

No. 46
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Wednesday, May 16, 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—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
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

Senator Nancy Cassis from the 15th District offered the following invocation:

Father God, we come from different places, different backgrounds, and different experiences. So how can we possibly find commonality born of difference? Once again today, we are struck by the realization that 38 individuals in this chamber, 110 across the rotunda, and one executive are not here by chance or accident, but by Your hand, by design.

It has been said that relationships help us to define who we are and what we can become. Most of us can trace our successes to pivotal relationships. So we humbly ask, dear God, that You open our hearts and minds to the possibilities, to the power of relationships, to the power within each one of us to reconcile differences, the power to seek resolution, and the power to reach accord.

In Your 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

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

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

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

House Bill No. 4629

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

Senator Stamas entered the Senate Chamber.

The following communications were received:
Department of State

Administrative Rules Notices of Filing

May 3, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 4:42 p.m. this date, administrative rule (07-05-01) for the Department of Labor and Economic Growth, Office of Financial and Insurance Services, entitled "*Insurance Policy Forms-Shortened Limitations of Action Clauses*." These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

May 3, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 4:44 p.m. this date, administrative rule (07-05-02) for the Department of Labor and Economic Growth, Liquor Control Commission, entitled "*Beer*." These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

May 3, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of

Administrative Hearings and Rules filed at 4:46 p.m. this date, administrative rule (07-05-03) for the Department of Agriculture, Office of Racing Commissioner, entitled "*Racing Commissioner*." These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Robin Houston, Office Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The following communication was received:
Office of Financial and Insurance Services

May 15, 2007

In accordance with Section 3721 (1) of the Michigan Insurance Code (MCL 500.3721), I submit the attached report for the Office of Financial and Insurance Services.

The Small Employer Group Health Coverage Act (the Act) regulates the small employer group health market. Small employers are defined as those with 2-50 employees. The intent of the Act was to stabilize the small employer group health market. Therefore, the Act was passed with the requirement that a determination be made regarding the state of competition in the small employer group health market after it had been in effect long enough to make such a determination. In accordance with the requirements set forth in the Act, the Office of Financial and Insurance Services has held a public hearing and has sought input from licensed health carriers as well as independent sources in order to determine the state of competition in this market.

This is the first of what will be an annual report on the State of Competition in the Small Employer Carrier Health Market. It is also available on the Office of Financial and Insurance Services web site at www.michigan.gov/ofis under "Publications."

Please feel free to contact me if you have any questions regarding this matter.

Sincerely,
Linda A. Watters
Commissioner

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 15:
House Bill Nos. 4661 4721

Messages from the Governor

The following message from the Governor was received and read:

May 15, 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 1970 PA 35, MCL 390.152:

Oakland University Board of Control

Ms. Monica E. Emerson of 1295 Creek Pointe Drive, Rochester, Michigan 48307, county of Oakland, succeeding Rex E. Schlaybaugh, Jr., whose term has expired, representing the general public, for a term commencing May 15, 2007 and expiring August 11, 2014.

Mr. Ganesh V. Reddy of 3614 Ponderosa Drive, Okemos, Michigan 48864, county of Ingham, succeeding David Doyle, whose term has expired, representing the general public, for a term commencing May 15, 2007 and expiring August 11, 2014.

Sincerely,
Jennifer M. Granholm
Governor

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

Messages from the House

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

Senate Bill No. 400

The motion prevailed.

Senate Bill No. 220, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies, the legislative branch, and the judicial branch for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The House of Representatives has appointed Rep. Tobocman to replace Rep. Dillon as conferee on May 15, 2007.

The message was referred to the Secretary for record.

Senator Garcia entered the Senate Chamber.

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 Garcia as Chairperson.

Recess

Senator Cropsey moved that the Committee of the Whole recess subject to the call of the Chairperson.

The motion prevailed, the time being 10:43 a.m.

11:07 a.m.

The Committee of the Whole was called to order by the Chairperson, Senator Garcia.

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

House Bill No. 4512, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 38 (MCL 38.38), as amended by 2002 PA 93.

House Bill No. 4530, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 4, 41, and 41a (MCL 38.1304, 38.1341, and 38.1341a), section 4 as amended by 2003 PA 17, section 41 as amended by 2002 PA 94, and section 41a as amended by 1996 PA 488.

House Bill No. 4629, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 3 (MCL 207.553), as amended by 1996 PA 1.

The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 386, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520b, 520c, 520d, and 520e (MCL 750.520b, 750.520c, 750.520d, and 750.520e), section 520b as amended by 2006 PA 169, section 520c as amended by 2006 PA 171, and sections 520d and 520e as amended by 2002 PA 714.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 298, entitled

A bill to amend 1836 PA 25, entitled "An act concerning the records of deeds and other conveyances of land," by amending section 1 (MCL 565.581).

