

**No. 16**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**95th Legislature**  
**REGULAR SESSION OF 2009**

---

---

Senate Chamber, Lansing, Thursday, March 5, 2009.

10:00 a.m.

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

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

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

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

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

Reverend Daniel W. Cave of Christ Lutheran Church of Warren offered the following invocation:

Sovereign God, accept our thanks and praise for the natural majesty and beauty of this great state and its resources; our freedoms and responsibility of citizenship; the diversity of our people and all that is gracious, kind, and courageous in their lives; and for good government and faithful service of these Senators, members of the House, our Governor, Lieutenant Governor, the judiciary, and state agencies and all who serve the public trust.

Bless, guide, and strengthen these men and women who have been elected as our Senators in their legislative work. In these challenging times, the issues before them are complicated, and some of the choices to be made by them will be difficult. Give them an extra measure of wisdom, courage, and compassion. Give them patience, the ability to listen, respect for differing opinions, and the wisdom to compromise. Help them find fair and workable solutions to the many challenges they face, and guide them to enact good and just laws.

Keep these Senators, their staffs, Senate employees, and all others safe and well. Bless and hold their loved ones in peace and safety, and heal any who struggle with illness or grief. Restore this great state and all its communities, counties, businesses, schools, organizations, and citizens to sound and lasting fiscal health. Help us all to live more simply and within our means, and grant every person of this state a sufficient, sustainable livelihood.

O God, bless and strengthen us to faithfully do the work to which we have been called, and give us hearts to love and hands to serve. God bless and prosper Michigan and the United States of America. Amen.

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

### Motions and Communications

Senator Anderson moved that Senator Prusi be temporarily excused from today's session.  
The motion prevailed.

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

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

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

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

**Senate Bill No. 319**

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

Senators Pappageorge and Bishop entered the Senate Chamber.

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

March 4, 2009

Pursuant to Public Act 268 of 2008, I am nominating the following individuals for appointment to the Early Childhood Investment Corporation (ECIC) Executive Committee:

Mr. Ken Gutman, 4195 Barcroft Way, West Bloomfield, Michigan 48323, county of Oakland.

Ms. Bonnie Hanes, 6609 Tree Knoll Drive, Troy, Michigan 48098, county of Oakland.

Ms. Anna Reseigh, 918 Loggers Circle, Rochester, Michigan 48307, county of Oakland.

If you have any questions, please call Bill Sullivan in my office at 3-2417.

Sincerely,  
Michael D. Bishop  
Senate Majority Leader

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, March 4:

**House Bill Nos. 4030 4071 4073 4074 4075 4076 4077 4078 4079 4132 4247**

The Secretary announced that the following official bills were printed on Wednesday, March 4, and are available at the legislative website:

<b>Senate Bill Nos.</b>	<b>282</b>	<b>283</b>	<b>285</b>	<b>286</b>	<b>287</b>	<b>288</b>	<b>289</b>	<b>290</b>	<b>291</b>	<b>292</b>	<b>293</b>	<b>294</b>	<b>295</b>	<b>296</b>
	<b>297</b>	<b>298</b>	<b>299</b>	<b>300</b>	<b>301</b>	<b>302</b>	<b>303</b>	<b>304</b>	<b>305</b>	<b>306</b>	<b>307</b>	<b>308</b>	<b>309</b>	<b>310</b>
	<b>311</b>	<b>312</b>	<b>313</b>	<b>314</b>	<b>315</b>	<b>316</b>	<b>317</b>	<b>318</b>						
<b>House Bill Nos.</b>	<b>4480</b>	<b>4481</b>	<b>4482</b>	<b>4483</b>	<b>4484</b>	<b>4485</b>	<b>4486</b>	<b>4487</b>	<b>4488</b>	<b>4489</b>	<b>4490</b>	<b>4491</b>	<b>4492</b>	<b>4493</b>
	<b>4494</b>	<b>4495</b>	<b>4496</b>	<b>4497</b>	<b>4498</b>	<b>4499</b>	<b>4500</b>	<b>4501</b>	<b>4502</b>	<b>4503</b>	<b>4504</b>			

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 Allen as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

#### **Senate Bill No. 145, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1a of chapter IX (MCL 769.1a), as amended by 1998 PA 231.

