

No. 42
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Wednesday, May 12, 2010.

10:00 a.m.

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

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

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

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

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

Reverend Anthony Sulkowski of St. Basil the Great Parish of Eastpointe offered the following invocation:

O God, from whom every family takes its name and from whom all power comes, we ask You to extend Your loving hand, and bless those who are present here. Empower them to work for the citizens who placed their confidence and trust in them. Enable them to reach out to the weakest among us. May those who have been elected to serve the people of the great state of Michigan be ever mindful of Your presence in their lives and the lives of those they have been called to serve.

Enlighten the Senators of the state of Michigan to keep before them the needs and blessings of the people of this state. Bestow upon them the gifts of wisdom, counsel, justice, and fortitude that they may conduct their affairs in accord to Your will, so that their decisions may encompass the well-being of all people.

In these challenging times, may we see with the eyes of faith the countless ways in which You have blessed each one of us. In many ways, You have made Your presence known in the darkest days and in the new light of the new morning sun.

Almighty and eternal God, in Your goodness, watch over those You have called into service, that people everywhere may enjoy peace, freedom, and security. Amen.

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

Motions and Communications

Senator Birkholz entered the Senate Chamber.

Senator Anderson moved that Senators Thomas, Brater, Barcia and Clarke be temporarily excused from today's session. The motion prevailed.

The following communication was received and read:

Office of the Senate Majority Leader

May 11, 2010

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Appropriations Committee hold a hearing on the appointments of Robert Wardrop II to the Central Michigan University Board of Control and Ronald Robinson, Mark Schlusser, and Jayprakash Shah to the Oakland University Board of Control, and make written recommendations to the Government Operations Committee on these appointments.

Sincerely,
Senator Michael D. Bishop, Chairman
Government Operations Committee

The communication was referred to the Secretary for record.

The following communication was received and read:

Office of the Auditor General

May 7, 2010

Enclosed is a copy of the following audit report:

Financial audit of the Farm Produce Insurance Authority, a discretely presented component unit of the State of Michigan, for the period January 1, 2009 through December 31, 2009.

Auditor General

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 11:

House Bill Nos. 6031 6032 6033

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, May 11, for her approval the following bills:

Enrolled Senate Bill No. 1138 at 12:10 p.m.

Enrolled Senate Bill No. 757 at 12:12 p.m.

Enrolled Senate Bill No. 1061 at 12:14 p.m.

Enrolled Senate Bill No. 484 at 12:16 p.m.

The Secretary announced that the following official bills were printed on Tuesday, May 11, and are available at the legislative website:

Senate Bill Nos. 1322 1323

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 Brown as Chairperson.

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Sanborn, having assumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 928, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2010; and to provide for the expenditure of the appropriations.

Substitute (S-1).

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

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

House Bill No. 5883, entitled

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

Substitute (S-1).

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

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

House Bill No. 5875, entitled

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

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 Garcia, Thomas, Barcia, Brater and Clarke entered the Senate Chamber.

The President, Lieutenant Governor Cherry, resumed the Chair.

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:

Senate Bill No. 928

House Bill No. 5875

House Bill No. 5883

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

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

Senate Bill No. 928

House Bill No. 5875

House Bill No. 5883**House Bill No. 4971**

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 928, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2010; and to provide for the expenditure of the appropriations.

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. 232**Yeas—36**

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

Nays—2

Cassis	Patterson
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Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Patterson, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 928.

Senator Patterson's statement is as follows:

Greece, Portugal, Italy, Ireland, Spain, and soon the United Kingdom—I just had the opportunity to speak to 7th and 8th graders who came to the Capitol from Haslett Middle School. I asked them if they knew how far in debt they were. There were four of the classmates who said they were going to run for public office because they were so disturbed. I said, “We are spending \$183 million more that I will never have to repay. Isn't that sweet? How fiscally responsible is that? The bad news is that you kids get to pay it. With the Rule of 72's, over the next nine years, that \$50,000 that you owe for federal debt will double. So by the time you get out of college, you will probably be in hock at least \$150,000.”