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 299, entitled

A bill to amend 1937 PA 103, entitled "An act to prescribe certain conditions relative to the execution of instruments entitled to be recorded in the office of the register of deeds," by amending section 1 (MCL 565.201), as amended by 2002 PA 19.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 300, entitled

A bill to amend 1867 PA 20, entitled "An act relative to recording deeds, mortgages and instruments of record, and to declare the effect thereof," by amending section 1 (MCL 565.491), as amended by 1992 PA 211.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 301, entitled

A bill to amend 1873 PA 5, entitled "An act to provide for the recording of judgments in actions affecting or relating to the title of real estate," by amending section 1 (MCL 565.401).

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 302, entitled

A bill to amend 1915 PA 123, entitled "An act to provide for the recording and use in evidence of affidavits affecting real property; and to provide a penalty for the making of false affidavits," by amending section 2 (MCL 565.452).

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 303, entitled

A bill to amend 1875 PA 54, entitled "An act to facilitate the inspection and reproduction of the records and files in the offices of the registers of deeds," by amending section 1 (MCL 565.551), as amended by 1994 PA 51.

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 amendment, the following bill:

Senate Bill No. 473, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40105 (MCL 324.40105), as added by 1995 PA 57.

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

1. Amend page 1, line 7, after "**WEBSITE**" by striking out "**AN INTERACTIVE**" and inserting "**A**".

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.

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

Senate Bill No. 25, entitled

A bill to amend 1982 PA 204, entitled "Deaf persons' interpreters act," by amending the title and sections 2, 3, 4, 5, 6, 7, and 8 (MCL 393.502, 393.503, 393.504, 393.505, 393.506, 393.507, and 393.508), section 8 as amended by 1988 PA 435, and by adding sections 3a, 3b, 3c, 3d, 3e, 8a, and 8b.

Substitute (S-4).

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. 4208, entitled

A bill to amend 1982 PA 204, entitled "Deaf persons' interpreters act," by amending the title and sections 2, 3, 4, 5, 6, 7, and 8 (MCL 393.502, 393.503, 393.504, 393.505, 393.506, 393.507, and 393.508), section 8 as amended by 1988 PA 435, and by adding sections 3a, 8a, and 8b.

Substitute (S-3).

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

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

Senate Bill No. 188, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 3, 7, 623a, 684, and 686 (MCL 380.3, 380.7, 380.623a, 380.684, and 380.686), section 3 as amended by 2004 PA 303, section 623a as amended by 2004 PA 588, and section 684 as amended by 1996 PA 277.

Substitute (S-4).

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

1. Amend page 10, line 5, after "(6)," by inserting "**NOT LATER THAN AUGUST 1, 2007**,".
2. Amend page 10, following line 14, by inserting:

"(9) WITHIN 30 DAYS AFTER RECEIVING THE AUDIT RESULTS, AN INTERMEDIATE SCHOOL DISTRICT SHALL PUBLISH THE RESULTS OF ANY AUDIT CONDUCTED CONCERNING THE AREA CAREER AND TECHNICAL EDUCATION PROGRAM ON THE INTERMEDIATE SCHOOL DISTRICT'S WEBSITE. THE RESULTS SHALL REMAIN POSTED ON THE WEBSITE FOR AT LEAST 6 MONTHS."

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

During the Committee of the Whole, Senators Barcia and Brater entered the Senate Chamber.

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 bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

House Bill No. 4629

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

The following bill was read a third time:

Senate Bill No. 487, entitled

A bill to amend 1980 PA 497, entitled "Construction lien act," by amending sections 110 and 115 (MCL 570.1110 and 570.1115), as amended by 2006 PA 572.

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. 118

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4629, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 3 (MCL 207.553), as amended by 1996 PA 1.

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. 119

Yeas—38

Allen	Clark-Coleman	Jansen	Richardville
Anderson	Clarke	Jelinek	Sanborn
Barcia	Cropsey	Kahn	Schauer
Basham	Garcia	Kuipers	Scott
Birkholz	George	McManus	Stamas

Bishop
Brater
Brown
Cassis
Cherry

Gilbert
Gleason
Hardiman
Hunter
Jacobs

Olshove
Pappageorge
Patterson
Prusi

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.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 58

The resolution consent calendar was adopted.

Senator Cherry offered the following resolution:

Senate Resolution No. 58.

A resolution recognizing May 2007 as Hearing Loss Awareness Month in the state of Michigan.

