

No. 22
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Tuesday, March 13, 2007.

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—excused
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
Olshove—present

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

Pastor Wayne Scott Cowling of First Baptist Church of Bridgeport offered the following invocation:

Dear Heavenly Father, thank You so much for allowing us to live in this great country and enjoying the freedoms which have been granted to us. Thank You for these men and women who give up their time with their families to serve us. Thank You for their dedication and their desire to make this state and country a great place to live. Thank You, God, for sending Your Son Jesus Christ to die on the cross for us and rise again to pay for our sins so that we can have a home in heaven.

I pray, dear Lord, that You would grant wisdom to our legislators as they plan for the future and the peace of God which passeth all understanding as they seek to tackle all the problems that face us in this world today.

Thank You for guiding and directing our steps.

In Jesus' name we pray. Amen

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

Motions and Communications

Senators Kahn, Switalski, Cassis and Pappageorge entered the Senate Chamber.

Senator Cropsey moved that Senator Garcia be temporarily excused from today's session.

The motion prevailed.

Senator Thomas moved that Senator Anderson be excused from today's session.

The motion prevailed.

The following communication was received:

Department of Natural Resources

March 5, 2007

On behalf of the Michigan Natural Resources Trust Fund (MNRTF) program, I am pleased to present you with our Annual Report for 2006. The MNRTF program, through its diverse projects throughout Michigan, provides public recreation opportunities, preserves the state's significant natural features, and preserves our state's natural heritage. The report provides general background information on the MNRTF in addition to detailed information on the program achievements for 2006, including projects recommended for funding, activities of the MNRTF Board of Trustees and Trust Fund finances.

Public distribution of the 2006 Annual Report will conform to Executive Directive 1991-6. If you have any questions or desire further explanation, please contact Mr. James Wood, Manager, Grants Management, at 517-373-9125, or you may contact me. If you wish to contact Mr. Wood in writing, his address is: **Grants Management, Michigan Department of Natural Resources, P.O. Box 30425, Lansing, MI 48909-7925.**

Thank you again for your continued support of this outstanding program.

Sincerely,
Rebecca A. Humphries
Director
517-373-2329

The communication was referred to the Secretary for record.

The following communications were received and read:

Office of the Auditor General

March 8, 2007

Enclosed is a copy of the following audit report:

Performance audit of the Biennial Internal Control Evaluation Process, Department of Community Health.

March 9, 2007

Enclosed is a copy of the following audit report:

Follow-up on the performance audit of the Office of Professional Preparation Services, Department of Education.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The audit reports were referred to the Committee on Government Operations and Reform.

Senator Cropsey moved that the Committee on Government Operations and Reform be discharged from further consideration of the following appointments:

Eastern Michigan University Board of Control

Mr. Ismael Ahmed of 7801 West Morrow Circle, Dearborn, Michigan 48126, county of Wayne, succeeding Jan A. Brandon, who has resigned, representing the general public, for a term commencing January 16, 2007 and expiring December 31, 2008.

Mr. Gary D. Hawks of 4668 Nakoma Drive, Okemos, Michigan 48864, county of Ingham, succeeding Sharon J. Rothwell, who has resigned, representing the general public, for a term commencing January 16, 2007 and expiring December 31, 2010.

Ms. Francine Parker of 22700 Gordon Switch, St. Clair Shores, Michigan 48081, county of Macomb, succeeding Joseph E. Antonini, whose term has expired, representing the general public, for a term commencing January 16, 2007 and expiring December 31, 2014.

Mr. James F. Stapleton of 4484 Lake Forest Drive East, Ann Arbor, Michigan 48108, county of Washtenaw, succeeding Karen Quinlan Valvo, who has resigned, representing the general public, for a term commencing January 16, 2007 and expiring December 31, 2008.

Western Michigan University Board of Control

Ms. Jeanne H. Carlson of 30847 Palmer Drive, Novi, Michigan 48377, county of Oakland, succeeding James P. Holden, whose term has expired, representing the general public, for a term commencing January 17, 2007 and expiring December 31, 2014.

Mr. William D. Johnston of 7487 Cottage Oaks, Portage, Michigan 49024, county of Kalamazoo, succeeding Peter L. Asertis, whose term has expired, representing the general public, for a term commencing January 17, 2007 and expiring December 31, 2014.

The motion prevailed, a majority of the members serving voting therefor, and the appointments were placed on the order of Messages from the Governor.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, March 8:
House Bill Nos. 4177 4220

The Secretary announced that the following official bills were printed on Thursday, March 8, and are available at the legislative website:

Senate Bill Nos. 341 342 343
House Bill Nos. 4418 4419 4420 4421

The Secretary announced that the following official bills were printed on Friday, March 9, and are available at the legislative website:

House Bill Nos. 4422 4423 4424 4425 4426 4427 4428 4429 4430 4431 4432 4433 4434 4435
4436 4437 4438 4439 4440 4441 4442

Messages from the Governor

The following messages from the Governor were received and read:

March 8, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 2 of 1949 PA 114, MCL 390.802:

Ferris State University Board of Control

Mr. Patrick W. LaPine of 23509 Stonehouse Court, Farmington, Michigan 48335, county of Oakland, succeeding Gregory L. Patera, whose term has expired, representing the general public, for a term commencing March 8, 2007 and expiring December 31, 2014.

Ms. Sueann L. Walz of 20241 Ash Drive, Big Rapids, Michigan 49307, county of Mecosta, succeeding Olgalina G. Dazzo, whose term has expired, representing the general public, for a term commencing March 8, 2007 and expiring December 31, 2014.

March 8, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 2 of 1960 PA 120, MCL 390.842:

Grand Valley State University Board of Control

Ms. Shelly E. Padnos of P.O. Box 555, Douglas, Michigan 49406, county of Allegan, succeeding José A. Infante, Jr., whose term has expired, representing the general public, for a term commencing March 8, 2007 and expiring December 31, 2014.