Shame on us for continuing to spend this money that we borrow and we call it federal stimulus dollars. We know that it is a waste of money, and it is jeopardizing the future of this country and its children.

The following bill was read a third time:

House Bill No. 5875, entitled

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

The 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. 233

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5883, entitled

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

The 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. 234

Yeas—38

Allen	Clark-Coleman	Jansen	Prusi
Anderson	Clarke	Jelinek	Richardville
Barcia	Cropsey	Kahn	Sanborn
Basham	Garcia	Kuipers	Scott

Birkholz
Bishop
Brater
Brown
Cassis
Cherry

George
Gilbert
Gleason
Hardiman
Hunter
Jacobs

McManus
Nofs
Olshove
Pappageorge
Patterson

Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Brater's statement is as follows:

I just wanted to express my appreciation for the opportunity to work with Senator Cropsey and Senator Kahn on this budget. It is always a pleasure to hear from all the parties who are affected by this budget. As we know, the judicial branch is as stressed as the rest of state government in these times of fiscal crisis.

I supported this budget for a number of reasons, especially because of the funding that is in there for the treatment of people with dual-diagnosis in the drug courts. Those are people who have both mental health and substance abuse issues. Those are the people most likely to be criminalized who are consumers of mental health services. I appreciate it very much to have funding put into the budget for that program.

I support that funding, but I continue to have concerns about underfunding of some other programs that are in this budget. The Chief Justice called to our attention the underfunding of the foster care review board, which we are under a court settlement to fund. The Chief Judge of the Appellate Court told us that they are having trouble getting attorneys on the list for indigent defense because of underpayment of those attorneys.

The State Appellate Defenders Office (SADO) is continuing to be underfunded. In this budget, there is some relief because of Byrne Fund money that is temporary funding. But there is an outstanding United States Supreme Court decision which requires us to fund appellate defense for prisoners who had pleaded guilty in contraversion to the law that was passed by this Legislature some years ago denying that right to defense. We need to fund that.

We also have the ongoing problem of the tainted evidence at the Detroit crime lab requiring retrial of many, many cases. There are inmates languishing in prison who may well have been falsely convicted due to tainted evidence. It is very urgent that we be aware of the underfunding of this program.

We are constantly on the losing side of lawsuits requiring us to provide indigent defense, better services, and foster care. We need to remind ourselves that we are not doing our job here today. We are not providing enough revenue to fund programs that are required by court settlements, constitutionally and otherwise by statute. I just wanted to call the problems to my colleagues' attention.

The following bill was read a third time:

House Bill No. 4971, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7j (MCL 722.627j), as amended by 2008 PA 374.

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. 235**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts;”.

The Senate agreed to the full title.

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.

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

Senate Resolution No. 155

Senate Resolution No. 157

The resolution consent calendar was adopted.

Senator Olshove offered the following resolution:

Senate Resolution No. 155.

A resolution recognizing May 2010 as Hearing Loss Awareness Month in the state of Michigan.

Whereas, One in every ten—36 million—noninstitutionalized American adults has a hearing loss. Over the last generation, the hearing loss population grew at the rate of 160 percent of the U.S. population growth; and

Whereas, It is estimated that at least 12.5 million noninstitutional adults ages 70 years or older have self-reported hearing loss. Among seniors, hearing loss is the third most treatable disabling condition behind arthritis and hypertension; and

Whereas, It is estimated that 1.4 million people in the state of Michigan have a hearing loss; and

Whereas, Every day, approximately 3 in 1,000 newborns are born profoundly deaf or with a partial hearing loss, making hearing loss the No. 1 birth defect in America; and

Whereas, It is estimated that 14.9 percent of children ages 6-19 years—more than 7 million children—have at least a 16-decibel hearing loss in one or both ears. In the case of children, even a mild hearing loss can impact school performance; and

Whereas, 28 million Americans with hearing loss are under the age of 50 and are active in the work force; and

Whereas, 11.1 million people with hearing loss who could benefit from assistive hearing devices do not use them. Only 30 percent of assistive hearing device purchases are covered by third-party payment; and

Whereas, It is important that people with hearing loss have the opportunity to participate fully in society and experience success in school, college, and on the job through equal access to communication; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize May 2010 as Hearing Loss Awareness Month in the state of Michigan.