Whereas, Currently 31 million Americans have hearing loss. As baby boomers reach retirement age starting in 2010, this number is expected to rapidly climb and nearly double by the year 2030; and

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

Whereas, Among seniors, hearing loss is the third most treatable disabling condition, preceded by arthritis and hypertension; and

Whereas, While 95 percent of people with hearing loss could be successfully treated with hearing aids and listening devices, only 22 percent currently use them; and

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

Whereas, Hearing loss can greatly hinder everyday, ordinary communication, and people with a hearing loss often feel a sense of isolation and decreased self-confidence; and

Whereas, It is important that people with hearing loss in the state of Michigan be aware that there are many deaf/hard-of-hearing organizations, audiologists and hearing professionals, assistive listening device manufacturers, and support groups that offer a large range of solutions to help people with hearing loss; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize May 2007 as Hearing Loss Awareness Month in the state of Michigan.

Senators Anderson, Barcia, Basham, Birkholz, Brater, Cassis, Clark-Coleman, Clarke, Gleason, Hardiman, Jacobs, Pappageorge, Scott and Switalski were named co-sponsors of the resolution.

Senate Concurrent Resolution No. 5.

A concurrent resolution to memorialize the United States Congress to reauthorize the State Children's Health Insurance Program (SCHIP) for the State of Michigan.

The question being on the adoption of the concurrent resolution,
The concurrent resolution was adopted.

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

The motion prevailed.

Senator Kahn's statement is as follows:

To you, Mr. President, and through you to the body, I would like to give you a few words about this resolution which urges the federal government to reauthorize our SCHIP program. SCHIP is the federal words for what we in Michigan know in particular as MICHild. The dollars that are available through that program are matched to many other things, including the MOMS program, including some expansions that we have, the eligibility of the Healthy Kids program, and for the adult benefit waiver.

This program provides health care to the neighborhood of 30,000 children. It has \$149 million of federal money brought into this state for that purpose. I urge my colleagues to join me in urging the federal government to reauthorize the SCHIP program.

Senators Sanborn, Kahn, Patterson, Allen, Gilbert, Garcia, Hardiman, Birkholz, Jansen, Pappageorge, Cropsey, Cassis, Richardville, Jelinek and Gleason offered the following resolution:

Senate Resolution No. 59.

A resolution to memorialize the Congress of the United States to enact the International Solid Waste Importation and Management Act of 2007 to permit states to prohibit or limit the importation of foreign and out-of-state solid waste.

Whereas, The disposal of unlimited volumes of trash from Canada and other states subverts a state's ability to plan effectively for its own waste disposal needs, undermines local recycling efforts, and leaves the state with an obligation to monitor landfill disposal sites to protect human health and the environment for many years after any disposal contract has expired; and

Whereas, The imposition on public infrastructure, state and local public safety agencies, and the quality of life for Michigan residents is significant, meaning any state accepting these long-term costs and risks should be able to regulate out-of-state waste; and

Whereas, The United States Supreme Court has ruled that state authority to control the importation of solid waste is limited, resulting in the doubling of the amount of out-of-state trash Michigan receives on a yearly basis since 1996, with this waste now compromising 28 percent of all trash deposited in Michigan landfills; and

Whereas, Several measures have been considered by Congress to address the issue of extending authority to states to regulate or ban out-of-state solid waste. The International Solid Waste Importation and Management Act of 2007, which would allow states more control over foreign waste imports, has been passed unanimously by the United States House of Representatives, received by the United States Senate, and referred to the Senate Committee on Environment and Public Works; and

Whereas, This bill, H.R. 518, grants authority to the states to impose restrictions on the importation of foreign municipal waste and requires the United States Environmental Protection Agency to enforce the 1986 *Agreement Concerning the Transboundary Movement of Hazardous Waste* between the United States and Canada, while giving considerable deference to the desire of state governments to allow or restrict importation of foreign solid waste; and

Whereas, When similar bills have been passed by the United States House of Representatives in previous sessions of the Congress, the United States Senate and Michigan's own Senators have chosen not to support this type of legislation, even though the need is both clear and pressing; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact the International Solid Waste Importation and Management Act of 2007 to permit states to prohibit or limit the importation of foreign and out-of-state solid waste; 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 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 resolution,

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

The motion prevailed.

Senators Anderson, Barcia, Clarke, Jacobs and Switalski were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators McManus and Kahn introduced

Senate Bill No. 506, entitled

A bill to amend 1956 PA 205, entitled “The paternity act,” by amending sections 1, 4, and 6 (MCL 722.711, 722.714, and 722.716), sections 1 and 6 as amended by 2000 PA 31 and section 4 as amended by 1998 PA 113.