Mr. Michael D. Thomas of 445 West Dawn Drive, Freeland, Michigan 48623, county of Saginaw, succeeding Jessie F. Dalman, whose term has expired, representing the general public, for a term commencing March 8, 2007 and expiring December 31, 2014.

March 9, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to office under Section 2 of 1969 PA 26, MCL 390.392:

Lake Superior State University Board of Trustees

Mr. E. Gary Toffolo of 6785 South Taylor Road, Sault Ste. Marie, Michigan 49783, county of Chippewa, succeeding Linda M. Brown, whose term has expired, representing the general public, for a term commencing February 20, 2007 and expiring January 27, 2014.

March 9, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 4 of the Michigan Exposition and Fairgrounds Authority Act, 1978 PA 361, MCL 285.164, please be advised of the following appointment to office:

State Exposition and Fairgrounds Authority Director

Mr. Steven R. Jenkins of 142 Shady Side Lane, Lapeer, Michigan 48446, county of Lapeer, succeeding John C. Hertel, who has resigned, for a term commencing March 11, 2007 and expiring at the pleasure of the Governor.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations and Reform.

The following messages from the Governor were received and read:

March 9, 2007

I am writing to inform you of my withdrawal of the following appointment filed with your office on March 2, 2007 pursuant to Section 5 of Article XI of the Michigan Constitution of 1963:

Civil Service Commission

Mr. James R. Lancaster, Jr., a Democrat, of 210 Brookstone Circle, DeWitt, Michigan 48820, county of Clinton, succeeding James P. Pitz, whose term has expired, appointed for a term commencing March 2, 2007 and expiring December 31, 2014.

March 9, 2007

I am writing to inform you of my withdrawal of the following appointment filed with your office on February 20, 2007 pursuant to Article V, Section 6 of the Michigan Constitution of 1963, under Section 2 of 1969 PA 26, MCL 390.392:

Lake Superior State University Board of Trustees

Mr. E. Gary Toffolo of 6785 South Taylor Road, Sault Ste. Marie, Michigan 49783, county of Chippewa, succeeding Linda M. Brown, whose term has expired, representing the general public, for a term commencing February 20, 2007 and expiring January 27, 2014.

Sincerely,
Jennifer M. Granholm
Governor

The messages were referred to the Committee on Government Operations and Reform.

Senator Garcia entered the Senate Chamber.

Eastern Michigan University Board of Control

Mr. Ismael Ahmed of 7801 West Morrow Circle, Dearborn, Michigan 48126, county of Wayne, succeeding Jan A. Brandon, who has resigned, representing the general public, for a term commencing January 16, 2007 and expiring December 31, 2008.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 18

Yeas—37

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

Nays—0

Excused—1

Anderson

Not Voting—0

In The Chair: President

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

The motion prevailed.

Senator Clark-Coleman’s statement is as follows:

I rise in strong support of Ismael Ahmed for this appointment. Ismael Ahmed has his Access organization in my district, the city of Dearborn, and has been so involved in so many social programs as the executive director of Access, as well as many universities and education of all types.

I am certainly and strongly in favor of Ismael. Not only is he a member and resides in and has his organization in my district in the city of Dearborn, but he is also an educator. He is a former teacher, a social worker, and certainly, has been extremely involved in social issues, running that successful organization Access.

I certainly think that we can find no other person who would exemplify the educational process such as Ismael Ahmed. So I strongly support Ismael, who is, as I say, from the city of Dearborn, for this most prestigious appointment to the Eastern Michigan University Board of Control.

Eastern Michigan University Board of Control

Mr. Gary D. Hawks of 4668 Nakoma Drive, Okemos, Michigan 48864, county of Ingham, succeeding Sharon J. Rothwell, who has resigned, representing the general public, for a term commencing January 16, 2007 and expiring December 31, 2010.

Senator Cropsey moved that the Senate advise and consent to the appointment.
The question being on advising and consenting to the said appointment to office,
The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 19**Yeas—37**

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

Nays—0**Excused—1**

Anderson

Not Voting—0

In The Chair: President

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 rise to very proudly speak in support of the nomination of Gary D. Hawks to the Eastern Michigan University board. Gary Hawks comes very well-qualified to this position, having served as former leader of the Michigan Department of Education. He has a very strong background in educational administration, and also being a resident of the local area in which the university resides, he will be sensitive to issues and relationships between the university and its local community. He is very well-qualified to lead the university forward at this very crucial time. I urge my colleagues to support him.

Eastern Michigan University Board of Control

Ms. Francine Parker of 22700 Gordon Switch, St. Clair Shores, Michigan 48081, county of Macomb, succeeding Joseph E. Antonini, whose term has expired, representing the general public, for a term commencing January 16, 2007 and expiring December 31, 2014.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 20**Yeas—37**

Allen	Clarke	Jansen	Richardville
Barcia	Cropsey	Jelinek	Sanborn

Basham	Garcia	Kahn	Schauer
Birkholz	George	Kuipers	Scott
Bishop	Gilbert	McManus	Stamas
Brater	Gleason	Olshove	Switalski
Brown	Hardiman	Pappageorge	Thomas
Cassis	Hunter	Patterson	Van Woerkom
Cherry	Jacobs	Prusi	Whitmer
Clark-Coleman			

Nays—0

Excused—1

Anderson

Not Voting—0

In The Chair: President

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 rise to support the nomination of Francine Parker to the Eastern Michigan University Board of Control. Francine Parker comes to us with a very strong background in health care administration as the president and chief executive officer of Health Alliance Plan, and her business skills and leadership skills and organizational ability are unparalleled. We are very fortunate that she is willing to come forward and serve Eastern Michigan University at this important time. I very enthusiastically support her nomination. I urge my colleagues to support her.