Senators Anderson, Basham, Birkholz, Brater, Cherry, Clark-Coleman, Clarke, Cropsey, Jacobs, Jansen, Pappageorge, Prusi and Switalski were named co-sponsors of the resolution.

Senator Gilbert offered the following resolution:

Senate Resolution No. 157.

A resolution proclaiming May 16-22, 2010, as National Public Works Week.

Whereas, Public works infrastructure, facilities, and services are of vital importance to the health, safety, and well-being of the people of the state of Michigan; and

Whereas, These facilities and services could not be provided without the dedicated efforts of public works professionals, including engineers and administrators, who represent state and local governments throughout the state; and

Whereas, These individuals design, build, operate, and maintain the transportation systems, water infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the citizens and communities of the state; and

Whereas, It is in the interest of the public for citizens and civic leaders to understand the role that public infrastructure plays in protecting the environment, improving public health and safety, contributing to economic vitality, and enhancing the quality of life of every community in the state of Michigan; now, therefore, be it

Resolved by the Senate, That we hereby proclaim the week of May 16-22, 2010, as National Public Works Week. We recognize and celebrate the important contributions that public works professionals make every day to improve the public infrastructure and the communities that those professionals serve; and be it further

Resolved, That we urge citizens and communities throughout the state to join with the representatives of state government and the American Public Works Association in activities and ceremonies that are designed to pay tribute to the substantial contributions that public works professionals make to the state of Michigan and nation.

Senators Basham, Birkholz, Cherry, Clarke, Cropsey, Jacobs, Jansen, Pappageorge, Prusi and Switalski were named co-sponsors of the resolution.

Senator Hunter offered the following resolution:

Senate Resolution No. 156.

A resolution to memorialize the Congress of the United States to enact the Hearing Aid Assistance Tax Credit Act.

Whereas, A bill to create the Hearing Aid Assistance Tax Credit Act has been introduced in the 111th United States Congress as S. 1019. The bill would create a \$500 income tax credit for the purchase of a qualified hearing aid. The proposed credit would help make hearing aids more affordable for many of our nation's senior citizens and some of the most vulnerable individuals in our society. Indeed, this important piece of legislation is similar in principle to the sales tax exemption for hearing aids that was adopted in Michigan in 1978. It is clearly most deserving of passage; and

Whereas, The Hearing Aid Assistance Tax Credit Act proposal would specifically provide an income tax credit of \$500 for the nonreimbursed costs associated with the purchase of a qualified hearing aid. The credit availability would be means-tested to assure that low-income individuals are the recipient of the credit, and the credit could only be claimed every five years. This modest credit would have a minor impact on the government's finances, but it would make a major difference in the quality of life for many of our most needy seniors; and

Whereas, With the turmoil in our state and national economies, any number of people are delaying or going without necessary medical care. This is particularly reflected in the fact that many of our nation's poor and elderly have been forced to go without hearing aids for financial reasons. Clearly, no one should be deprived of the opportunity to hear due to their finances. The Hearing Aid Assistance Tax Credit Act would be an important first step in helping to guarantee that those with hearing impairments will have access to the assistive devices they so desperately need; now, therefore, be it

Resolved by the Senate, That we hereby memorialize the Congress of the United States to enact the Hearing Aid Assistance Tax Credit Act; 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 Finance.

The motion prevailed.

Senators Anderson, Basham, Birkholz, Brater, Cherry, Clark-Coleman, Clarke, Jacobs and Prusi were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Garcia's statement is as follows:

Today, we are going to lose one of the staff members here from the Senate Chamber. Many of you know Ashley Sprague. She is the step-granddaughter of Helen Freeman, my chief of staff. Ashley was hired on as a courier here in the Senate back in December of 2008. She has been with us ever since then. She has done a great job. I know that she is going to be missed.

