast. None of the attorneys have chosen to rise and edify. Where art thou, counsel? I’m just one legal opinion. Everybody knows that in every small town you have to have at least two lawyers who make a living because lawyers never agree. So again I say, where art thou, contrary opinions?

I'm just a simple Wayne State lawyer. I haven't really practiced in years. I endeavor to do my best. I plead with you, counsel. Give me a fig leaf. Show your legal ability. Demonstrate your exalted knowledge. Let me hear it, I plead. I'm wasting my time.

Senator Brater's statement is as follows:

My colleagues have articulately described the legal reasons why these bills are unconstitutional. I rise to address some of the economic aspects of this legislation and how it could adversely affect the people of the state of Michigan.

In 2008, 2.5 million citizens of the state of Michigan voted to approve Proposal 2. That was 53 percent of the people of the state of Michigan voting to seek to put Michigan in the forefront of life-changing medical research. Already as a result of the passage of that proposal, the World Stem Cell Summit has scheduled their global conference in Detroit this October because of the great promise that Michigan universities, researchers, and our young people in the state of Michigan hold for the pursuit of cures for many deadly diseases.

Those who voted for Proposal 2 were voting to move Michigan forward and to have a level playing field with other states where this research is going forward. No longer will our prestigious universities be second-class because our state law prohibits modern-day research. Proposal 2 has, in the 21st century, opened the door to bright, young, talented students who want to stay in Michigan to pursue their dreams. Maybe they want to cure juvenile diabetes because they watched their brother or sister get their finger pricked six times a day to test blood sugar. Maybe they want to cure the spinal cord condition their best friend has or the Alzheimer's that has slowly taken their grandparents.

Unfortunately, today we are putting up barriers to the constitutional amendment that the voters of Michigan overwhelmingly approved and erecting more barriers to the best and brightest and shackling our world-class universities. The University of Michigan, Wayne State University, and Michigan State University have joined together in the University Research Corridor and combined, they have already generated \$1.4 billion worth of expenditures in this state in stem cell research. I have some figures today that focus on the University of Michigan, which is in my district, and the economic impact it is having both regionally and statewide.

The University of Michigan is rapidly expanding its embryonic stem cell research program, with the goal of placing the university at the forefront in all aspects of stem cell research. More than 30 human embryonic stem cell research projects have been approved at the University of Michigan over the past three years, involving several dozen researchers across campus. Last year, University of Michigan researchers were awarded 13 federal stimulus fund grants, totaling \$6.8 million, for research projects involving both adult and embryonic stem cells.

University of Michigan neurologist, Dr. Eva Feldman, is currently overseeing the first FDA-approved clinical trial of a stem cell treatment for amyotrophic lateral sclerosis, also known as Lou Gehrig's disease, a fatal neurodegenerative disease. The trial is being conducted at Emory University in Atlanta, but much of the research leading up to the trial was conducted at Dr. Feldman's University of Michigan lab.

When University of Michigan researcher Sean Morrison was interviewed Sunday night on a "60 Minutes" episode about unregulated overseas stem cell clinics, CBS reporter Scott Pelley referred to Morrison's lab as one of the world's leading stem cell centers.

The University of Michigan is a longtime leader in the study of adult stem cells. Until Michigan voters approved a state constitutional amendment in November 2008, restrictive state laws severely limited the types of embryonic stem cell research allowed in the state. In response to the passage of Proposal 2 in November 2008, the University of Michigan is bolstering its embryonic stem cell research effort. New research initiatives and collaborations are in the works, new faculty members are being hired, and the university is now positioned to compete for any new federal funds that become available for embryonic stem cell research. The goal is to place the University of Michigan at the forefront in all aspects of stem cell research.

A major step toward that goal was announced on March 9, 2009, with the launch of a University of Michigan-led consortium that will create new embryonic stem cell lines to aid the search for disease treatments and cures. The A. Alfred Taubman Medical Research Institute Consortium for Stem Cell Therapies will be based at the Medical School, and researchers from across campus—including scientists at the Life Sciences Institute, the College of Engineering, the Comprehensive Cancer Center, and the Department of Cell and Developmental Biology—will participate. Funding commitments of \$2 million have been secured to start the consortium, and additional fundraising efforts are underway.