#### **Senate Bill No. 146, entitled**

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 2, 16, 31, 44, 61, and 76 (MCL 780.752, 780.766, 780.781, 780.794, 780.811, and 780.826), sections 2, 16, 44, and 76 as amended by 2005 PA 184 and sections 31 and 61 as amended by 2006 PA 461.

#### **Senate Bill No. 188, entitled**

A bill to amend 1966 PA 189, entitled "An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts," by amending sections 1, 2, and 4 (MCL 780.651, 780.652, and 780.654), section 1 as amended by 2003 PA 185 and section 4 as amended by 2002 PA 112.

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. 319, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 434 (MCL 208.1434), as added by 2008 PA 580.

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.

During the Committee of the Whole, Senators Kahn and Prusi entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

#### **Motions and Communications**

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

The motion prevailed.

Senator Bishop's statement is as follows:

All of you know Cami Pendell. She has been a faithful member of the team here in the Senate. She has been a member of our Senate office and one of our real prized possessions here in the Senate. She has been such a great part of what we do here. We would not be able to do what we do here without Cami.

She has been involved in the system since the days of Senator Steil; she worked with Senator Posthumus in the Majority Leader's office; she worked with Representative Koetje; and she even had the pleasure of working with Rocky Raczkowski back in the day. Cami then spent time in the private sector where she developed her management skills and really enhanced her professionalism as a private-sector employee with Blue Cross Blue Shield. When I had the opportunity, the honor of serving in my position here in the Senate, Cami was first on my list of people who I wanted to ask to join the team. I don't ever second-guess the decision to do that. I was very pleased when she agreed to be a part of the Senate team.

She has been nothing but a great friend to all of us, a great resource. She works with industrial precision, as they say, to make this place work. She now has an opportunity to leave this fine establishment of ours and find new employment. She has a great opportunity out there, as well she should. She is going to take this next step with our blessing. I have some trepidation of even allowing her to get out of my sight, but she has been a great friend to all of us. I hope that this chamber helps me to thank her for all of her efforts here in the Senate. We look forward to hearing great things about her in the future.

By unanimous consent the Senate proceeded to the order of

### **Introduction and Referral of Bills**

Senators Jelinek, Allen and Cropsey introduced

#### **Senate Bill No. 332, entitled**

A bill to amend 1915 PA 123, entitled "An act to provide for the recording and use in evidence of affidavits affecting real property; and to provide a penalty for the making of false affidavits," (MCL 565.451a to 565.453) by adding section 1d.

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

Senator Jelinek introduced

#### **Senate Bill No. 333, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2008 PA 268 and section 17b as amended by 2007 PA 137.

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

Senator Jelinek introduced

#### **Senate Bill No. 334, entitled**

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

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

Senators Hunter, Thomas, Barcia, Jacobs, Anderson, Olshove and Scott introduced

#### **Senate Bill No. 335, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 520 and 522 (MCL 206.520 and 206.522), section 520 as amended by 1995 PA 245 and section 522 as amended by 2000 PA 41.

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

Senators Hunter and Thomas introduced

#### **Senate Bill No. 336, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7u and 28 (MCL 211.7u and 211.28), section 7u as amended by 2003 PA 140 and section 28 as amended by 2006 PA 143.

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

Senators Birkholz, Jansen, Gilbert, Kuipers, Van Woerkom, Barcia, George, Pappageorge, Richardville, Kahn, Allen, Hardiman and Cropsey introduced

#### **Senate Bill No. 337, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to

provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 9g.

The bill was read a first and second time by title and referred to the Committee on Energy Policy and Public Utilities.

Senators Jansen, Birkholz, Gilbert, Kuipers, Van Woerkom, Barcia, George, Pappageorge, Richardville, Kahn, Allen, Hardiman and Cropsey introduced

**Senate Bill No. 338, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 9h.

The bill was read a first and second time by title and referred to the Committee on Energy Policy and Public Utilities.

Senators Gilbert, Jansen, Birkholz, Kuipers, Van Woerkom, Barcia, George, Pappageorge, Richardville, Kahn, Allen, Hardiman and Cropsey introduced

**Senate Bill No. 339, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 9e.

The bill was read a first and second time by title and referred to the Committee on Energy Policy and Public Utilities.