Eastern Michigan University Board of Control

Mr. James F. Stapleton of 4484 Lake Forest Drive East, Ann Arbor, Michigan 48108, county of Washtenaw, succeeding Karen Quinlan Valvo, who has resigned, representing the general public, for a term commencing January 16, 2007 and expiring December 31, 2008.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 21

Yeas—37

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

Nays—0

Excused—1

Anderson

Not Voting—0

In The Chair: President

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

The motion prevailed.

Senator Thomas' statement is as follows:

It is with great pride that I rise in support of the nomination of Mr. Stapleton to the Eastern Michigan University Board of Control. Our families, the Thomas family and the Stapleton family, have been friends for more than 40 years. I have had the privilege of knowing Mr. Stapleton and his sister Maureen for most of my adult life, and I know that he is eminently qualified.

He is a former executive with the Detroit Tigers, in charge of all of their nonbaseball professional business operations, one of the leaders behind the private financing of Ford Field in Detroit, and now a part-owner of the Minnesota Vikings football team. In fact, he's the individual who put together financing to purchase that football team in 2005.

I know that with Mr. Stapleton's background as an attorney, University of Michigan graduate, as well as private finance, he will serve Eastern Michigan University very well in stabilizing where that university needs to go. So it is with the utmost of respect and admiration that I stand in support of the nomination of Mr. Stapleton.

Western Michigan University Board of Control

Ms. Jeanne H. Carlson of 30847 Palmer Drive, Novi, Michigan 48377, county of Oakland, succeeding James P. Holden, whose term has expired, representing the general public, for a term commencing January 17, 2007 and expiring December 31, 2014.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 22

Yeas—37

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

Nays—0

Excused—1

Anderson

Not Voting—0

In The Chair: President

Western Michigan University Board of Control

Mr. William D. Johnston of 7487 Cottage Oaks, Portage, Michigan 49024, county of Kalamazoo, succeeding Peter L. Asertis, whose term has expired, representing the general public, for a term commencing January 17, 2007 and expiring December 31, 2014.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 23**Yeas—37**

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

Nays—0**Excused—1**

Anderson

Not Voting—0

In The Chair: President

Messages from the House**Senate Bill No. 166, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies and capital outlay for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

Substitute (H-4).

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 24**Yeas—37**

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

Nays—0**Excused—1**

Anderson

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 as amended. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 184, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending sections 371 and 395 (MCL 18.1371 and 18.1395), section 371 as amended by 1999 PA 8 and section 395 as amended by 1988 PA 504.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 16, after “**WHICH**” by striking out “**APPROPRIATION LINE ITEMS ARE BEING SPENT**” and inserting “**DEPARTMENTS ARE SPENDING**”.

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

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

The question being on concurring in the amendment made to the bill by the House,

The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 25**Yeas—37**

Allen	Clarke	Jansen	Richardville
Barcia	Cropsey	Jelinek	Sanborn
Basham	Garcia	Kahn	Schauer
Birkholz	George	Kuipers	Scott
Bishop	Gilbert	McManus	Stamas

Brater
Brown
Cassis
Cherry
Clark-Coleman

Gleason
Hardiman
Hunter
Jacobs

Olshove
Pappageorge
Patterson
Prusi

Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—1

Anderson

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 full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 183, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7 (MCL 722.627), as amended by 2006 PA 621.

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. 26

Yeas—37

Allen
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry
Clark-Coleman

Clarke
Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
Hunter
Jacobs

Jansen
Jelinek
Kahn
Kuipers
McManus
Olshove
Pappageorge
Patterson
Prusi

Richardville
Sanborn
Schauer
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—1

Anderson

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. 273, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 8 (MCL 722.628), as amended by 2006 PA 630.

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. 27**Yeas—37**

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

Nays—0**Excused—1**

Anderson

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. 266, entitled

A bill to amend 1933 PA 254, entitled “The motor carrier act,” by amending section 1 of article I, sections 5, 6, 7, and 10 of article II, section 6 of article III, and section 2 of article V (MCL 475.1, 476.5, 476.6, 476.7, 476.10, 477.6, and 479.2), section 1 of article I, sections 5 and 7 of article II, and section 6 of article III as amended by 1993 PA 352, sections 6 and 10 of article II as amended by 1982 PA 399, and section 2 of article V as amended by 1996 PA 76, and by adding section 7 to article V.

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. 28**Yeas—37**

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

Nays—0**Excused—1**

Anderson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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 Birkholz 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 with amendment, the following bill:

Senate Bill No. 290, entitled

A bill to amend 1981 PA 125, entitled "The secondary mortgage loan act," by amending section 2 (MCL 493.52), as amended by 1997 PA 91.

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

1. Amend page 2, following line 2, by inserting:

"(B) THE PERSON IS AN EXCLUSIVE BROKER." and relettering the remaining subdivisions.

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

Resolutions

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

Senate Resolution No. 23**Senate Resolution No. 24**

The resolution consent calendar was adopted.

Senator Patterson offered the following resolution:

Senate Resolution No. 23.

A resolution proclaiming April 8-14, 2007, as National Architecture Week in the state of Michigan.

Whereas, April 13, 2007, marks the 150th Anniversary of the American Institute of Architects. With a spirit of appreciation, the people of the state of Michigan honor and congratulate the Institute, its 76,000 members, and the 281,000 Americans who work in architectural firms for their many contributions to our nation, our state, and to each of our communities; and

Whereas, American architects have historically expressed through their work the richness of our heritage and the vitality of our national spirit. They have combined advances in building technology with design innovation to give exciting new forms to our cities and communities; and

Whereas, The architecture profession in Michigan, through the American Institute of Architects, has been especially vigilant in its stewardship of many of our state's great architectural and historical treasures and in its efforts on behalf of building healthy, safe, livable, and sustainable communities that enrich the lives of people in every walk of life; now, therefore, be it

Resolved by the Senate, That the members of this legislative body do hereby proclaim April 8-14, 2007, as National Architecture Week in the state of Michigan. We call upon the people of Michigan and all city government agencies to observe the week with appropriate ceremonies and activities paying tribute to the American Institute of Architects in this, the 150th year of the existence of the American Institute of Architects; and be it further

Resolved, That a copy of this resolution be transmitted to the American Institute of Architects as a token of our esteem.