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

Senators George, Kuipers, Barcia, Birkholz, Olshove, Pappageorge, Jansen, Kahn, Cropsey, Cassis and Richardville introduced

Senate Bill No. 507, entitled

A bill to amend 1975 PA 169, entitled “Charitable organizations and solicitations act,” by amending the title and sections 2, 3, 4, 6, 7, 8, 9, 10, 11, 13, 16, 18, 20, 21, and 23 (MCL 400.272, 400.273, 400.274, 400.276, 400.277, 400.278, 400.279, 400.280, 400.281, 400.283, 400.286, 400.288, 400.290, 400.291, and 400.293), section 13 as amended by 1992 PA 299, and by adding sections 3a, 3b, 5a, 19, 19a, 22a, 23a, and 23b; and to repeal acts and parts of acts.

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

House Bill No. 4661, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 416 (MCL 380.416), as amended by 2004 PA 303.

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

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

House Bill No. 4721, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 20129a (MCL 324.20129a), as amended by 2005 PA 42.

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 Natural Resources and Environmental Affairs.

Statements

Senators Sanborn, Scott, Cherry 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 Sanborn’s statement is as follows:

Earlier today, I had Senate Resolution No. 59 referred to the committee on natural resources. I’ve introduced this resolution today which calls on our state’s two U.S. Senators to get H.R. 518 passed, which would allow us to prohibit the importation of Canadian trash into our states, which passed in the United States House of Representatives.

Last session, this body voted unanimously to support House Bill No. 5176, which prohibited Canadian trash from entering our state. We did so while recognizing that until Congress took action on this issue, we could not enforce this law. While the U.S. House of Representatives took up this issue almost immediately and passed legislation on the subject, the U.S. Senate chose not to do so. The result of this is that a great opportunity was missed and Canadian trash continues to flow into our state.

The U.S. Senate has another chance to make up for this oversight, however, because the House of Representatives has again passed bipartisan legislation that has been sent to the Senate. This body needs to send the message that Michigan is tired of talk, the politics, and handshake deals that have not reduced trash. It is time for our two U.S. Senators to put an end to Canadian trash for good. This resolution simply calls upon them to shepherd this legislation through the Senate so that Congress can pass it in as timely a manner as possible.

Senator Scott's statement is as follows:

John H. Johnson was the founder of Johnson Publishing Company, an international media and cosmetics empire that includes *Ebony* and *Jet* magazines. He was the first black person to appear on the Forbes 400 Rich List and had a fortune estimated at close to \$500 million. And do you know the secret to his success? He said, "Failure is a word I simply don't accept."

Well, Mr. Johnson, me either. I am following your lead in refusing to accept failure on the issue of bringing equitable insurance rates to the citizens of Michigan. I do not accept the years of excuses that my colleagues across the aisle have used to justify their stubborn refusal to act. Failure for me is not an option. So once again I request that you act on these bills. The solution is in your hands.

Senator Cherry's statement is as follows:

I'll try once again regarding the resolution for the hearing loss and deaf community. This is Senate Resolution No. 58, which simply says:

"A resolution recognizing May 2007 as Hearing Loss Awareness Month in the state of Michigan.

Whereas, Currently 31 million Americans have hearing loss. As baby boomers reach retirement age starting in 2010, this number is expected to rapidly climb and nearly double by the year 2030; and

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

Whereas, Among seniors, hearing loss is the third most treatable disabling condition, preceded by arthritis and hypertension; and

Whereas, While 95 percent of people with hearing loss could be successfully treated with hearing aids and listening devices, only 22 percent currently use them; and

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

Whereas, Hearing loss can greatly hinder everyday, ordinary communication, and people with a hearing loss often feel a sense of isolation and decreased self-confidence; and

Whereas, It is important that people with hearing loss in the state of Michigan be aware that there are many deaf/hard-of-hearing organizations, audiologists and hearing professionals, assistive listening device manufacturers, and support groups that offer a large range of solutions to help people with hearing loss; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize May 2007 as Hearing Loss Awareness Month in the state of Michigan."

Mr. President, as we saw earlier today, there is a wide variety of new technology. We saw the instant captioning of this Senate. As we spoke, it was being transmitted to the Gallery for those who were in the Gallery to read it. Mr. President, I thank you for letting me read this resolution and honoring those who are in the deaf and hard-of-hearing community within the state of Michigan.

Senator Brater's statement is as follows:

I rise to respond to the remarks in the statement of the Senator from the 11th District regarding solid waste entering across state lines. I want to thank our good Senators Debbie Stabenow and Carl Levin for all of the work that they have done in Washington to promote our ability to stop trash from coming across state lines. We know that the situation in Congress is difficult geographically because there are more states that are exporting waste than importing it, and it puts us at a disadvantage that transcends partisan issues. This has been a difficult issue to move in Congress under both Democratic and Republican majorities.