She is going on to take a position at Mid-Michigan Physicians. She is also working to get her degree in marketing and management. We have a little presentation here for her in appreciation for her work here for all of us in the Senate. We just wanted to thank you and wish you good luck.

Introduction and Referral of Bills

Senator Stamas introduced

Senate Bill No. 1324, entitled

A bill to provide for the procedure for allocation, reallocation, and waiver of federal bond limitations under certain bond programs; and to prescribe certain powers and duties of certain state agencies and public officers.

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

Senators Jacobs, Gleason, Thomas, Whitmer, Hunter and Switalski introduced

Senate Bill No. 1325, entitled

A bill to authorize the administration of an organ donor leave time program for certain persons employed by this state; to provide for implementation and operation; and to prescribe powers and duties of certain state officers and agencies.

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

Senator Patterson introduced

Senate Bill No. 1326, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1278d.

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

Senators Allen, Jacobs, Basham, Olshove, Cherry, Anderson and Hunter introduced

Senate Bill No. 1327, 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 7 (MCL 125.1657), as amended by 2008 PA 226.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Pappageorge, Basham, Olshove, Jacobs, Cherry, Anderson, Allen and Hunter introduced

Senate Bill No. 1328, entitled

A bill to amend 1972 PA 230, entitled “Stille-DeRossett-Hale single state construction code act,” by amending section 4 (MCL 125.1504), as amended by 2004 PA 584.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Basham, Anderson, Olshove, Jacobs, Cherry, Allen and Hunter introduced

Senate Bill No. 1329, entitled

A bill to amend 1966 PA 346, entitled “State housing development authority act of 1966,” (MCL 125.1401 to 125.1499c) by adding section 22d.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Allen, Olshove, Basham, Jacobs, Cherry, Anderson and Hunter introduced

Senate Bill No. 1330, 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 Senior Citizens and Veterans Affairs.

Senators Cropsey, Olshove, Basham, Jacobs, Cherry, Anderson, Allen and Hunter introduced

Senate Bill No. 1331, entitled

A bill to amend 2008 PA 33, entitled “Michigan planning enabling act,” by amending sections 3 and 31 (MCL 125.3803 and 125.3831).

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Barcia, Olshove, Basham, Jacobs, Cherry, Anderson, Allen and Hunter introduced

Senate Bill No. 1332, entitled

A bill to amend 2006 PA 110, entitled “Michigan zoning enabling act,” by amending sections 102 and 203 (MCL 125.3102 and 125.3203), section 102 as amended by 2008 PA 12.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Jacobs, Cherry, Anderson, Allen and Hunter introduced

Senate Bill No. 1333, 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 Senior Citizens and Veterans Affairs.

Senators Olshove, Basham, Jacobs, Cherry, Anderson, Allen and Hunter introduced
Senate Bill No. 1334, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 2 (MCL 207.772), as amended by 2010 PA 9.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Brown, Basham, Olshove, Jacobs, Cherry, Allen and Hunter introduced
Senate Bill No. 1335, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 700.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

House Bill No. 6031, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 18a of chapter XIV (MCL 74.18a), as amended by 2003 PA 305.

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 Campaign and Election Oversight.

House Bill No. 6032, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 21, 37, and 57 (MCL 389.21, 389.37, and 389.57), as amended by 2003 PA 306.

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 Campaign and Election Oversight.

House Bill No. 6033, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 24a, 30g, 307, 308, 323, 347, 355, 360, 426c, 426f, 426l, 792, 806, 809, 822, 823, 826, 866, 867, and 868 (MCL 168.24a, 168.30g, 168.307, 168.308, 168.323, 168.347, 168.355, 168.360, 168.426c, 168.426f, 168.426l, 168.792, 168.806, 168.809, 168.822, 168.823, 168.826, 168.866, 168.867, and 168.868), section 24a as amended by 2010 PA 52, section 307 as amended by 2010 PA 55, section 308 as added by 2003 PA 302, section 426f as amended by 1990 PA 32, sections 809 and 868 as amended by 1995 PA 261, section 826 as amended by 2003 PA 119, section 866 as amended by 2010 PA 53, and section 867 as amended by 1980 PA 200; and to repeal acts and parts of acts.