Senators Birkholz, Kuipers, Van Woerkom, Barcia, George, Richardville, Allen, Basham, Hardiman and Cropsey introduced

**Senate Bill No. 340, entitled**

A bill to create certain offices in the Michigan economic development corporation; to provide for the appointment of certain officers with the advice and consent of the senate; and to impose certain duties and responsibilities on those officers and on certain state employees and public employees.

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

Senators Kahn, Jelinek and Pappageorge introduced

**Senate Bill No. 341, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710e (MCL 257.710e), as amended by 2008 PA 43.

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

Senators Van Woerkom, Pappageorge and Gilbert introduced

**Senate Bill No. 342, entitled**

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," (MCL 480.11 to 480.25) by adding section 7e.

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

Senators Anderson, Barcia, Basham, Gleason, Richardville, Prusi, Whitmer, Olshove, Pappageorge, Birkholz, Hunter, Jacobs, Scott, Clark-Coleman and Switalski introduced

**Senate Bill No. 343, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 39, 40, 43, and 46 of chapter XVII (MCL 777.39, 777.40, 777.43, and 777.46), section 39 as amended by 2006 PA 548, section 40 as added by 1998 PA 317, section 43 as amended by 2008 PA 562, and section 46 as amended by 1999 PA 227, and by adding section 36a to chapter IX.

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

Senators Allen, Basham, Barcia, Pappageorge and Richardville introduced

**Senate Bill No. 344, entitled**

A bill to amend 1981 PA 155, entitled "An act to provide for ownership rights in dies, molds, and forms for use in the fabrication of plastic parts under certain conditions and to establish a lien on certain dies, molds, and forms," by amending section 9 (MCL 445.619), as added by 2002 PA 17, and by adding section 9a.

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

Senators Olshove, Basham, Barcia and Pappageorge introduced

**Senate Bill No. 345, entitled**

A bill to amend 2002 PA 481, entitled "Special tools lien act," by amending section 23 (MCL 570.563) and by adding section 24.

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

Senator Jansen introduced

**Senate Bill No. 346, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 254.

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

**House Bill No. 4030, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1561 (MCL 380.1561), as amended by 1996 PA 339.

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 Education.

**House Bill No. 4071, entitled**

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending section 50b (MCL 38.1050b), as amended by 1998 PA 501.

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

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

**House Bill No. 4073, entitled**

A bill to authorize and create irrevocable trusts for the purpose of holding, investing, and distributing assets to be used for certain postemployment health care benefits; to set forth certain rights that public employees have in retirement health care benefits under certain circumstances; to provide for the establishment and amendment of certain irrevocable trust agreements; and to prescribe certain powers and duties of certain retirement systems, state departments, public officials, and public employees.

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

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

**House Bill No. 4074, entitled**

A bill to amend 2001 PA 34, entitled "Revised municipal finance act," (MCL 141.2101 to 141.2821) by adding section 519.

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

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

**House Bill No. 4075, entitled**

A bill to amend 2001 PA 34, entitled "Revised municipal finance act," (MCL 141.2101 to 141.2821) by adding section 518.

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

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

**House Bill No. 4076, entitled**

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 3 (MCL 38.3).

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

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

**House Bill No. 4077, entitled**

A bill to amend 2001 PA 34, entitled "Revised municipal finance act," by amending section 103 (MCL 141.2103).

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

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

**House Bill No. 4078, entitled**

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending section 205 (MCL 38.2205).

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

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

**House Bill No. 4079, entitled**

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending section 42 (MCL 38.1642), as amended by 2004 PA 50.

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

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

**House Bill No. 4132, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1596 (MCL 380.1596).

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 Education.

**House Bill No. 4247, entitled**

A bill to amend 2006 PA 480, entitled "Uniform video services local franchise act," by amending section 10 (MCL 484.3310).

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 Energy Policy and Public Utilities.

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

The following bill was read a third time:

**Senate Bill No. 23, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 433 (MCL 168.433), as amended by 1999 PA 218.

The question being on the passage of the bill,  
 Senator Stamas offered the following substitute:

Substitute (S-2).

The substitute was adopted, a majority of the members serving voting therefor.