Senators Barcia, Basham, Cassis, Clarke, Gilbert, Gleason, Hunter, Jacobs, Pappageorge, Richardville, Schauer and Switalski were named co-sponsors of the resolution.

Senators Barcia, Richardville, Gleason, Allen, Pappageorge, Kuipers, Kahn, Van Woerkom, Basham, Cropsey, Clark-Coleman, Garcia, Olshove and Birkholz offered the following resolution:

Senate Resolution No. 24.

A resolution honoring the Sixty-fifth Anniversary of the Michigan Wing of the Civil Air Patrol.

Whereas, It is the pleasure of the Michigan Senate to commemorate and honor the Sixty-fifth Anniversary of the Michigan Wing of the Civil Air Patrol and pause to recognize and appreciate their efforts to protect the citizens of the state of Michigan and the entire country; and

Whereas, The Civil Air Patrol is a nonprofit corporation established shortly after the attack on Pearl Harbor as an auxiliary to the United States Air Force and were charged with patrolling the coasts of the United States. By the war's conclusion, the Civil Air Patrol had found 173 submarines, attacked 57, hit ten, and sank two. In the wake of the most recent attacks on our nation on September 11, 2001, the Civil Air Patrol was once again called upon to protect the interests and lives of the people of the state of Michigan and the nation; and

Whereas, The Civil Air Patrol possesses the world's largest all-volunteer chaplaincy to assist the U.S. Air Force active-duty and reserve chaplains, particularly in wartime. They also assist in national relief organizations in times of disaster ministering to victims' families and emergency workers and teaching strong moral values to their cadets, while preaching the understanding of religious pluralism and committing themselves to the basic freedom of religion; and

Whereas, The Michigan Wing of the Civil Air Patrol currently has 1,200 cadets and senior members serving our state in a variety of ways. Whether by teaching aerospace and sharing the joy of flight with Michigan teachers and students, taking to the skies or on the ground assisting in search and rescue efforts, or merely providing an outlet for America's youth to learn leadership skills, the Civil Air Patrol provides a useful and much-needed service to Michiganders; now, therefore, be it

Resolved by the Senate, That a unanimous accolade of praise and tribute be hereby accorded the administration and staff of the Michigan Wing of the Civil Air Patrol on its Sixty-fifth Anniversary; and be it further

Resolved, That a copy of this resolution be transmitted to the members of Michigan Wing of the Civil Air Patrol in evidence of the esteem held for them by the members of the Michigan Senate.

Senators Cassis, Clarke, Gilbert, Jacobs, Schauer and Switalski were named co-sponsors of the resolution.

House Concurrent Resolution No. 5.

A concurrent resolution to urge the President and Congress of the United States to appropriate additional funding for the Low Income Home Energy Assistance Program (LIHEAP).

Whereas, Home heating is a fundamental necessity in northern climate states during the months from October through March. However, low-income households in Michigan and across the nation struggle to pay for this basic necessity. High energy bills in winter force many low-income households into difficult situations, such as forgoing medicine or food in order to pay energy bills or putting themselves in danger by using stoves and portable heaters to provide warmth; and

Whereas, In the early 1980s, Congress recognized the need for heating and other home energy assistance when it enacted legislation to create the Low Income Home Energy Assistance Program (LIHEAP). The LIHEAP program has become a crucial safety net for low-income households and families across the nation, especially in northern climate states. LIHEAP assistance has helped millions of families keep their homes at safe and healthy temperatures; and

Whereas, Last year Congress appropriated a record level \$3.2 billion in LIHEAP funding. In spite of this, only a fraction of eligible low income households received assistance. According to the United States Department of Health and Human Services, last winter only 15 percent of 38 million eligible low-income households actually received assistance from the LIHEAP program; and

Whereas, This year, with the adoption of a September 29th continuing resolution, Congress has appropriated only \$1.98 billion for LIHEAP. The President's proposed FY 2008 budget calls for funding to be reduced further to \$1.78 billion. Under these funding proposals, it is estimated that Michigan will receive as much as \$47 million dollars less than last year. This will surely mean that state energy assistance programs will be forced to shut down programs and turn needy people away. Last year, even with the record level funding, only 35 percent of eligible low-income households in Michigan received LIHEAP assistance; and

Whereas, Such inadequate LIHEAP funding could be disastrous for Michigan. The state is struggling through one of the nation's worst economic situations. Currently, nearly one third of Michigan households are at or below 60 percent of the state's median income, and the unemployment rate, which is already much higher than the national average, keeps growing. Clearly, such tough economic times coupled with a cold, harsh winter, and high heating fuel prices, make LIHEAP funding vital for the state of Michigan; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the President and the Congress of the United States to immediately increase funding for LIHEAP to at least last year's level of \$3.2 billion; and be it further

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

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Energy Policy and Public Utilities.

The motion prevailed.

Senators Barcia, Basham, Cassis, Clarke, Gleason, Hunter, Jacobs, Richardville, Schauer and Switalski were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senator Kuipers introduced

Senate Bill No. 344, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 16 and 16z of chapter XVII (MCL 777.16 and 777.16z), section 16 as added by 1998 PA 317 and section 16z as amended by 2006 PA 655, by amending the headings of chapter XVII and part 2 of chapter XVII, and by adding sections 16aa and 16bb to chapter XVII.

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

House Bill No. 4177, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2118 and 2120 (MCL 500.2118 and 500.2120), section 2118 as amended by 2002 PA 492 and section 2120 as amended by 1984 PA 350, and by adding section 2116a.