The consortium's efforts include collaborations with the University of Michigan's University Research Corridor partners Michigan State University and Wayne State University. Collaborations are also being negotiated with Oakland University, University of Michigan-Dearborn, and Case Western Reserve University in Ohio. The new consortium will supersede the University of Michigan's Michigan Center for Human Embryonic Stem Cell Research, which was established in 2002 with funding from the Medical School's Endowment for the Basic Sciences.

The center became one of the nation's first three core facilities for human embryonic stem cell research in 2003, when the National Institutes of Health awarded a \$3 million grant. The new Consortium for Stem Cell Therapies will continue to offer many of the core services provided by its predecessor. The consortium will be a cell-line repository, and its staff members will train other scientists to work with the lines. Adult and embryonic stem cell research is also underway at the University of Michigan Center for Stem Cell Biology, located at the Life Sciences Institute.

The Center for Stem Cell Biology was established in 2005 with \$10.5 million provided by the University of Michigan Medical School, the Life Sciences Institute, and the Molecular and Behavioral Neurosciences Institute. The center's main goal is to determine the fundamental mechanisms that regulate stem cell function. That knowledge, in turn, provides new insights into the origins of disease and suggests new approaches to disease treatment. Most of the work involves adult stem cells, including blood-forming and nervous system stem cells, but human embryonic stem cells also are studied.

Stem cell research is also underway at the University of Michigan Comprehensive Cancer Center, one of the few places in North America that has made an institutional commitment to cancer stem cell research. Cancer stem cells are responsible for triggering the uncontrolled cell growth that leads to malignant tumors.

University of Michigan researchers were the first to identify stem cells in solid tumors, finding them in breast cancer in 2003. They were also the first to find pancreatic and head-and-neck stem cells. At the University of Michigan cancer center, scientists are investigating how these cells mutate, causing unregulated growth that ultimately leads to cancer.

You can see that this vital research is not only bringing many, many federal dollars into our state, but it is also creating the hope that there will be cures for many dire diseases that many of our families may be in danger of suffering from.

Senator Switalski's statement is as follows:

This is a very important debate. I appreciate the fire of my colleagues, and I think it is good that we have these debates. I would just like to respond to a couple of things that my friends Senator George and Senator Gilbert have asked, which is: Why is this bill so onerous? Why is it unreasonable? I think they deserve an answer to those questions.

First, let's take the requirement of the annual report. It is only one page. What is unreasonable about a one-page report? They have asked this question. The point is that it is not a federal requirement. The constitutional language limits us to only those things that are a federal requirement. The fact that it is reasonable and the fact that it is only one page is not to the point. It is barred by the Constitution.

Secondly, California is the model. Massachusetts, we are just doing the same thing they are doing. California says no selling eggs. We have a provision in our constitutional amendment that says, "No person may, for valuable consideration, purchase or sell human embryos for stem cell research or stem cell therapies and cures." I admit that I got a C in biology, but there is a difference between embryos and eggs. We do have a ban on selling embryos, but we don't have a ban on selling eggs. The fact that California has a ban on selling eggs, that's great for California, but we are not allowed by our Constitution to adopt the reasonable provisions of California or Massachusetts or any other state because our constitutional language says we can only have the following restrictions. The selling of eggs is not among those restrictions.

To conclude and summarize, the fact that things are reasonable, minimal, only one page, or only two pages, none of that is to the point. The constitutional language is very specific about what we can regulate, and these things are not among them.

Senators Gilbert, George and Van Woerkom asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Gilbert's statement, in which Senator Hardiman concurred, is as follows:

During earlier discussion, a Dr. Feldman was referenced and the work being done with ALS. I would like to quote a document here that suggests that maybe that work isn't appropriate for this discussion. It says that the purpose of the study is to see if it is safe to inject special cells into the spinal cord of patients with ALS. The cells remain in a laboratory from the spinal cord of an aborted fetus, not embryonic stem cells. I think this is an important point.

Another issue was raised about how burdensome the reporting requirements will be. A popular word here in government is "transparency." I think the reporting requirements speak to that very word. How could it be possibly called inappropriate to ask that a one-page report be provided once per year that gives only the total number of embryos transferred and into where? There is no individual identification of each embryo, no pre-approved certificate, or other tracking mechanism; just the one-page report once per year. Confidentiality is maintained.