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. 34**

**Yeas—34**

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

**Nays—0**

**Excused—3**

Garcia	Hunter	Thomas
--------	--------	--------

**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. 96, entitled**

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

The 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. 35**

**Yeas—34**

Allen	Cherry	Jansen	Prusi
Anderson	Clark-Coleman	Jelinek	Richardville



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

**Nays—0**

**Excused—3**

Garcia	Hunter	Thomas
--------	--------	--------

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

**Statements**

Senators Whitmer, Scott, McManus, Anderson, Gleason, George, Kahn and Basham asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Whitmer's statement is as follows:

Yesterday the United States Supreme Court handed a surprising and big victory to consumers in *Wyeth v. Levine*. In that two-thirds court ruling, they determined that patients injured by a drug can sue a drug company even if that drug had been approved by the FDA. In their holding, they said that state law is a complement to FDA regulation—a complement to protect consumers. This is an added consumer protection.

Now this was cause to celebrate. This is a victory for consumers across our country; consumers in 49 states, that is. But if you are an injured Michigander, you are still out of luck because our draconian law precludes us, our people, our injured people the right to recover. Aren't we supposed to be protecting the consumer like the other 49 states?

The point here is that no other state, red or blue, holds its citizens in second-class status beneath profit-driven drug companies. The same drug companies that, even with complete immunity against blatant wrongdoing, have packed up and left the state in droves. The worst part is that while Michigan families are torn apart by the wrongdoing of drug companies, the Senate majority hides behind a tired rationale of protecting job creation. Well, as we all know, these drug companies leave the state anyway, paying no attention to the Michigan families, husbands, wives, sons, and daughters who continue to suffer when drug companies lie or mislead consumers.

Now I want to recognize the efforts of my Republican colleague from the 7th District in fighting against pharmaceutical fraud. We share the goal, my friend, that one day our collective efforts will finally restore basic rights to Michiganders harmed or killed by prescription drugs. The Senate Majority Leader has a chance to put this embarrassing chapter in Michigan history where people come second and drug company profits come first behind us. You can't just claim to care about consumer protection; it's time to act. Is today the day? Will we have to wait and see, or can we treat Michigan? Can we ensure that our injured Michigan citizens have the same rights and protections that the citizens in the other 49 states enjoy?

Senator Scott's statement is as follows:

The next time that you are driving down the street and you get behind a student driver, think about how much insurance on that new driver is going to cost his or her parents. Many of you in the chamber remember that first insurance bill for your new driver. Some of you have that pleasure to look forward to. Everyone looks forward to having another driver in

the house to help with grocery store runs and with picking up siblings. It's nice to just not have to be the chauffeur for at least one child.

But parents in Detroit and in other Michigan cities are going to suffer from insurance sticker shock when they get the bill for their new driver. Many of them will not even be able to enjoy that extra driver because they simply won't be able to afford the insurance costs. These families are already paying outrageous prices for their auto insurance, and a new, young driver will only make it worse.

This isn't right; this isn't fair, and the solution is to move my bills and make the cost of mandated auto insurance fair for everyone in Michigan.

Senator McManus' statement is as follows:

Ladies and gentlemen, I rise today to call to your attention one of the bright spots in Michigan's economy and the Governor's continued effort to snuff it out. Most of you know that agriculture is one of Michigan's top industries. It's a growing industry with jobs guaranteed to stay right here in our state. Our agriculture research and extension programs are the job engines of that industry.

Maybe the Governor just doesn't understand agriculture and what these programs mean to our counties and our agriculture communities. Maybe the Governor just takes for granted this one bright spot in our economy and doesn't want to care about it. Maybe farming just isn't cool enough. After all, there are no state grants for cool corn fields or vibrant vineyards. Maybe that is why they have tried to cut extension programs year after year after year in every annual budget. And now they're at it again.

At a time when Michigan's economy continues to sputter, we no doubt face many difficult choices in balancing our budget. But, seriously, this is a no-brainer. Do we support an industry that continues to grow and thrive, one that will help our state get back to the road of recovery? Or do we want to just let it wither away by taking away access to the vital research and job engine and lose out on the economic boost that it brings to our state?