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 Banking and Financial Institutions.

House Bill No. 4220, 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 2004 PA 110.

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.

Statements

Senators Basham, McManus, Scott, Cherry, Thomas, Cropsey, Kahn, Switalski, Patterson, Pappageorge, Bishop, Schauer, Cassis and Jelinek asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Basham’s statement is as follows:

Most people might think I should be talking about the budget, but you already know what I am going to say about the budget. It is simply that we should fix it.

This morning, there is an article in *The New York Times*. It is about Adams, Tennessee, March 8. “A century ago, a battle called the Black Patch War raged across Robertson County, where Rick Gregory’s ancestors grew tobacco. In the vicious fight over prices, nightriders with rifles raided farms and dynamited equipment. Tobacco barns burned in the night, and salted beds lay fallow.

That tobacco war ended long ago, but in recent years the crop grown in places like Robertson County has fueled another battle, this time over smoking, that has reached far beyond the rich tobacco fields along the Kentucky border.

Tennessee will probably become the first major tobacco-growing state to pass a comprehensive smoke-free-workplace law. Gov. Phil Bredesen, a Democrat, proposed the ban in February. He also wants to triple taxes on cigarettes sales and to use some of the money for smoking prevention”—novel idea.

“The proposals show how far public policy on smoking has shifted, even in tobacco-friendly Robertson County, Mr. Gregory said.

Mr. Gregory, 56, worked in his family’s fields as a youngster and put himself through college on tobacco profits. Now a historian and a smoking opponent, he says the battle over tobacco is over. This year, he said, there will be none planted in his farm’s rich bottomland along the banks of the Red River.

‘I think the fact that the governor will support a smoking ban shows not only the change that’s taking place in Robertson County, but the change that’s taking place in this state as a whole,’ he said. ‘Politically it would have been suicide until just recently.’

Mr. Bredesen said he proposed the ban because he felt that the time was right. The harmful effects of smoking are well documented, he said, the tobacco’s declining clout in the state has now made it possible.

‘It is something that you couldn’t have done in Tennessee a decade ago,’ Mr. Bredesen said. ‘I think people are ready for it. Everything is not seen through the prism of being a tobacco state.’

The legislation is expected to pass this year because of its support and—if qualified—in the General Assembly from both the House speaker and the Senate president, and important business groups, including the Tennessee Chamber of Commerce.

Not everyone, however, is thrilled. Paul McKinney, who grows only a small amount of tobacco on his farm, compared the proposal to forbidding alcohol and unhealthy foods.”

It goes on to say, I’ll give a comment from a lady, “Ms. Mofield, 72, said she quit smoking 20 years ago for health reasons. She agreed that a tobacco ban in Tennessee would have been unthinkable a few years ago. But the grip of tobacco companies has weakened, she said, and knowledge about smoking’s harmful effects has widened.

Tapping her temple with her index finger, she smiled and said, ‘We are getting smarter.’”

My question, Mr. President, is Michigan?

Senator McManus’ statement is as follows:

Ladies and gentlemen, Michigan has a spending problem. You know it, I know it, but I’m not sure the Governor has figured it out. We learned earlier this year that three departments overspent their budgets by nearly \$70 million. As if that wasn’t bad enough, now we learn that the Department of Corrections has defaulted on some of its payments and will overspend even more this year.

The worst part is we only learned this when the Senate Majority Leader’s office received a call from a vendor who was concerned about its ability to continue providing services in Michigan, considering how far behind the state was with their payments.

Ladies and gentlemen, I hope you feel this is inexcusable. I feel it is inexcusable. If departments plan to overspend, they must come to the Legislature. It is their duty and responsibility to come to the Legislature. We will do the responsible thing—like the Legislature always does—and pay these bills, but the Governor must be accountable for her departments’ actions. These are her departments; she picks the directors.

If we are to pull Michigan out of this budget crisis, we need open communication between the administration and the Legislature. Our citizens are counting on us to work together. We stand ready to do this, but frankly, our hands are tied when we don't even get the information we need to help make the right decisions at the right time.

Senator Scott's statement is as follows:

Ladies and gentlemen, there is an old conjugal verb that asks, "Unless you call out, who will open the door?" Well, Michigan residents and especially those in the city of Detroit have been calling out to insurance companies for decades, asking for fair and affordable insurance rates. Now they are calling out to the Legislature, still asking for fair and affordable insurance.

The problem is, no one is opening the door. So I stand here calling out on their behalf asking my colleagues to answer the call and respond with a plan that will provide residents of Detroit, as well as all of Michigan residents, the automobile and homeowners insurance they need at a price they can afford.

So it's time, ladies and gentlemen, let's answer the call and let's answer it now.

Senator Cherry's statement is as follows:

I sat in the same meetings that the previous speaker sat in, the Senator from the 35th District, and it was clear to me always that the Department of Corrections said that they were having problems paying their bills. In fact, it seems to me that we all know we have a \$3 billion deficit. The department came to us three times and they have told us about this issue three times that I can remember. The last time we even said to them that it is so horrible that you are overspending. We think that you need to have some controls placed on you so that you don't overspend again. So we put some limitations on them through the Budget Director, as we said was the appropriate thing to do. Then we had a meeting yesterday to slap their hands for something that we told them they should not be doing. We told them that they should not overspend. They could not pay those bills because they couldn't overspend. We knew that and we had a supplemental to solve that problem, which, thankfully, we passed today.

I find it outrageous that we think that they have done something horribly wrong. We have a \$3 billion deficit and, to me, all this is, is a side issue to take away attention from solving the problem. I hope that within the next two weeks we actually solve the problem that we came here to fix; that we actually fix our budget problems for this year; that we actually fix our budget problems for next year; and that we don't have to keep doing this.

Senator Thomas' statement is as follows:

Mr. President, I join with my colleague, the previous speaker, I think, in thanking the Senator from the 35th District in expressing her outrage at the inactivity of the Legislature to act on this. I would point out to my colleagues—I'm sure we have all seen it; it was the lead story in *Gongwer*, and it was on page 2 or 3 of *MIRS*, talking about what Standard & Poor's published in *The Wall Street Journal* rating Michigan as the only state with a negative economic outlook. Why? Because this Legislature has shown absolutely no leadership, zero leadership, in moving forward to balance the state's budget or to implement a replacement tax for the state single business tax.

If we are to be responsible, if we are to change our economic outlook, if we are to—as I quote the Senator from the 31st District—"do the responsible thing like we always do," don't we owe it to the citizens of Michigan to put forth a plan that actually begins to balance the state budget, that actually begins to grow and invest, and that actually shows that we are serious about this? We have known for the last year and a half that we have to replace the single business tax, but why don't we start moving on that action?

Now rating agencies are negatively impacting us. We're pointing fingers instead of offering solutions. Shame on us. Do the responsible thing and put a plan forward.

Senator Cropsey's statement is as follows:

In response to the Senators from the 25th District and the 4th District, a couple of things need to be kept in mind. The departments knew that they had overspent at least at the end of the year. If I recall correctly, at one of our previous Appropriations meetings, the Department of Corrections had notified the Budget Office in mid-October. The Budget Office should have notified the Legislature at that time, but did the Budget Office do that? No. Did our State Budget Director notify us at the time? No, even though, I believe, by law she was supposed to have done so. Now why didn't she do that? Could it be because in mid-October the Legislature could have taken care of the problem? Of course, they could have. Most of us were here, but did we know that we needed a supplemental in mid-October? No. Why not? Because the Budget Office did not tell us it was needed. The fact is, the Budget Office didn't tell us until around Thanksgiving, about a month later.

May I ask, what happened between mid-October and Thanksgiving on why perhaps the Budget Office wouldn't tell us? Oh, there just happened to have been a Tuesday after the first Monday in which the Governor was running for re-election. Now would the Budget Office have actually withheld and covered up information to this Legislature so it wouldn't become part of a political campaign? Was this Governor really elected on false pretenses and now comes out and says we need a big tax increase? We couldn't pay our bills last year. Legislature, bail me out. What type of Governor is that?

Well, we are passing it. The Governor is out of the country, and we're finally getting around to doing what should have been done last October if the Legislature would have known about it. It's just a shame that the people of this state voted for the chief executive of this state who would cover up that type of situation. That's what we are really talking about. We do have and we did take care of this situation today that should have been taken care of last October.

But would it have figured into the campaigns? You better believe it because the campaigns are where government officials, elected officials, are held accountable. This Governor, this administration, looks like it conspired to make sure that no one in the legislative branch knew about it. That is a shame. Shame on this Governor for doing that sort of thing. And then what did she do when the Budget Director did not let us know? You want to know what she did. Instead of firing the Budget Director, she booted her up to be the chief of staff. Now I find that offensive.

Senator Kahn's statement is as follows:

Here we are in 2007 to try and figure out what we are going to do with the 2007 budget. In 2006, Corrections had \$14 million or so as a shortfall, and now, just in these next few months, another \$10 million or so. These dollars lead to an exacerbation of the deficit that we have now. Did it have to be so?

Among the responsibilities which the departments have, and we all agree on, is to spend the people's money wisely because, after all, it is their money. What would a wise expenditure have been, or have they spent it as well as they could? During the course of the hearing yesterday, we found out, and they freely admit, that they spent about 25 percent more on health care than they really ought to. And examples abounded.

They should have doubled the number of infirmary beds to keep people out of the hospital where it's the most expensive to take care of them. They knew that for three years and haven't really acted on it until lately and only partially. It's things as simple as providing glasses for prisoners. Every other state provides two choices. Michigan was providing 20, and we feel that we have done a good job when we cut it down to 12.

What about prisoner's getting injured in violent games like hockey or football? Well, we know that we should eliminate those types of injuries. We're still playing hockey in the U.P. prisons. They are still dressing up with ice skates, which as I remember from when I played hockey as a kid, you sure could get cut or injured with them.

The issue is about spending the people's money wisely. The issue is also about accountability. I'm sorry to have to tell the people in my district that I see little of either. These go to the ability of us folks here elected to resolve the budget problem, which we are dealing with together, and move forward to do the business of the people in the state of Michigan.

Senator Switalski's statement is as follows:

You know, there's a time, a place, and a purpose for argument. I took this job because I love to argue. Everybody can enjoy that. We get to blame each other, point fingers at each other, and criticize each other. That can be constructive sometimes, but we all should keep in mind that it's the end of the day today and what we did do today. We did pass the supplemental. It was 37-0. We're going to pay our bill. We did fix a problem. So before we get too worked up with one another, let's remember that we did do our job today.

Senator Patterson's statement is as follows:

I seek to join my learned, articulate, courageous, and precisely accurate colleague from the 33rd District in his remarks.

Senator Pappageorge's statement is as follows:

I'm fond of saying that bad news never gets better with age. We have to understand precisely what the crisis is before us and we're not going to get past it with gimmicks, stiffing vendors, and so forth.

First of all, regardless of which version replaces the single business tax, the first time any money will come in from that tax is in April 2008. It will have no effect on the problem before us today. In one of my General Government meetings, I asked the Treasurer how much money we would get from the 2 percent tax on services. The answer is \$130 million a month. The earliest we could begin doing that, given today's date, is July. Multiply \$130 million by 3 and you come to \$390 million and we have a \$950 million problem.

So let's knock off this, "Well, one side wants a tax cut and the other side doesn't." The fact is, folks, we've got at least a half-a-billion-dollar problem that no tax proposal on the table today will take care of. So we need to get with the problem—at least a half a billion dollars and really the total problem is approaching \$1 billion. We have to pull our heads out of the sand and address that problem. The earlier we do it, the easier the problem will be.

Senator Bishop's statement is as follows:

Last week when I heard the news about the supplemental, I was angry. I went to my home after I heard about it, and I was angry. I went to bed at night, and I was angry about it. I woke up in the morning, and I'm angry about it.

It does not please me to see government operating in this way. Today, I want you to know, despite all the rhetoric and discussion about who might be right or who might be wrong here, by voting for this supplemental, we once again bailed out the department who were once again fiscally irresponsible with taxpayer money. Today's actions were necessary,

and they were reality. We had no other option. We could have stiffed the vendor who provided a legitimate service, or we could have paid him. It wouldn't be fair to turn down a vendor who did provide that legitimate service.

More importantly, the eyes of the nation are on Michigan right now, and it does not help our economic position with all the negative news out there about Michigan—we've talked about a little bit of that today—to default on another contractual obligation. We're trying to turn this state around, and it doesn't help when I open *The Wall Street Journal*, and I see the lead editorial on March 9, which, by the way, was affectionately entitled "MoveOnOutOfMichigan.org." It talks about an economic death spiral in this state and that we've basically failed and don't have the leadership necessary to pull ourselves out of this death spiral. We've failed to engage the real issues of this state and get government under control.

Then Standard & Poor's weighs in last week. Standard & Poor's says that this state is the only state in the Union with a negative credit outlook. This news is just the tip of the iceberg and a continuation on the same theme. It should scare all of us.

Again, reality dictated that we had no other option than to support the supplemental, but let's be crystal clear here: If this vote confirms anything, it's that state government needs to be reined in and controlled and that we as a Legislature have got to be serious about that. Until such time that we can do that, we ought not be going to the taxpayers and asking for more of their money to solve our budget shortfalls until we can show some fiscal responsibility.

It's inefficient government policies and an arrogant, blatant disregard for fiscal responsibility that is the root of this problem. It's not about this Legislature. We've addressed that issue today. We've built in some mechanisms to bring back accountability. We will work with our Appropriations Committee to ensure that our departments are continually reviewed and scrutinized to ensure that this vendor issue does not rise again.

But to allow permissive attitudes toward corrupt behavior is a danger to the system as a whole. Those who allow such attitudes to perpetuate jeopardize the vitality of government and inhibit our ability to do the things that we were elected to do. The citizens of this state have a right to demand that we get our fiscal house in order before we ask them for more money, and as far as I'm concerned, the renewal of trust rests on the mantle of reform. Prudent oversight of government spending is critical if this state is to balance its budget and climb out of this enormous economic hole. We must force the entire state bureaucracy to live in the real world of reduced spending, streamlined function, and most of all, as this issue so perfectly illustrates, accountability to the people it serves.

All of these things are possible. None of them are easy, but if we ever hope to turn this state around, we have to exercise that leadership. We must exercise that leadership to ensure that we get our government under control—even if it is one department at a time.

Senator Schauer's statement is as follows:

Much has been said, but one thing that is clear to me is the majority party woke up this morning realizing that we have a budget crisis and that is a good thing. Much has been said about the '06 problem that was fixed today. It is my understanding, and I believe Senator Switalski mentioned this in committee yesterday or determined this from questioning, that the Legislature was made aware of overspending in '06 last November. So there is a lot of finger-pointing going on, and if we want to point fingers, I guess we can point fingers at the previous Legislature that, by the way, most of us, all of us were a part of.

You know, I am glad that the majority party understands the urgency. I was especially pleased by the comments from the Senator from the 13th District. This is an urgent crisis, my friends. One item that he mentioned is that while we have three bills pending on this floor, with apparently no urgency to move, is replacement of the single business tax. The leader of an economic development entity—west of me; I believe the Senator from the 20th District mentioned that there were three major prospects—by the way, it is Ron Ketchens of Southwest Michigan First who testified in the Senate Commerce and Labor Committee last year. He indicated that they lost three prospects not because the SBT is worse than the business tax in other states they were looking at, but because we had no tax going forward by which they could calculate their investment and make that decision. So there is urgency to move.

You know, we have been reining in state spending. We have cut billions of dollars in many ways that have hurt our constituents over the last four years. These have been difficult times, especially since the 2000 fiscal year, when jobs started leaving our state. We all know the statistics about how we are challenging state government to do more with less, with 10,000 fewer workers than there were at that time, seven years ago, and a billion dollars less in real dollars in the General Fund.

So the question, colleagues, is—I have a couple of questions: One, what choice will we make? Will we invest in our people and invest in our state, or will we engage in a race to the bottom? We can certainly cut \$942 million out of this budget, but at what expense?

So I am committed to making a choice and believe that my caucus is prepared to make a choice that invests in our people. Now what will you choose? We don't know. What is your plan? We don't know. That is probably the most asked question in this town. It apparently has been presented at least in a column I read in the *State Journal* last Sunday. I haven't seen it and I can't find anyone who has been able to read it. They have been shown a prop or something with apparently something on it. But it is time to put the rhetoric aside. It is time to put the best ideas, all of the best thinking, on the table to determine how we can move our state forward—as Bill Gates says, be a state that has a skilled

workforce, that has a quality of life that will attract business. That is what we stand for. We ask for your ideas, we ask for you plans, and we ask for the ability to solve this quickly.

By the way, if you have not been called by your school superintendent lately, check messages in your office. There is a \$224 pro-rata cut that is hanging over their heads with less than 40 days or so left in their school year. So ask them when they will have to close their doors.

So we have much work to do. There has been a lot of finger-pointing, but let's get to work and let's get this done.

Senator Cassis' statement is as follows:

As a parent like so many of you and our constituents, when our child or children misbehaved, we did our very best to teach them accountability and responsibility. After all, we are the adults. Now this is a lesson for government. As a Legislature, we are, in effect, in loco parentis to the administration and to all the departments.