I urge that you support these bills.

Senator George's statement, in which Senator Hardiman concurred, is as follows:

I wish to respond to some of the criticisms that have been raised about this package of bills. A previous speaker stated that we are voting to criminalize research. I would point out that the measure that was adopted by the voters set a parameter that said here is how you do it if you want to conduct embryonic stem cell research. Here's the path to follow. But there were no penalties for violating that path.

We are creating penalties for violating the measure that was adopted by the voters, and without measures, it is toothless. The measure says that you can do research on embryos that are under 14 days of age. But what happens if you conduct research on a 40-day-old embryo? There are no penalties. So without a penalty provision, the act is meaningless.

Now let's compare the penalties to what exists in other states. We have heard many times that Michigan is falling behind, and we have to do what California and Massachusetts have done in legalizing this. And the voters said yes. But

California and Massachusetts have penalties for violating their acts, as do the other states that have adopted measures legalizing embryonic stem cell research. It doesn't discourage it; it only discourages it if it is done outside of the parameters that were adopted by the voters. It is an implementation piece.

We have also heard how blocking the sale of eggs will somehow cause a catastrophe and make it more difficult for people to seek fertility treatment. Well, California, the model state, we heard during the debate on this that we need to do what they do because all of our researchers are going to California. They prohibit the sale of human eggs. Remember? That is where all the researchers were going to go. Apparently, they managed to conduct their research there despite that prohibition. We are not falling behind; we are keeping up. Why do you think they have that prohibition? So that indigent women cannot be coerced into selling their eggs perhaps? There are a lot of reasons that California chose to go that route. It doesn't put us behind; it puts us in line with other states that have moved ahead.

The other question that has come up is on the reporting requirements. We have heard how this is going to have a chilling effect, and we have heard how this is going to undo the will of the people. Now I am not an attorney, and I do not pretend to be one. I have read the measure, and it says that the Legislature cannot adopt laws that would discourage, obstruct, or restrict embryonic stem cell research. I don't see how filing a one-page annual report after the research has been conducted restricts, obstructs, or discourages it. Explain to me how a one-page paper after the research has been done interferes with it.

Let's look at the model states of California and Massachusetts. What do they do? They require prior state authorization and registration of the researchers. That would seem to be more restrictive. It would seem that what we are doing is less restrictive than California and Massachusetts. Tell me how an annual report from a university telling us how many embryos they have in storage discourages research. We ask them how many students they have from Macomb County every year. Someone felt that was important. Does that discourage students from Macomb County from getting a college education? We ask hospitals to tell us how many autopsies they do every year. Does knowing that number dissuade patients from going there? That is ludicrous.

There is a public interest in knowing the number of embryos being used and their disposition. I am curious. We heard during the course of the debate where there were thousands being discarded every day. We are going to create thousands of new stem cell lines. Well, I would like to know how many embryos has the university acquired? Thousands or three? I would just like to know. It would seem like if the answer was truly thousands, that would be an attraction to researchers in other states; they would want to know that. But I know that I want to know; my constituents want to know. How many cell lines are we going to create? It is an after-the-fact report. It does not discourage, restrict, or obstruct research.

These measures are reasonable. We have definitions. We clarify the definition of not suitable for implantation. What does that mean? OK, the voters adopted it. Do you know what it means? Does it mean that we are going to choose embryos that are female, that have red hair, that have the political activism gene? Or does it mean embryos that contain some disease or genetic predisposition to affecting their health, such as the research occurring at U of M? We clarify that. We say you can select embryos based on health characteristic. We clarify that but not based on some physical characteristic unrelated to health. That is a vagary that was left out of the measure that was adopted. We clarify the consent requirement. There is a consent requirement, fine. What does it mean? Who gets to consent? The researcher, someone at the infertility clinic, you? It doesn't say. What is unreasonable about clarifying who gets to consent?

If you don't like the measure that was adopted, where are your amendments to correct it if you don't like the way we are doing it? Where were you when we held workgroup sessions and during the committee hearing? All I have heard is no. I get a letter from U of M saying here are the changes we would like, but we are still going to oppose it.

Well, wake up. We pass measures all the time to implement constitutional measures. This is reasonable, and it is needed so that we can move forward with this. It provides reasonable reporting that answers questions that are legitimate. The university says, well, here is the report we have to do. Guess what? They only apply if you take federal money. The measure that was adopted applied to private research. There is no reporting requirement there. It's a one-page report, annually, blinded to donors and researchers. It will not impede, discourage, obstruct, or restrict research. It is not interfering with the will of the voters. It is reasonable, and we should adopt these measures.

Senator Van Woerkem's statement is as follows:

The comment was made earlier about whether it was inappropriate to criminalize research. Well, we've criminalized research on animals, and we've criminalized other experiments on human beings as well. I think it's appropriate to create penalties for research on human embryos that goes beyond the boundaries of present law. The issue, of course, is whether human embryos are human beings even though they don't look like you or me. I believe they are.

The following bill was read a third time:

Senate Bill No. 650, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13k of chapter XVII (MCL 777.13k), as added by 2002 PA 30.

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. 199**Yeas—26**

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

Nays—11

Anderson	Clark-Coleman	Jacobs	Switalski
Brater	Clarke	Prusi	Whitmer
Cherry	Hunter	Scott	

Excused—0**Not Voting—1**

Thomas

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 651, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 430a (MCL 750.430a), as added by 1998 PA 110.

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. 200**Yeas—26**

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

Nays—11

Anderson	Clark-Coleman	Jacobs	Switalski
Brater	Clarke	Prusi	Whitmer
Cherry	Hunter	Scott	

Excused—0

Not Voting—1

Thomas

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 652, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16v of chapter XVII (MCL 777.16v), as amended by 2008 PA 412.

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. 201

Yeas—26

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

Nays—11

Anderson	Clark-Coleman	Jacobs	Switalski
Brater	Clarke	Prusi	Whitmer
Cherry	Hunter	Scott	

Excused—0

Not Voting—1

Thomas

In The Chair: Sanborn

The Senate agreed to the title of the bill.

Protests

Senators Whitmer, Cherry and Brater, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 647, 648, 649, 650, 651 and 652.

Senators Whitmer and Brater moved that the statements they made during the discussion of Senate Bill No. 647 be printed as their reasons for voting “no.”

The motion prevailed.

Senator Whitmer’s statement, in which Senator Cherry concurred, is as follows:

It is established case law of our land that where the meaning of the Constitution is clear and unambiguous, there can be no legislation which would abrogate it. In 2008, the voters of our state voted to amend the State Constitution clearly and unambiguously to not only permit embryonic stem cell research, but to protect that promising research from laws that prevent, restrict, obstruct, or discourage it. That is Article I, Section 27(2)(d)(i). That is in our State Constitution.

Medical research is by far the most highly-regulated industry in the country; more so than environmental protection, more so than food and drug safety, more so than workplace safety, and more so than child protection. Yet, the proposed language in this package of bills will most assuredly obstruct this research in direct contravention to our Constitution and the will of our people.

But don’t just take my word for it. For example, University of Michigan legal counsel Ed Goldman, which my colleague from the 7th District just referred to, says the reporting requirements in both Senate Bill Nos. 647 and 649 are clearly intended to frustrate researchers and fertility clinics, not to protect the health of the public. He goes on to opine that there is nothing simple in the reporting requirements, and given the highly-regulated nature of stem cell research, they are unnecessary and will serve no public health purpose and will, in fact, discourage and create disincentives in the pursuit of this research.

Not only will this impede on embryonic stem cell research, but if you support in vitro fertilization, you should know something about these bills. The American Society for Reproductive Medicine says Senate Bill No. 649 would impose new state reporting requirements on IVF practitioners who are already required by law to submit their treatment cycle data to the CDC. The reporting requirements in the bill are duplicative, and in the case of reporting patients’ private choice concerning what to do with their frozen, stored embryos, intrusive and unnecessary. In vitro fertilization will become more burdensome and expensive for patients because of this law.

So this amounts to an unprecedented, enormous intrusion into the patients’ privacy without any legitimate medical or public policy purpose. God forbid you are one of those couples that has been unable to conceive because now the state is going to penalize and victimize you in your quest to have a family. Is that pro-life? Is that even rational?

The bottom line is that these bills are in direct contravention to the clear and unambiguous will of our electorate in adopting the language in our Constitution. The bottom line is that these bills don’t save one embryo from destruction. The bottom line is that these bills actually ensure that more embryos go into the garbage. Your “yes” vote ensures that more embryos are destroyed. Your “yes” vote ensures there are fewer opportunities for cures. How on God’s green earth does that promote life? And toward what public policy end?

Senator Brater’s statement is as follows:

I rise to take issue with some of the assertions that have been made in the debate concerning Senate Bill No. 649. The reporting requirements have been described as simple, as one-page. We are being led to believe that this is a nonissue because this is so easy for these researchers to comply; that we need not worry. I believe we must take the word for how difficult or arduous or onerous these requirements will be. We must take the word of the researchers who would be responsible for filing them. They tell me that it would be a rather arduous and painstaking process to complete this information. The fact that it is a one-page form doesn’t necessarily make it easier. It just makes it harder, really, to distill many, many, many pages of information into one page to answer these questions.

Furthermore, it is still true that this bill would make it a felony to fill out this form incorrectly. Officials at the university have affirmed that it would add many, many hours of work to complete this paperwork. No public health purpose has been established in this debate as to why they should have to comply with it. There are already ample federal regulations that the universities must comply with. Stem cell research is already the most heavily-regulated research done at a university or at any other setting. Oversight of the research is also heavily regulated. The University of Michigan has guidelines that it meets that meet the requirements of the Michigan Constitution and also the National Institutes of Health, the FDA, the National Academy of Sciences, and the constitutional amendment that has outlined the restrictions.

I might reiterate the language of that constitutional amendment that this research will be “subject to the requirements of federal law and only the following additional limitations and requirements.” The additional limitations and requirements that are stipulated within this amendment do not include this reporting requirement.

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

The motion prevailed.

Senator Switalski’s statement is as follows:

We’re honored today to have a couple of prisoners up in the north Gallery. These are prisoners who are being kept here in the state of Michigan by the volcano in Iceland. These are friends of mine who have come over from Scotland. They were supposed to leave about a week ago, but as you may have read in the paper, the volcano erupted in Iceland and shut down all air traffic, and they are in limbo here. They came over, and their names are Stewart and David McGillivray. They’re standing up in the Gallery there, and they’re joined by Andrew Krebs of Baltimore.

They were here to defend the Ryder Cup—the iron that they have held for 20 years—against a group of American golfers. I am proud to say that they were defeated and lost the iron this year. So after 20 years, the iron has returned to its rightful place in the United States. The record of the American and British teams were the Americans were 1-5-1, and now we have redressed that imbalance. We are now 2-5-1.

I hope the Senate will welcome our visitors here to the chamber and wish them, since they’re staying at my house, a speedy return to Scotland.

The following bill was read a third time:

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 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. 202

Yeas—31

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

Nays—6

Bishop	Kuipers	Richardville	Sanborn
Brown	McManus		

Excused—0

Not Voting—1

Thomas

In The Chair: Sanborn

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Olshove's statement is as follows:

I would like to have my colleagues recognize an intern who has been in my office working rather diligently for not only me, but for the state of Michigan. Sarah Konieczny has been in our office since January of 2009. She will be graduating from Michigan State in a couple of weeks with a degree, and if I can get through this, you might enjoy it. The degree is in interdisciplinary studies social sciences law and society (pre-law) with a focus in political science-international relations, specializing in environmental studies.

This is a long way from my degree at Michigan State, but I would ask you to recognize Sarah for her service.

By unanimous consent the Senate proceeded to the order of

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

The motion prevailed.

Senators Kuipers, Barcia, Brown, Pappageorge, Nofs, Cropsey, Jelinek and Gleason offered the following resolution:
Senate Resolution No. 143.

A resolution to memorialize Congress to provide a fair and effective approach on climate and energy supply issues that safeguards American jobs, ensures affordable energy for America, and maintains our nation's global competitiveness.