I would like to remind my colleagues that we have measures that are within our control at the state level that we could undertake to reduce the amount of trash coming across our boundaries, even without congressional action. Those include implementing higher tipping fees or charges for depositing trash in our landfills, which we are the lowest of all the states of the Great Lakes region, and that makes our state a magnet for out-of-state and out-of-country trash. Those bills are sitting in the natural resources committee and could be taken up. We could take action on that.

Also there are proposals for moratoriums on expansion of new landfills that have been moving in the House that we could also take action on in the Senate. Because of the excess supply that we have in the state of Michigan, that is the reason that dumping in our state is so cheap and why Canada and other states are deciding to send their trash to Michigan.

So I think before we go and point fingers at our United States Senators who are working so hard on our behalf to solve this issue, we should take the action that's within our grasp here at home.

By unanimous consent the Senate returned to the order of

Motions and Communications

Recess

Senator Cropsey moved that the Senate recess until 4:00 p.m.

The motion prevailed, the time being 11:40 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Cherry.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 4:03 p.m.

4:33 p.m.

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

Senator Thomas moved that Senator Basham be excused from the balance of today's session.
The motion prevailed.

Senator Cropsey moved that the Committee on Appropriations be discharged from further consideration of the following bills:

Senate Bill No. 436, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2007; and to provide for the expenditure of the appropriations.

Senate Bill No. 437, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), as amended by 2006 PA 342.

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

Senator Thomas requested the yeas and nays.

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

The motion prevailed, a majority of the members serving voting therefor, as follows:

Roll Call No. 120

Yeas—21

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

Nays—16

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

Excused—1

Basham

Not Voting—0

In The Chair: President

The bills were placed on the order of General Orders.

Senator Cropsey moved that the rules be suspended and that the following bills, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

Senate Bill No. 436

Senate Bill No. 437

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

By unanimous consent the Senate returned 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 Garcia 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 a substitute therefor, the following bill:

Senate Bill No. 436, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2007; 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:

Senate Bill No. 437, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), as amended by 2006 PA 342.

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.

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. 436

Senate Bill No. 437

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

The following bill was read a third time:

Senate Bill No. 436, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies, the legislative branch, and the judicial branch for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 121**Yeas—21**

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

Nays—16

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

Excused—1

Basham

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Cropsey moved to reconsider the vote by which the bill was passed.
The motion did not prevail, a majority of the members serving not voting therefor.

Protest

Senator Brater, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 436 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”
The motion prevailed.

Senator Brater’s statement is as follows:

I rise to set the record straight on a couple of matters that have come up in discussion this afternoon. There has been a lot of talk about what our Governor is proposing and what our Governor is not doing. I just want to stand here and go on record and thank Governor Granholm for the leadership that she has shown in this fiscal crisis which was not of her making, which is something that she inherited.

When I talked about this in the Senate Finance Committee, I was talking about the Governor’s plan to provide revenue so we wouldn’t have to cut health care; so we wouldn’t have to cut education; so we wouldn’t have to cut essential services and public safety and other areas. I was told let’s not talk about yesterday; let’s talk about today. I said, well, I’m very happy to talk about today, but let’s also talk about tomorrow. That’s what Governor Granholm has been trying to do. She’s been going all around this state with this message that we need to invest in tomorrow’s economy and the 21st century economy. That’s why she created the 21st Century Jobs Fund with all of our support. That is what the citizens of Michigan agree with her about. If you are reading any of the polls, you can see that she has convinced the citizens of Michigan that we need to support essential government services; that we can’t solve this problem with cuts alone. Granted the public wants us to make some cuts and we have, but we must have three legs of the stool. We must have revenue, reform, and cuts. That is not what is before us today.

I do want to get into the record, as well, this reference to the Governor's cut of \$122 per pupil. That is an inaccurate characterization. We all know that according to the state Constitution, when revenue in the School Aid Fund is projected to fall below the level needed to fund the per-pupil grant at the level that we budgeted, she must issue a prorated cut that would be equal per pupil to the amount of that shortfall. So to call that the Governor's cut is totally misleading. That is not what the Governor proposed. The Governor proposed a 2 percent sales tax on services that would have brought in \$1.5 billion a year in new revenue. It was a very creative approach. It wasn't necessarily the end of discussion, but it was a great starting point. I think we need to remember and get a little reality therapy today about where we are and where we are going.

To talk about releasing people from the prisons as if this would be done indiscriminately. She was talking about looking very carefully at people who are medically fragile, at people who are deemed past their earliest release date and eligible for Michigan Prisoner Reentry, which is designed to help prisoners succeed in the community because we all know that these prisoners were not sent away for life; they are coming back to our communities. We do need to have funding for mental health care and substance abuse, housing and health care, everything that these prisoners are going to need when they come back to our communities. We know that there are 51,000 of them; most of them are coming back. We have to get serious about how we are going to address that epidemic problem.