Senator Anderson's statement is as follows:

I rise today in support of a package of bills that will be introduced soon to hire Michigan first. It's a package of bills which would provide incentives to businesses which choose to hire Michigan workers. We talk a lot about job creation in the Michigan Senate, but today we have an opportunity to stop talking and take action to help our workers. In the past year alone, Michigan has lost more than 69,000 jobs, and our unemployment rate is among the highest in the entire nation.

While we have passed several successful initiatives to attract companies to our state and grow their businesses here, we need to take that extra step to make sure those businesses are employing Michigan workers. As federal funding from the economic recovery act begins to flow into Michigan, now, more than ever, we need to place priority on filling Michigan jobs with Michigan workers.

With layoffs left and right, we have smart and talented workers right here in Michigan who are unable to find jobs, and it's not only our displaced workers. Thousands of new graduates with topnotch educations from our fine universities and colleges enter the job force every year. Many are forced to leave the state because they are simply unable to find work. If we want to keep our graduates in Michigan and show our displaced workers how much we value their experience and dedication, we need to do whatever possible to make sure they have the first shot at the new jobs created with government funds.

It's simply not right to be shipping in workers from other states and from Canada or someplace else when we already have people here who are ready, willing, and able to work. This legislation will not only benefit the unemployed, but it will also benefit Michigan businesses. Those workers spend their dollars at Michigan businesses, and those businesses will be awarded contracts for work here in Michigan and benefit those businesses. With additional tax credits and economic development incentives, companies will have more funds available to help them succeed in Michigan's economy.

Colleagues, this is a great chance to take action and let our workers know that we are on their side and fighting for them every step of the way. This legislation is a win-win for both our workers and businesses. I urge your support for this legislation when we introduce it, and help keep Michigan jobs here in Michigan.

Senator Gleason's statement is as follows:

I wasn't alarmed nor was I shocked when I heard the news yesterday about the drug immunity issue again. I've been involved in this since my first day in the House of Representatives—six years, two and a half months ago.

We have been leaving our sick and our most fragile behind. But, once again, we are letting the national debate be the forerunners of our decisions and our actions. There seems to be a consistency in this chamber that we will not take care of the most fragile and those in the most need; those who are consistently on medication. Now it's easy to say we've heard it time and time again that this will cost us, as the previous speaker has mentioned. But I would suggest that it has actually cost us jobs. It has cost us jobs because our sick become sicker, and eventually they become disabled when they're not offered the right medicine when they endure the lasting and troubling effects of dangerous and deadly medications.

Now there has been a discussion in both chambers here in this marvelous Capitol and few would lack the understanding that the other chamber has grown in numbers. The numbers have actually leaped ahead for those who agree with us who say we should do something about drug immunity.

For the last three election cycles—and that's the best way to get the tenor and thoughts of the constituents of Michigan. Let's say we put our names on the ballots and then we ask them to either support our philosophy or support the other philosophy. But over the last six years, we've seen a tremendous growth in the public response saying it's time to do something about drug immunity.

We cannot wait for this chamber to grow in that philosophical number. We must act today. Time and time again, intermittently, we hear from Washington that they believe that we should be offering our citizens better safeguards; better opportunities to go to their local courthouse and find remedies when they've become sicker and maybe even have died from medicine that they shouldn't have taken.

So it's long overdue that we start protecting our citizens at a greater level. We have had this issue before us for years. The same lame, outdated, and ill-advised excuse should no longer be utilized.

Once again, the news from Washington says we stand alone—the only 1 of 50 states to not offer the minimal protection to let our citizens go to the local courthouse. This is a minimum that we can offer our people, that they have a fair and impartial hearing before the judicial branch. I don't know what the difficulty is, but I mentioned earlier today that young James wanted to be a museum curator. I hope before he embarks on his career that we take care of this issue.

And, Lieutenant Governor, I would say I use that as my “no” vote explanation—yes, my “no” vote.

Senator George's statement is as follows:

I rise, Mr. President, to relate comments that I have received from several of my constituents who are contemplating purchasing replacement vehicles in the near future. They have reported to me that they are reluctant to buy from a domestic producer, despite their interest in doing so. It's not because of cost, quality, fuel, or energy concerns, but because they do not have confidence that the domestic automakers will be around to provide the necessary service and maintenance for their purchases. They are extremely reticent to purchase a GM or Chrysler product because they do not think that the companies are going to survive.

Why is this so? I would note that recent comments made by President Obama's chief of staff, Rahm Emanuel, have suggested lukewarm support for the domestic auto companies' survival. On CBS's *Face the Nation* on Sunday, when asked if President Obama was going to approve further support for the domestic automakers, rather than answer the question, Mr. Emanuel commented that GM and the others have failed to make the right kind of automobiles. He said, “They have to have a viable business plan on a going-forward basis, and it's going to require sacrifice from all parties involved. They've never invested in alternative-energy cars, and they have a health care cost structure that's outdated.” He never directly answered whether the needed support would be granted.

I note that Governor Granholm was in Washington recently to lobby for continued aid for the automakers and auto parts suppliers. I read in the *Detroit News* that she was meeting with President Obama's auto advisors. The same paper had previously reported that among the eight members named to the presidential task force on auto industry and the ten senior policy aides who will assist them in their work, only two own American cars—that's 2 out of 18.

Mr. President, these comments from the President's chief of staff and the reports of the vehicles owned by the auto advisors give the impression that the administration is prepared to stand idly by—to sit on its hands—while the companies continue to struggle. The administration seems to blame the companies themselves for the choices consumers have made over the past two decades.

By equivocating on the question of support for our automakers, the administration has undermined the companies' ability to retain the confidence of the consumer. The consumer needs to know that the companies will be able to continue to provide maintenance and service for their vehicles. Without this assurance, sales will continue to decline and the companies may enter a sales death spiral, precipitated unintentionally by an administration ignorant of the consequences of its actions.

My constituents' comments illustrate how the equivocation of the Obama Administration and its lackadaisical commitment to Michigan's economy is becoming a self-fulfilling prophesy for our future.

Senator Kahn's statement is as follows:

For years, radicals in California have petitioned the EPA to be allowed to set their own rules for auto emissions. President Bush, to his credit, never allowed this to happen. With all the other bad news recently, it escaped most people's notice that a few weeks ago, Barack Obama signed what could be the final death warrant for the American car companies. That's right. While the Big Three and the UAW negotiate for their lives; while Washington ponders bailout plans and guaranteed loans and wonder how much taxpayer money to risk, with the stroke of a pen, Barack Obama has threatened to make all of it mean nothing, by allowing states to set their own emission standards for automobiles.

There is not a bailout plan or stimulus package big enough to save the Big Three or Michigan's economy if California is allowed to add up to \$7,000 to the price of a new car. I call on Governor Granholm and UAW President Ron Gettlefinger to lobby the President they worked to elect on behalf of Michigan autoworkers. Tell him not to hand the American auto industry's future over to California bureaucrats.

Last week Barack Obama decided to appoint an oversight panel rather than a car czar to oversee the restructuring of the auto industry. Is this yet another blue ribbon commission? Is that hope or change? Unfortunately, the President has already created an auto industry terminator.

Senator Basham's statement is as follows:

I would like to put my spin on the last several discussions here under Statements relative to slamming the current President of the United States, who has the highest approval rating ever for any President entering office; who hasn't even had his first 100 days yet. When you compare this President to the one who just left after eight years with the highest budget deficit in the history of the country, with comments that the auto industry should be building cars that are relevant, and every time his picture was taken with his Ford 250 standing outside of his ranch in Texas, I think it is a contrast not mentioning; that you mention the new President who is actually trying to do something and support and shore up the auto industry.

It is not just the auto industry. We are in a recession, and this President is trying to deal with all sorts of things—the banking and financial industry, the auto industry, and also trying to deal with home foreclosures; all of these things. And this President can multi-task, so to stand here in a state legislature and slam a President who has a high approval rating, the highest ever, I wonder if some folks might be running for President. Maybe this is a forerunner for some of our folks who are going to run not just for a statewide office, but a national office.

So I would ask that they re-think some of their comments when they go after the President of this country who represents everyone—both Democrats and Republicans, people who don't even vote, and people who are Libertarians. We should give this President of this United States at least 100 days to try to set and move his agenda before we start bashing him and setting ourselves up for the next presidential election.

### Committee Reports

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 222, entitled**

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

With the recommendation that the bill pass.

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

Gerald Van Woerkom  
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Birkholz, Allen, Gleason and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 284, entitled**

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 2008 PA 22.

With the recommendation that the bill pass.

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

Gerald Van Woerkom  
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Birkholz, Allen, Gleason and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**House Bill No. 4045, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2008 PA 284.

With the recommendation that the bill be referred to the Committee on Commerce and Tourism.  
Gerald Van Woerkom  
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Birkholz, Gleason and Basham  
Nays: None  
The bill was referred to the Committee on Commerce and Tourism.

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:  
Meeting held on Tuesday, March 3, 2009, at 3:00 p.m., Room 110, Farnum Building  
Present: Senators Van Woerkom (C), Birkholz, Allen, Gleason and Basham

The Committee on Commerce and Tourism reported

**Senate Bill No. 319, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 434 (MCL 208.1434), as added by 2008 PA 580.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.  
The committee further recommends that the bill be given immediate effect.

Jason E. Allen  
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas and Clarke  
Nays: None  
The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Commerce and Tourism reported

**House Bill No. 4239, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 11 (MCL 421.11), as amended by 2005 PA 182.

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

Jason E. Allen  
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas and Clarke  
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 Wednesday, March 4, 2009, at 8:30 a.m., Room 100, Farnum Building  
Present: Senators Allen (C), Gilbert, Stamas and Clarke  
Excused: Senator Hunter

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Economic Development submitted the following:  
Meeting held on Wednesday, March 4, 2009, at 8:30 a.m., Room 110, Farnum Building  
Present: Senators Jansen (C), George, Scott and Anderson  
Excused: Senator Stamas

### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Transportation submitted the following:  
 Meeting held on Wednesday, March 4, 2009, at 8:30 a.m., Room 405, Capitol Building  
 Present: Senators Hardiman (C), Cropsey and Anderson

### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submitted the following:  
 Meeting held on Wednesday, March 4, 2009, at 3:00 p.m., Room 405, Capitol Building  
 Present: Senators Brown (C), Jelinek and Scott

### Scheduled Meetings

**Appropriations** - Wednesday, March 11, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

#### Subcommittees -

**Agriculture** - Wednesdays, March 11 and March 18, 3:00 p.m., Room 405, Capitol Building (373-2768)

**Economic Development** - Wednesdays, March 11 and March 18, 8:30 a.m., Room 110, Farnum Building (373-2768)

**General Government** - Thursdays, March 12 and March 19, 2:00 p.m., Room 110, Farnum Building (373-2768)

**Higher Education** - Thursday, March 12, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building and Wednesday, April 1, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-2768)

**History, Arts, and Libraries** - Thursdays, March 12 and March 19, 8:30 a.m., Room 405, Capitol Building (373-2768)

**Human Services Department** - Tuesday, March 10, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**State Police and Military Affairs** - Tuesday, March 10, 3:00 p.m.; Thursday, March 12, 3:00 p.m.; and Thursday, March 19, 3:00 p.m., Room 405, Capitol Building (373-2768)

**Transportation Department** - Wednesdays, March 11, March 18 and March 25, 8:30 a.m., Room 405, Capitol Building (373-2768)

**Energy Policy and Public Utilities** - Thursday, March 12, 1:00 p.m., Room 210, Farnum Building (373-7350)

**Families and Human Services** - Tuesday, March 10, 2:30 p.m., Room 210, Farnum Building (373-0797)

**Legislative Commission on Government Efficiency** - Thursday, April 2, 10:00 a.m., Room 426, Capitol Building (373-0212)

**Legislative Commission on Statutory Mandates** - Friday, March 20, 12:00 noon, Oakland County Executive Office Building, Oakland County Conference Center, Waterford Room, Building 41-West, 2100 Pontiac Lake Road, Waterford (373-0212)

**Michigan Law Revision Commission** - Tuesday, March 24, 11:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

**Natural Resources and Environmental Affairs** - Wednesday, March 11, 1:00 p.m., Room 110, Farnum Building (373-3447)

**Transportation** - Tuesday, March 10, 1:00 p.m., Room 110, Farnum Building (373-7708)

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

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, March 10, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