Whereas, The U.S. Environmental Protection Agency's (EPA's) plan to regulate greenhouse gas (GHG) emissions from new cars and light trucks under the Clean Air Act will trigger the same regulation of GHG emissions from stationary sources, such as manufacturing facilities, power plants, hospitals, and commercial establishments; and

Whereas, Regulating GHG emissions from stationary sources under the Clean Air Act would be great anchor on manufacturing and the economy in general; and

Whereas, The pending EPA effort would burden progress on two of the nation's top priorities: environmental improvement and economic recovery. Imposing onerous permitting requirements, such as the EPA is proposing, will significantly delay or even eliminate investments in new energy-efficient technologies; and

Whereas, Over 4 million jobs were lost in 2009, and the EPA's proposed regulations have the potential to cause even more job losses; and

Whereas, The regulatory requirements of the Clean Air Act will overwhelm state agencies, which are not equipped to handle the estimated 6 million permitting requests anticipated; and

Whereas, Only Congress can act to avoid the significant costs and burdens imposed by these proposed regulations on stationary sources, which even the EPA admits will lead to "absurd results"; now, therefore, be it

Resolved by the Senate, That we encourage Congress to adopt legislation that would postpone the EPA's effort to regulate greenhouse gas emissions from stationary sources using existing Clean Air Act authority until Congress adopts a balanced approach to address climate and energy supply issues which does not cripple the U.S. economy; and be it further

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

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 question being on the adoption of the resolution,

Senator Cropsey moved that the resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Introduction and Referral of Bills

Senators Patterson, Kuipers, Brown, Richardville and Gilbert introduced

Senate Joint Resolution W, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 28 of article IX, to further limit state spending.

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

Senator Switalski introduced
Senate Bill No. 1268, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3704.

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

Senators Gleason, Cherry and Basham introduced
Senate Bill No. 1269, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1059.

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

Senator Thomas introduced
Senate Bill No. 1270, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 4 and 51a (MCL 388.1604 and 388.1651a), section 4 as amended by 2008 PA 268 and section 51a as amended by 2009 PA 121.

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

Senator Thomas introduced
Senate Bill No. 1271, entitled

A bill to amend 2006 PA 479, entitled "Michigan promise grant act," by amending sections 2 and 8 (MCL 390.1622 and 390.1628), section 2 as amended by 2008 PA 517 and section 8 as amended by 2007 PA 42.

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

Senator Thomas introduced
Senate Bill No. 1272, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 1 (MCL 125.1651), as amended by 2008 PA 225.

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

Senator Thomas introduced
Senate Bill No. 1273, entitled

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending section 1 (MCL 125.1801), as amended by 2008 PA 453.

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

Senator Thomas introduced
Senate Bill No. 1274, entitled

A bill to amend 2008 PA 94, entitled "Water resource improvement tax increment finance authority act," by amending section 3 (MCL 125.1773).

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

Senator Thomas introduced
Senate Bill No. 1275, entitled

A bill to amend 2005 PA 280, entitled "Corridor improvement authority act," by amending section 3 (MCL 125.2873), as amended by 2007 PA 44.

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

Senator Thomas introduced

Senate Bill No. 1276, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 601 (MCL 208.1601), as amended by 2007 PA 145.

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

Senator Thomas introduced

Senate Bill No. 1277, entitled

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending section 10 (MCL 207.630), as amended by 2009 PA 61.

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

Senator Thomas introduced

Senate Bill No. 1278, entitled

A bill to amend 2007 PA 61, entitled "Neighborhood improvement authority act," by amending section 3 (MCL 125.2913).

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

Senator Thomas introduced

Senate Bill No. 1279, entitled

A bill to amend 2004 PA 530, entitled "Historical neighborhood tax increment finance authority act," by amending section 3 (MCL 125.2843).

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

Senator Thomas introduced

Senate Bill No. 1280, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 2 (MCL 125.2152), as amended by 2007 PA 200.

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

Senator Thomas introduced

Senate Bill No. 1281, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 350d, 386, and 491 (MCL 18.1350d, 18.1386, and 18.1491), section 350d as amended by 2007 PA 183 and section 386 as amended by 1999 PA 8.

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

House Bill No. 4406, entitled

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

The 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 Health Policy.

Statements

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

Senators Scott 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 Scott's statement is as follows:

Today, may we pause for a moment to remember the passing of Dr. Dorothy Height, president of the National Council of Negro Women for more than 40 years. A fighter for civil rights for all Americans during the 1950s and 1960s, Dr. Height has received presidential honors from Dwight D. Eisenhower to Barack Obama. Please join me in remembering this remarkable woman who has advanced the cause of freedom and equality for all Americans. She performed a great, lifelong service to our country and to mankind and will continue to inspire us after her passing.

President John F. Kennedy said, "Our task now is not to fix the blame for the past, but to fix the course for the future." We need to heed President Kennedy's call and plot a better course for Michigan's hardworking citizens when it comes to the cost of auto insurance. Like gasoline, like rent, and like a lot of home mortgages, the cost of insuring an automobile can rise while most paychecks stay the same.

For workers who have only kept their jobs by agreeing to pay cuts, these rising costs can be the difference between making it and deciding which bills to pay at the end of the month. Through no fault of their own, many of our constituents are facing extremely tough times. So if we have the power to help them in some way, then we should do whatever we can.

We know that insurance rates are unfair and unreasonable for thousands of Michigan drivers. If we address the issue of fairness and pass auto insurance reform to ensure that everyone pays a fair rate based on their driving record, then we would be well on our way to fixing a better course for our future. If we did this, then we would take a heavy economic burden off the shoulders of so many of our constituents.

Reforming auto insurance is important to our constituents as any other reform we propose. Please work with me to enact meaningful auto insurance reform as soon as possible.

Senator Cassis' statement is as follows:

I rise to make mention of two very noteworthy events that deserve some attention. First of all, Huron Valley Schools in Milford, Michigan, and their HOT Team robotics group—and that stands for "Heroes of Tomorrow"—won the champion award at the World Championship in Atlanta, Georgia, recently. This is the team's second straight year and third time since 2005 to win the World Championship. This is the equivalent to winning the Olympic gold medal for academics. High schools from all over the world competed, including Israel, Germany, Turkey, Canada, Mexico, and parts of South America. The HOT Team from Milford created an alliance with Team 294 from Redondo, California, and Team 177 from South Windsor, Connecticut. The team leader and mentor over all these years and still with them is Walt Hitchcock.

Some other teams also competed from my district, including Northville and Walled Lake. Special acknowledgement must go to the public-private partnerships that make robotics possible. And importantly, the technical and interpersonal skills these young people gain in competition are par none and will serve them and our state well in the years to come. These young people make our state proud.

On another subject but still related to education, I'd like to recognize and congratulate Eastern Michigan University for taking the bold step to freeze tuition for the next academic year. The university's president and board recognized that to do so directly addresses our troubling economic decline and the need to help students and their parents with the cost of a quality higher education. This action reflects the university's fiscal responsibility and sensitivity to students, parents, and all taxpayers. We applaud the risk Eastern Michigan University is taking, and hope that other public universities will follow their example.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Tuesday, April 20, 2010, at 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower
Present: Senators Hardiman (C), Kahn, Jansen, Scott and Barcia

COMMITTEE ATTENDANCE REPORT

The Committee on Reforms and Restructuring submitted the following:

Meeting held on Tuesday, April 20, 2010, at 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower
Present: Senators Bishop (C), Gilbert, George, Kuipers, Prusi, Hunter and Cherry

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary and Corrections submitted the following:

Meeting held on Tuesday, April 20, 2010, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Cropsey (C), Kahn and Brater

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Transportation submitted the following:

Meeting held on Wednesday, April 21, 2010, at 8:30 a.m., Room 110, Farnum Building

Present: Senators Hardiman (C), Cropsey and Anderson

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

Agriculture - Tuesdays, April 27 and May 4, 2:00 p.m., Room 405, Capitol Building (373-2768)

General Government - Thursdays, April 22, April 29, May 6 and May 13, 2:00 p.m., Room 110, Farnum Building (373-2768)

Judiciary and Corrections - Tuesdays, April 27, May 4 and May 11 (CANCELED), 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Natural Resources Department - Thursday, April 29, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police and Military Affairs - Thursdays, April 22, May 6 and May 13, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Finance - Thursday, April 22, 11:00 a.m., Room 110, Farnum Building (373-1758)

Senate Fiscal Agency Board of Governors - Wednesday, May 5, 9:15 a.m., Room S-101, Capitol Building (373-5300)

State Drug Treatment Court Advisory Committee - Tuesday, April 27, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Transportation and House Transportation - Tuesday, April 27, 3:00 p.m., Room 519, South Tower, House Office Building (373-7708) (CANCELED)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 12:36 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, April 22, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