Many of the people in this room are responsible for the structural deficit that we have today. Many of the people in this room were here in 1999 and voted to cut the income tax by 1/2 percent. That is costing us \$900 million a year. That is a better part of the ongoing structural deficit that our state is facing. So to say that this is a matter of the declining Michigan economy is inaccurate. It is aggravated by the Michigan economy, but it was brought on—it was a self-imposed handicap that was intentionally meant to reduce the ability of state government to deliver essential services. That is exactly what has happened. That is exactly why when we all go back to our districts, wherever we come from across this state, that we are looking people in the eye who are saying to us, "What are you doing up there? Why don't you do your job and provide the funding and ask us for the revenues that we are willing to pay to provide essential state services?"

I'm very disappointed that we are wasting our time here today with this charade; that we're going through on a party-line vote, pass through this one-chamber solution. We should be at the negotiating table. We should have the House, the Senate, and the Governor together. We know we're going to do that eventually, so let's just get on with it.

Senators Switalski, Schauer, Sanborn, Whitmer, Cassis, Jacobs and McManus asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Switalski's statement is as follows:

Well, Mr. President, thank you, and a cursory review of these bills indicates that we have a combination of General Fund and School Aid Fund cuts of, really, \$370 million that we need to make because of the upcoming revenue estimating conference. These bills deal with this by taking \$195 million for the School Aid Fund and \$172 million toward the General Fund. If you look at it, I guess, nearly \$300 million of this is coming out of the 21st Century Jobs Fund. There are other cuts in there; I haven't been able to see all of them yet, but there's a revenue sharing cut—\$16 million, 4 percent; there are community college cuts, and there are probably a number of other cuts. But let me just speak to the idea of taking \$300 million from the 21st Century Jobs Fund.

When we did that and set that fund up a year or so ago, we decided to securitize money out of our tobacco settlement. That is, taking money that comes to us each year from the tobacco companies and pulling a bunch of it forward and investing in our state—that was the argument. Many of us had great difficulties with the idea of pulling that money forward, securitizing that money, because it's, in essence, borrowing money from the future to pay for what we thought were generally current operations. That's the temptation of people when they are trying to solve a budget problem is to rob the future to pay for the present. But that securitization was roughly cut in half, and we were convinced to do that because it was an investment in the future of this state. I think even people who had a great deal of difficulty with the funding mechanism—and I include myself in that—went along with it in order to invest in this state and in jobs.

Look at what we are doing right now. We're taking that money and using it to pay for current operations. Now you could understand that if it was an immediate stop-gap and that you address the fundamental problem of our budget that we've had for five years now—six years. We've had a structural imbalance and pulling one-time money doesn't fix that, but that's exactly what we are doing here. We're using one-time money to pay for current operations and that is not fiscally responsible. That is why Moody's downgraded Michigan's bond rating on April 30th. Our bond rating is now near the bottom of all 50 states. They said that Michigan government is using accounting gimmicks instead of structural changes to address its many shortfalls. The report significantly attacked Michigan's response to balancing the fiscal year '07 budget. Analysts said that by adjusting pension and retirement benefits, pushing off higher ed payments, and debt restructuring are consistent with a below-average credit quality state. That is exactly the approach that we're taking right now in these two bills. We're paying for current operations by borrowing from our future. It is not responsible and I cannot support it.

Senator Schauer's statement is as follows:

We do have something very important before us, and I do want to thank the Majority Leader for recognizing the urgency of the situation that we have. I'm a glass-is-half-full kind of guy, so I'm sure there will be some benefit for what we are doing; that we're trying to move the process. It's certainly an interesting way to do it, but I do appreciate the acknowledgement of the urgency that we need to move.

The problem is these two bills are not going to be enacted. They are another, I guess, one-party or one-chamber agreement. The point I want to make is that if we listen to our constituents, what the people want us to do, the people understand that we have a fiscal crisis in this state. What the people want us to do is to solve this problem in a responsible way through a combination of cuts—and they realize that some of these cuts will be painful—a combination of cuts and revenue increases that will fix our structural budget deficit. It's too bad that the Republican majority here in this chamber refuses to listen to the public and their wishes.

Colleagues, our state is in a real crisis; our economy is in a crisis. Although there are signs of improvement, and I see that even in my own district, our budget is in crisis, colleagues, because of historical tax cuts—ironically, over a billion and a half worth net over the last decade and also from the challenges of our economy. Democrats have proposed, including our Governor and, in fact, led by our Governor, and both the House and Senate Democrats have proposed a responsible comprehensive solution to our fiscal crisis—one that makes tough cuts, tough cuts. A solution is that which will enact real reform and would include revenues to protect what is important and would allow investments in what is important. That means our people, our children, and our critical institutions like our schools and our hospitals and also economic development in our economic future.