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 Campaign and Election Oversight.

Statements

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

The motion prevailed.

Senator Jacobs' statement is as follows:

Colleagues, I come to you today to talk about an issue which significantly affects each and every one of us in this chamber—some sooner than others—and the issue is term limits. We know that the people of this great state approved term limits in November of 1992. Though I would certainly not want to act against the clear will of the people, in the last 18 years, Michigan has become a very different beast, and the restraints that term limits have placed on this body and the leadership of this body cannot be ignored.

There are a couple of proposals that are floating about the Capitol at this time. My proposal, Senate Joint Resolution X, would allow a member to serve 12 years in either chamber, a proposal that was initially proposed by the late Senator Glenn Steil, who championed term limits in this state and then saw the damaging effect that they had on the ability for members to build and maintain strong working relationships. There is a similar proposal by Representative Mark Meadows as well. And it should be noted that both of these proposals would, of course, need the people of Michigan's approval before being enacted into law.

Term limits were enacted to rid our state of the idea of career politicians, and you can argue that to an extent, it has done so. When we think about the Legislature before the era of term limits, we often think about the long leadership tenures that each chamber saw and believe that the power of the Michigan Legislature was concentrated in the hands of a few individuals. However, in his book *Term Limits and Dismantling of State Legislative Professionalism*, author Thad Kousser examined the average leadership tenures in Michigan from 1974 to 1998, both before and after term limits were enacted. He found that before term limits, the average leadership tenure in the Michigan Legislature was only 3.7 years compared to the 2.7 years it is currently.

Though the length of leadership tenures has not changed significantly, we cannot disagree that the relationships between majority and minority and the House and the Senate has. This is not an indictment of the current leadership in either chamber, but simply a necessity when lawmakers have such little time in Lansing to accomplish their ambitious goals.

Additionally, I have also sponsored Senate Joint Resolution G, which would limit a lawmaker's ability to chair a committee to four years with the belief that this could ease tensions that arise when ideological or personal beliefs clash between committee members and ideally provide for a better committee framework that fosters cooperation and a greater understanding about the issues with all members of the chamber. We hear constantly that Michigan is broken, that Lansing has fallen into partisan politics that so often stand in the way of progress. Let's take a hard, earnest look at term limits and present the people with an alternative that may alleviate some of the contention that permeates our Legislature.

It should be noted that Senate Joint Resolution X does not allow for anyone presently serving to take advantage of the change of term-limit length. If we are going to bring this to the people, it cannot be self-serving. It must be for the good of the state and not the good of our careers.

Senator Scott's statement is as follows:

Eleanor Roosevelt said, "You must do the things that you think you cannot do." I have heard any number of reasons why we can't fix our broken auto insurance system in this state, but you and I know that as legislators we can do pretty much whatever we set our minds to. There is very little that prevents us from going back into the law books and fixing laws that were passed years ago but no longer work well for us today.

This is the situation we face with auto insurance. It certainly doesn't work today because a great many people are paying more than they should. And they are not all paying these high policies because they have bad driving records. They pay too much because of factors that have nothing to do with their driving record. We are letting this happen because, so far, we won't tell the insurance companies to stop. Once again, I stand before you and say that we have to tell the insurance companies to stop. Michigan citizens should pay rates based on their driving record.

We can do this. We have the bills introduced that would allow us to do this. We need to do this now before another month, another summer goes by with our constituents paying more than they should and more than they need to pay.

Senator Cassis' statement is as follows:

Yesterday, a breaking news story surfaced in both the *Detroit Free Press* and *The Detroit News*. The article states that the city of Allen Park is ready to evict Mr. Jimmy Lifton and his movie studio, Unity Studios, from city-owned space purchased and subsidized by \$25 million in taxpayer bonds. Notice to quit has been issued. Why? Well, let me read from *The Detroit News*: "The city of Allen Park said it took legal action against Unity Holdings, led by Hollywood executive Jimmy Lifton, because it had missed two April rental payments totaling more than \$42,000. Unity also had failed to comply with contractual obligations to provide quarterly balance sheets indicating profits and losses, payroll information on employees and a list of its complete curriculum, instructional staff and students for the Lifton Institute for Media Skills, the city said in a letter to Jimmy Lifton."

Now I have to ask: Is the mayor troubled about possibly being duped by Mr. Lifton and embarrassed by the picture showing him glowing at the groundbreaking? Is the mayor acting to offset materials being released on this deal with Mr. Lifton that is being FOIAed by the Mackinac Center? Is the DDA director of Allen Park who was fired over blowing the whistle on this mired bungle now to be exonerated? How about Allen Park taxpayers? Are you tired of the Hollywood hype, the Hollywood dazzle with promises and expectations left unfulfilled?

What do the students who signed up for training there think now? What are their employment prospects? What about the \$5,000-a-pop DELEG, through workforce training and No Worker Left Behind funding, has given to Unity Studios? Questions are being raised in the media if this news will have a chilling effect on Michigan's film industry. I don't know, but certainly, taxpayer giveaways to this industry are being or should be scrutinized.

Finally, Moonstruck Studios in Detroit has not come through, and a Pontiac studio on the cusp to garner \$120 million from state, county, and local taxpayers has not broken ground yet. All this points to caution, especially when schools are cutting teachers and communities are laying off police officers. This state has a \$1.5 billion to \$1.8 billion shortfall. According to yesterday's *Wall Street Journal*, states all over the United States are reevaluating their Hollywood credits. Michigan should too.

Senator Brater's statement is as follows:

Today, the Democratic Caucus is saying goodbye to a very valued member of our staff, Sara Metz, who is one of our writers. Before coming to the Senate, she worked for the Girl Scouts. While she has been here with us, she has served as my writer and also writer for Senators Cherry, Clarke, and Switalski. She is now going on to work for Congressman Mark Schauer, and I know that is going to be very exciting. Although we are going to miss Sara, I know she is going to do a very find job for Congressman Schauer, and he is very lucky to be getting the benefit of her excellent writing.

Sara has been an enthusiastic and passionate writer for our caucus by always helping us encapsulate the message and essence and objectives of our policy initiatives. She has been on top of all the major cutting-edge media developments. She taught a number of us the meaning of the verb "to tweet." I am still trying to learn that, but she knows, and that is all that matters. She helped to launch several media initiatives for our caucus.

As E.B. White said, it is not every day that you meet someone who is a true friend and also a good writer. So we are really going to miss Sara, and we wish her the best of luck in her future endeavors.

Senator Cropsey moved that when the Senate adjourns today, it stand adjourned until Thursday, May 13, at 2:00 p.m. The motion prevailed.

Committee Reports

COMMITTEE ATTENDANCE RPORT

The Joint Committee on Administrative Rules submitted the following:

Meeting held on Tuesday, May 11, 2010, at 12:30 p.m., Room 110, Farnum Building

Present: Senators Pappageorge (C), Van Woerkom and Barcia

Absent: Senators Kuipers and Clarke

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Wednesday, May 12, 2010, at 9:00 a.m., Room 210, Farnum Building

Present: Senators Richardville (C), Sanborn, Nofs and Olshove

Absent: Senators Hunter and Clarke

Excused: Senator Cassis

Scheduled Meetings

Appropriations - Thursday, May 13, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960) (CANCELED)

Subcommittees -

General Government - Thursday, May 13, 2:00 p.m., Farnum Building (373-2768) (CANCELED)

Higher Education - Thursday, May 13, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Human Services Department - Thursday, May 13, 8:30 a.m., Room 210, Farnum Building (373-2768)

State Police and Military Affairs - Thursday, May 13, 1:30 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Economic Development and Regulatory Reform - Wednesday, May 19, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Energy Policy and Public Utilities - Thursday, May 13, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7350)

Finance - Thursday, May 13, 9:00 a.m., Room 110, Farnum Building (373-1758) (CANCELED)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:08 a.m.

In pursuance of the order previously made, the President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, May 13, 2010, at 2:00 p.m.

CAROL MOREY VIVENTI
Secretary of the Senate