We have clearly indicated today our displeasure—yes—our censure of departments playing fast and loose with taxpayer dollars and our Governor looking the other way. That's not what should be happening in this state. I, for one, can say once burned, learned, and we will take steps that this should not happen again.

You do know, Mr. Minority Leader, about the Senate Republican tax plan. It's called BEST—the Business and Economic Stimulus Tax plan—and it is on the floor of the Senate, where it has been for a number of weeks while we improved it; took all positive and constructive criticism to improve the rates and make this plan even more equitable, balanced, fair, competitive, and entrepreneurial.

So now I ask where your plan is. But I know where it is. It is over in the House where the Governor and the majority party are one. Isn't it rather ironic that that plan is not moving? At this point in time, I would challenge you to show real leadership, not just talk about it—real leadership. Move your plan, take a vote, send it over to the Senate, and let's take a sincere, thoughtful look at it. This plan, more than anything else, puts the onus on the backs of working men and women and Michigan's providers. Show us your plan; bring it on.

I think it is disingenuous rhetoric that we are hearing today that will not move this state forward.

The Associate President pro tempore, Senator Barcia, assumed the Chair.

Senator Jelinek's statement is as follows:

In reference to some previous statements, I challenge \$38 billion in recent years for an overall state budget versus \$42 billion or a proposed \$43 billion budget. Is that a cut in government spending? I think not. In reference to the plan to balance 2007, we'd like the Governor to know the plan. Let's sit down and plan together, not in the media. I challenge the Governor today to lead and to talk and to negotiate and let's get this job done.

Committee Reports

The Committee on Health Policy reported

Senate Resolution No. 14.

A resolution to encourage the Governor to urge the Civil Service Commission to institute a wellness program that includes incentives for healthy behaviors for state employees.

(For text of resolution, see Senate Journal No. 16, p. 195.)

With the recommendation that the following amendment be adopted and that the resolution then be adopted.

1. Amend the first Resolved clause, line 1, after "we" by striking out "urge the Governor to require" and inserting "encourage the Governor to urge".

Thomas M. George
Chairperson

To Report Out:

Yeas: Senators George, Sanborn, Allen, Clarke, Gleason and Jacobs

Nays: None

The resolution and the amendment recommended by the committee were placed on the order of Resolutions.

The Committee on Health Policy reported

Senate Bill No. 279, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 70107.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Thomas M. George
Chairperson

To Report Out:

Yeas: Senators George, Sanborn, Allen, Clarke, Gleason and Jacobs

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, March 7, 2007, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators George (C), Sanborn, Allen, Clarke, Gleason and Jacobs

Excused: Senator Patterson

The Committee on Finance reported

Senate Bill No. 53, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," (MCL 141.501 to 141.787) by adding section 10 to chapter 1 and section 36 to chapter 2.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, Jansen, Prusi, Jacobs and Whitmer

Nays: None

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

The Committee on Finance reported

House Bill No. 4120, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," (MCL 141.501 to 141.787) by adding section 10 to chapter 1 and section 36 to chapter 2.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, Jansen, Prusi, Jacobs and Whitmer

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Thursday, March 8, 2007, at 11:05 a.m., Room 110, Farnum Building

Present: Senators Cassis (C), Gilbert, Jansen, Prusi, Jacobs and Whitmer

Excused: Senator McManus

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Thursday, March 8, 2007, at 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Stamas (C), George, Hardiman, Barcia, Anderson and Brater

Excused: Senator McManus

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture submitted the following:

Meeting held on Thursday, March 8, 2007, at 9:00 a.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Gilbert, Birkholz, Gleason and Whitmer

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, March 8, 2007, at 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators McManus (C), Jelinek, Brown, Cropsey, Hardiman, Pappageorge, Switalski, Cherry, Clark-Coleman and Scott

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Thursday, March 8, 2007, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Stamas (C), George, Hardiman, Barcia, Anderson and Brater

Excused: Senator McManus

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:

Meeting held on Thursday, March 8, 2007, at 1:00 p.m., Room 405, Capitol Building

Present: Senators Garcia (C), Cropsey and Barcia

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submitted the following:

Meeting held on Thursday, March 8, 2007, at 2:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Brown (C), Jelinek and Scott

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary and Corrections submitted the following:

Meeting held on Thursday, March 8, 2007, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Cropsey (C), Kahn and Brater

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Thursday, March 8, 2007, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Pappageorge (C), Garcia and Anderson

Scheduled Meetings

Agriculture - Thursday, March 15, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Agriculture - Thursday, March 15, 2:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Capital Outlay - Thursday, March 15, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-8080)

Economic Development - Wednesday, March 14, 8:00 a.m., Room 110, Farnum Building (373-2768)

General Government - Thursday, March 15, 3:00 p.m., Room 100, Farnum Building (373-2768)

Higher Education - Tuesday, March 27, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Human Services Department - Wednesday, March 14, 4:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Judiciary and Corrections - Wednesday, March 14, 3:00 p.m., Room 402, Capitol Building (373-2768)

Transportation Department - Wednesdays, March 14 and March 21, 8:30 a.m., Room 405, Capitol Building (373-2768)

Banking and Financial Institutions - Wednesday, March 14, 9:00 a.m., Room 210, Farnum Building (373-3543)

Energy Policy and Public Utilities - Thursday, March 15, 1:00 p.m., Room 210, Farnum Building (373-7350)

Finance - Thursday, March 15, 11:00 a.m. or later immediately following session, Room 110, Farnum Building (373-1758)

Government Operations and Reform - Tuesday, March 20, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2417)

Health Policy - Wednesday, March 14, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)
(CANCELED)

Senior Citizens and Veterans Affairs - Wednesday, March 14, 8:30 a.m., Room 100, Farnum Building (373-2413)

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

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:30 a.m.

The Associate President pro tempore, Senator Barcia, declared the Senate adjourned until Wednesday, March 14, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