The Republican strategy is the strategy of disinvestment, and I want to be very clear that Democrats stand for investing in our state and in our future. These two bills make plain that the Republicans here in this chamber are committed to a strategy of disinvestment. That can't be made clearer than by this raid on resources that we bonded for to create jobs in this state. It is just astonishing that we would disinvest in our economic future in such a way that clearly puts our economy at risk. We know that Senate Republicans have favored a cuts-only solution. Well, this is worse than a cuts-only solution. This is a financing-borrowing-bonding scheme that, believe me, will make Wall Street's head spin.

Colleagues, these two bills before us—Senate Bill Nos. 436 and 437—are irresponsible. They are reckless. They put our state at risk. They jeopardize and mortgage our future. I will be voting “no” on these two bills. They are nonstarters. I look forward to working with the majority on a comprehensive solution that moves our state forward.

Senator Sanborn's statement is as follows:

You know, earlier in the speaking, one of my colleagues from the 1st District spoke about investing in Michigan's future. To him and all my colleagues, I say that if we invest this money into education for Michigan's children, we are investing in Michigan's economic future. Here's how. If we take the \$290 million from the 21st Century Jobs Fund money that we're talking about, which includes \$43 million that the administration tried to rush through earlier this year, if we put \$140 million of that money toward the School Aid Fund, that would reduce the per pupil funding cut from the Governor's proposed \$122.00; that would reduce it by \$86.00 or to less than \$36.00 per student.

If we are serious about funding education, this is how we can do it. Or if we use the \$154 million of the 21st Century Jobs Fund money, that could be returned to the General Fund, we can reduce the Governor's proposed cut to Medicaid that was passed earlier in the House from 6.25 percent to less than 3 percent, which means that we wouldn't lose any of the federal matching dollars.

Governor, with this plan we can protect our state's most needy while having money left over—money left over that we could use to keep the nearly 5,000 convicted felons that the Governor wants to release into our communities off the streets.

Now we have a reasonable solution here before us that protects Michigan citizens with no new taxes and without new threats. I urge your support for both these bills.

Senator Whitmer's statement is as follows:

You know, when people talk about the Capitol and they say Lansing is out of touch, I've always taken great umbrage with that statement because, well, this is my great city that it's my pleasure to represent. It's a city of progressive people, and it's a beautiful city. It's you people who are giving my city a bad name because it's you who are out of touch.

A “yes” vote on this bill is a vote for our schools. Seriously? If you want to vote “yes” for our schools, you vote not to cut them. You vote to pay for our schools to live up to the promise which we made to every schoolchild in this state.

This is still a \$36 per pupil cut. Money that ya'll patted one another on the back last fall and said, “Oh, we've got a great deal for our schools.” Now you're taking that back. You say in negotiations the Democrats have reneged. You are reneging on the students of this state by passing this bill.

I saw everyone in this chamber stand up and give Governor Granholm a standing ovation at the State of the State when she said we must not cut our schools. Here we are today, for a second time, you're offering up to cut our schools. The only reason we're doing this is because of your inaction. Putting forward a bill you know is unacceptable just says you're going to continue to put politics over education in our state.

Make no mistake. By voting “yes” on this bill, you are voting to cut our schools.

Senator Cassis' statement is as follows:

As we all know, the Senate Republicans have presented two responsible plans to balance the '06-'07 budget. Citizens of this state, these plans are being held hostage by a do-nothing Governor and the House Democratic leader. Why? Because the Governor and Speaker will only accept a tax increase. But do our citizens accept a tax increase as a lead solution to these problems? The answer is a resounding "no." If the Governor and the Speaker of the House are convinced otherwise, it's time for the House to put the tax increase up for a vote. Let's settle this issue.

Senator Jacobs' statement is as follows:

I believe it was last week during my comments that I talked about the closure where some people feel might be tax loopholes or at least the incentives that we give out to businesses in our tax structure. I don't think anybody here would want to eliminate many of the incentives that we give out to people who have businesses, whether it's manufacturers or farmers or the automobile folks.

We have put in a structure of tax incentives, and sometimes there are tax abatements as we go to local governments because we know that we have to be competitive with other states that are doing exactly the same thing. Again, while I believe there needs to be a fix where we need to eliminate this sort of cannibalizing of one state versus another, the fact of the matter is it's not happening; that's not going to happen because we know—one of the reasons Comerica left was because they were provided with such an attractive package over in Texas that we could not compete with.

Well, the money that is in the 21st Century Jobs Fund is money that we need to maintain this competitiveness with other states. So it makes no sense to me that we would continue to have a system where we provide incentives to businesses on one hand, but where we have the cash that has been securitized that we went to the people and said we are going to do this for a very specific reason, that we would take that money and violate, really, what I find is the public's trust of who we are and what our job is and what we promised them.

So I think we are really going down a very scary walk by doing this. How can we be competitive with the Texas of the world or the Georgias of the world when we are giving up the very money that these folks have; that their governments have as walking-around money to spread out to lure companies into their borders.

So I would ask you to seriously consider whether this makes economic sense for us at a time when we should be stimulating the economy in growing our businesses. I really urge my colleagues not to vote for Senate Bill No. 436. This is really bad policy.

Senator McManus' statement is as follows:

As I watch this body, it reminds me of a very familiar movie that I watched while I was a child. It was called "The Wizard of Oz." I'm sure you've heard of it. I'm sure you're familiar with it. As I watch everything that's been happening the last couple of months, I can't stop but to see some very familiar characters, characters in this room, characters in the executive branch, and certainly some characters in the House.

Now here in the Senate, we have the brains to pass a very reasonable package of spending reductions to balance this budget this particular year, not once but twice. In the House, they haven't always seen the right path to make the best decisions, but certainly their hearts are in the right place because they've wanted to vote for different particular items that the Governor has put forth. Of course, then, there is the Governor. I won't characterize what particular character I think she could portray in "The Wizard of Oz," but I would only say that I would hope that she could find some courage in a decent amount of time to make the very tough decisions which need to be made for this state.

We are definitely in a budget crisis. We're in a challenging time in Michigan history. I think it is incumbent upon this Governor to make the tough decisions, to get in the room, and stop passing the buck.

The following bill was read a third time:

Senate Bill No. 437, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 22a, 22b, 51a, and 51c (MCL 388.1611, 388.1622a, 388.1622b, 388.1651a, and 388.1651c), as amended by 2007 PA 6.

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. 122

Yeas—20

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

Nays—17

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

Excused—1

Basham

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Cropsey moved to reconsider the vote by which the following bill was passed
Senate Bill No. 436

The motion did not prevail, a majority of the members serving not voting therefor.

Senator Cropsey requested the yeas and nays.

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

The question being on the motion to reconsider the vote by which the bill was passed,

Point of Order

Senator Thomas raised the Point of Order that pursuant to rule 3.311, the same question shall not be reconsidered more than once.

The President sustained the Point of Order and ruled that the motion was out of order.

Senator Cropsey moved that rule 3.311 be suspended to permit reconsideration of the vote by which the following bill was passed:

Senate Bill No. 436

On which motion Senator Thomas requested the yeas and nays.

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

Senator Whitmer moved that the Senate adjourn.

The motion prevailed, the time being 5:33 p.m.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 357, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2006 PA 234.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Sanborn, Patterson, Whitmer and Clarke

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 358, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 498c.

With the recommendation that the bill pass.

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

Wayne Kuipers

Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Sanborn, Patterson, Whitmer and Clarke

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, May 15, 2007, at 12:30 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cropsey, Sanborn, Patterson, Whitmer and Clarke

Excused: Senator Prusi

The Committee on Commerce and Tourism reported

House Bill No. 4629, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 3 (MCL 207.553), as amended by 1996 PA 1.

With the recommendation that the bill pass.

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

Jason E. Allen

Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas, Clarke and Hunter

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Tuesday, May 15, 2007, at 2:30 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Gilbert, Stamas, Clarke and Hunter

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Tuesday, May 15, 2007, at 12:15 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

COMMITTEE ATTENDANCE REPORT

The Committee on Homeland Security and Emerging Technologies submitted the following:
Meeting held on Tuesday, May 15, 2007, at 1:00 p.m., Room 100, Farnum Building
Present: Senators Brown (C), Garcia, Richardville, Pappageorge, Hunter, Olshove and Thomas

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:
Meeting held on Tuesday, May 15, 2007, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Jelinek (C), Brown, Garcia, Switalski and Clark-Coleman

COMMITTEE ATTENDANCE REPORT

The Conference Committee on FY 2006-07 Supplemental (SB 220) submitted the following:
Meeting held on Tuesday, May 15, 2007, at 4:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Bishop (C), Jelinek and Switalski

Scheduled Meetings

Agriculture - Thursday, May 17, 8:30 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Capital Outlay - Thursday, May 17, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-8080)

Community Health Department - Thursday, May 17, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Environmental Quality Department - Tuesday, May 22, 2:00 p.m. and Thursdays, May 24, 11:30 a.m. or later immediately following session and May 31, 1:00 p.m., Room 405, Capitol Building (373-2768)

Judiciary and Corrections - Wednesdays, May 23 and May 30, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Natural Resources Department - Tuesday, May 29, 12:00 noon or later immediately following session, Room 405, Capitol Building (373-2768)

State Drug Treatment Court Advisory Committee - Tuesday, May 22, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, May 17, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate