

**No. 58**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**94th Legislature**  
**REGULAR SESSION OF 2007**

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Senate Chamber, Lansing, Tuesday, June 12, 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 not present.

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

Garcia—excused  
George—present  
Gilbert—present  
Gleason—present  
Hardiman—present  
Hunter—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 Ron Jelinek of the 21st District offered the following invocation:

Dear Lord, as we begin this beautiful day of Your making and as we enjoy looking outside at what You have created, we pray that You will come inside here with us and that You will guide us in making good decisions for all the people of this state. Help us to make it a great state and good for all people. We ask that You also be with the other chamber, our Governor, and all of the decision makers of not only this state, but all states as well as the decision makers in Washington.

May we never forget we are here for the people of this state. Keep us humble and grateful for our opportunity to lead, and let us not forget those who have fought bravely as well as those presently in harm's way defending our rights and privileges to lead. Our soldiers also work to attain and protect the rights and privileges of oppressed people in foreign lands who desire their human rights also. So, Lord, we ask that You be with them also on this day that You have made.

We ask all of these things in You in Jesus' name. Thank You, Lord. Amen.

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

### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:04 a.m.

10:19 a.m.

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

During the recess, Senators Clark-Coleman, Patterson, Allen, Richardville, Scott, George, Kuipers, Bishop, Cassis, Brown, Van Woerkom, Birkholz, McManus, Hardiman, Jansen, Pappageorge, Stamas, Gilbert and Kahn entered the Senate Chamber.

A quorum of the Senate was present.

### Motions and Communications

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

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

**House Bill No. 4850, entitled**

A bill to amend 2005 PA 226, entitled "Michigan tobacco settlement finance authority act," by amending section 8 (MCL 129.268).

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

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

**House Bill No. 4850**

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

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

The motion prevailed.

Senator George's statement is as follows:

I'm joined by Representative Schuitmaker as well. This is a memorial tribute honoring U.S. Army Specialist James L. "Jimmy" Arnold.

“LET IT BE KNOWN, That it is with deepest gratitude for the life and dedicated service of U.S. Army Specialist James L. ‘Jimmy’ Arnold of Mattawan, Michigan, that we join with his family, friends, fellow soldiers, and citizens across the country in honoring this fallen American hero.

Specialist James Arnold gave his life for his country on Thursday, March 15, 2007, in Baghdad, Iraq, while supporting Operation Iraqi Freedom, when an improvised explosive device detonated near his unit during combat operations. He was assigned to the 1st Squadron, 8th Cavalry Regiment, 2nd Brigade Combat Team, 1st Cavalry Division in Fort Hood, Texas, before his deployment to Iraq.

A 2004 graduate of Mattawan High School in Mattawan, Michigan, Jimmy Arnold enjoyed playing hockey and paintball and was instrumental in developing the ‘Blue Crew’ at Mattawan. He is remembered for his quiet dedication and sacrificing loyalty in caring for those around him. We extend our deepest sympathy to Specialist Arnold’s parents, Phillip Arnold and Mary Ryan, his sisters Amanda, Laura, Christy and Michelle, his brothers-in-law, his grandparents, niece and nephews, his many aunts, uncles and cousins, and all who feel his loss so intensely and cherish his memory with extraordinary pride and love.

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to James L. Arnold to honor this United States Army Specialist who will be remembered for his selfless service and admired for his commitment to duty. Although our words cannot ease the pain of this tremendous sacrifice, may Specialist Arnold’s proud family know of our highest respect and appreciation for his dedication and may his heroic efforts to defend our liberty never be forgotten.”

A moment of silence was observed in memory of Army Specialist James L. “Jimmy” Arnold.

Senator Hunter’s statement is as follows:

I rise today to pay tribute to a son of Michigan, Private First Class Joshua D. Brown. Joshua Brown, formerly of Dearborn Heights, was killed in Iraq on Sunday, June 3, after his vehicle struck an improvised explosive the previous day. Joshua Brown was 26 years old.

You know, people are more alike than we sometimes recognize. People walking down the street, living next door, across the country, and around the world, they really are not that different from you and me. Just like us, they believe that somewhere, somehow they can make a difference in this world.

Wayne Brown, Joshua’s dad, said that his son felt he was improving life for people who lived for too long under a dictator. Private First Class Joshua D. Brown was making a difference. Joshua grew up in Michigan and moved to Tampa, Florida, before enlisting in the Army in 2005. He leaves behind his wife of two months Elizabeth, his mother Marianne, his stepson Scotty, two brothers, and a sister, as well as many friends in both Florida and Michigan.

Joshua Brown served with the 1st Battalion, 18th Infantry Regiment, 2nd Brigade Combat Team, 1st Division in Schweinfurt, Germany. A week before he was killed in Iraq, Joshua talked with his dad on the phone and assured his father not to worry, that God is faithful. His father took great comfort in that conversation. He went there to help people his father said and that’s what he did. Joshua Brown made a difference indeed.

His death brings to 162 the number of Michigan sons and daughters who have died in Iraq. We bless them all and offer condolences and gratitude to the Brown family and friends, hoping that they find comfort in the fact that Joshua died following his heart to make the world a better place.

A moment of silence was observed in memory of Army Private First Class Joshua D. Brown.

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

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

Senator Cropsey moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

### **Recess**

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

The motion prevailed, the time being 10:27 a.m.

10:50 a.m.

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

During the recess, Senator Bishop presented the Detroit Symphony Orchestra for a special musical presentation and introduced Anne Parsons, president; Thomas Wilkins, resident conductor; and Mami Kato, operations manager and musician liaison.

Ms. Parsons and Mr. Wilkins responded briefly.

By unanimous consent the Senate proceeded to the order of  
**Messages from the House**

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

**Senate Bill No. 94**

**Senate Bill No. 360**

The motion prevailed.

**Senate Bill No. 354, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 40107c.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

**House Bill No. 4208, entitled**

A bill to amend 1982 PA 204, entitled “An act to provide for and regulate the use of interpreters in administrative and judicial proceedings and in certain other instances; to establish standards for interpreters; and to provide compensation for interpreters, and to provide for the promulgation of rules,” by amending sections 2 and 3 (MCL 393.502 and 393.503) and by adding section 3a.

(For text of amendment, see Senate Journal No. 57, p. 848.)

The question being on concurring in the House amendment made to the Senate substitute,

Senator Kuipers offered the following amendment to the House amendment:

1. Amend the House Amendment, page 5, following line 2, after “MCL 393.508b” by striking out the balance of the enacting section and inserting a comma and “takes effect October 1, 2007 and applies to crimes committed on or after that date.”.

The amendment to the amendment was adopted.

The question being on concurring in the House amendment made to the Senate substitute, as amended,

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

**Roll Call No. 167**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: President

By unanimous consent the Senate returned to the order of  
**Motions and Communications**

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

June 7, 2007

Pursuant to Public Act 224 of 2004 (MCL 600.108), I am making the following reappointments to the State Drug Treatment Court Advisory Committee:

Mr. Ken Aud, Michigan Department of Corrections - Oakland Area, 1200 N. Telegraph, Building 26 East, Pontiac, MI 48341, representing a Probation Officer who has worked for at least 2 years for a drug or alcohol treatment court, for a term of four years.

Judge Patrick Bowler, 61st District Court, Kent County Courthouse, 180 Ottawa Avenue NW, Suite 8A, Grand Rapids, MI 49503, representing the Michigan Association of Drug Court Professionals, for a term of four years.

Ms. Charita Coleman-Gladdis, Ninth Circuit Court, 227 W. Michigan Avenue, Kalamazoo, MI 49007, representing the adult Drug Treatment Court graduate position.

Judge William T. Ervin, Isabella County Probate Court, 300 N. Main Street, Mt. Pleasant, MI 48858, representing the juvenile court judge position.

Ms. Leah Heinze, 763 W. Shepherd, Apt. 1, Charlotte, MI 48813, representing the juvenile drug treatment court graduate position.

Ms. Beth Morrison, HAVEN, 2550 Telegraph, Suite 111, Bloomfield Hills, MI 48302, representing domestic violence service provider programs that receive funding from the state Domestic Violence Prevention and Treatment Board.

Mr. Homer Smith, MADD Michigan, P.O. Box 21157, Lansing, MI 48909, representing an individual who is an advocate for the rights of crime victims.

Dr. Chuck Spence, Kalamazoo County Mental Health & Substance Abuse Services, Regional Substance Abuse Services, 3299 Gull Road, Nazareth, MI 49074, representing a substance abuse coordinating agency.

Respectfully,  
Michael D. Bishop  
Senate Majority Leader

The communication was referred to the Secretary for record.

The following communication was received and read:  
Office of the Auditor General

June 8, 2007

Enclosed is a copy of the following audit report:

Follow-up on the performance audit of the Automated Information Systems, Department of State and Department of Information Technology.

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

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

The following communication was received:  
Utility Consumer Participation Board

April 2, 2007

In accordance with Public Act 304 of 1982, the attached 2005 Annual Report for the Michigan Utility Consumer Representation Fund (UCRF) is transmitted to the Legislature.

The state's six largest investor-owned utilities who use cost recovery proceedings to recover purchased gas and power supply costs from ratepayers were required, under this Act, to remit a total ratepayer funded assessment of \$1,013,299 in 2005 to provide for fair and adequate representation of Michigan residential energy ratepayers in gas and power supply cost recovery proceedings, reconciliation cases and other related proceedings before the Michigan Public Service Commission. 47.5% of the revenue is allocated to fund intervenor grants, 47.5% of the revenue is allocated to the Department of Attorney General, and the remaining 5% is allocated for administrative costs.

Grants awarded in calendar year 2005 totaled \$1,022,500. Total funding available in the calendar year 2005 was \$522,500 (FY05 authorized) and \$500,000 (requested FY06 authorization pending approval of the budget). The Utility Consumer Participation Board granted its full authorization (actual and pending) to support intervention efforts of non-profit, utility consumer groups. While all of the interests that applied for funding received an award, several intervention proposals for FY 06 were scaled back or fees renegotiated due to limited funds. The cases selected for UCRF funding represent approximately 95%. The cases selected for UCRF funding represent approximately 95% of the residential customers of utilities participating in cost-recovery proceedings or almost 3 million natural gas customers and 3.5 million electric customers in the state of Michigan. In 2005, UCRF funded intervention efforts resulted in an estimated combined savings of over \$100 million for Michigan energy utility ratepayers. Many of the reductions and disallowances achieved by UCRF funded intervenors continue to benefit ratepayers over the long-term. In addition, policy reforms brought about by the active participation of UCRF funded consumer groups assure greater equity and efficiency in future energy utility planning and ratemaking.

The Attorney General's Office expended \$368,541 of UCRF funds in calendar year 2005 for intervention on behalf of the utility ratepayers of Michigan. The Attorney General's Office will submit its P.A. 304 Annual Report under separate cover.

Sincerely,  
Dr. Harry M. Trebing  
Chair

The communication was 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](http://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 Thursday, June 7:  
**House Bill Nos. 4215 4471 4614 4673**

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, June 7, for her approval the following bill:

**Enrolled Senate Bill No. 344 at 3:26 p.m.**

The Secretary announced that the following official bills were printed on Thursday, June 7, and are available at the legislative website:

**Senate Bill No. 571**  
**House Bill Nos. 4877 4878 4879 4880 4883 4884**

The Secretary announced that the following official bills and joint resolutions were printed on Friday, June 8, and are available at the legislative website:

<b>Senate Bill Nos.</b>	<b>572</b>	<b>573</b>	<b>574</b>	<b>575</b>	<b>576</b>	<b>577</b>					
<b>House Bill Nos.</b>	<b>4881</b>	<b>4882</b>	<b>4885</b>	<b>4886</b>	<b>4887</b>	<b>4888</b>	<b>4889</b>	<b>4890</b>	<b>4891</b>	<b>4892</b>	<b>4893</b>
<b>House Joint Resolutions</b>		<b>N</b>	<b>O</b>								

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

The following bill was read a third time:  
**Senate Bill No. 486, entitled**

A bill to amend 1971 PA 22, entitled “An act prescribing the age at which persons may donate their blood,” by amending section 1 (MCL 722.41), as amended by 1981 PA 228.

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. 168**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Garcia

**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 Hardiman 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 11:16 a.m.

11:28 a.m.

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

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. 476, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5080 (MCL 600.5080), as added by 2000 PA 420.

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. 477, entitled**

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 4 (MCL 722.24), as amended by 1998 PA 482.

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. 387, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2006 PA 508.

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. 388, entitled**

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending sections 2 and 15 (MCL 567.222 and 567.235).

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 amendments, the following bill:

**House Bill No. 4850, entitled**

A bill to amend 2005 PA 226, entitled "Michigan tobacco settlement finance authority act," by amending section 8 (MCL 129.268).

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

1. Amend page 2, line 9, after "~~\$400,000,000.00~~" by striking out "\$810,000,000.00" and inserting "\$815,000,000.00".

2. Amend page 2, line 12, after "12.256," by striking out "\$202,800,000.00" and inserting "\$207,800,000.00".

The Senate agreed to the amendments recommended by the Committee of the Whole, and the bill as amended 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 bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

**House Bill No. 4850**

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

The following bill was read a third time:

**House Bill No. 4850, entitled**

A bill to amend 2005 PA 226, entitled "Michigan tobacco settlement finance authority act," by amending section 8 (MCL 129.268).

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. 169**

**Yeas—23**

Allen	Brown	Jacobs	Stamas
Anderson	Cherry	Jelinek	Switalski
Barcia	Clark-Coleman	Kuipers	Thomas
Basham	Clarke	McManus	Van Woerkom
Birkholz	Gleason	Olshove	Whitmer
Bishop	Hunter	Prusi	

**Nays—14**

Brater	Gilbert	Pappageorge	Sanborn
Cassis	Hardiman	Patterson	Schauer
Cropsey	Jansen	Richardville	Scott
George	Kahn		

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: President

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

"An act to create the Michigan tobacco settlement finance authority; to create funds and accounts; to provide for the sale by this state and the purchase by the authority of all or a portion of tobacco settlement assets; to authorize the issuing of bonds and notes; to prescribe the powers and duties of the authority, the state administrative board, the state treasurer, and certain other state officials and state employees; and to make appropriations and prescribe certain conditions for the appropriations,".

The Senate agreed to the full title.

### Protests

Senators Sanborn and Cassis, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4850 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Sanborn’s statement is as follows:

House Bill No. 4850, the tobacco securitization money, is a bad idea. It’s a bad financial strategy because you’re selling off a future income to the state for pennies on the dollar to address a structural deficit. The problem is, in future budgets, you will still have that structural hole in your budgetary boat, but you will have sold off the bucket that you used to bail out the boat.

It’s fittingly symbolic that we had a string quartet play here today because this economic plan is tantamount to the budgetary sinking of the *Titanic*.

Senator Cassis’ statement is as follows:

Let’s be clear what House Bill No. 4850, as amended, does. This will pay for lottery advertising. This \$5 million is not additional revenue for the School Aid Fund, and it won’t go to our schools. It relieves Governor Granholm of her veto removing the \$5 million in the first place, and it, therefore, then increases the total securitization amount from \$410 million to \$415 million.

Colleagues, we’re encouraging people to gamble, especially the most vulnerable among us—those who have less discretionary dollars, much less, those who have lost jobs, and those facing foreclosures or bankruptcy in the hopes of hitting it big, hoping against hope for a miracle.

Senators Whitmer, Gleason, Basham and Clark-Coleman asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Whitmer’s statement, in which Senators Basham and Clark-Coleman concurred, is as follows:

A few weeks ago right before Memorial Day weekend, we sat here for 10 hours and we cast one vote. For me, it was a “no” vote. I voted against the 2007 fix because it was not a fix at all. We simply pushed the inevitable tough votes off for another day in favor of this continued shortsighted shell game.

Now make no mistake. This vote represents another one-time revenue gimmick to pay for an ongoing expense, the education of our children. You couldn’t get away with this kind of thing in the private sector. Are our standards that much lower? Because Senate leadership is unwilling to invest in schools and prevent a pro rata cut at the end of the year, we’ve been left with no choice. I’m astounded that we’ve really come to this point.

I’m going to hold my nose and vote “yes,” but I’m not doing it because it’s good fiscal policy. I’m not doing it because we finally channeled the wisdom and political fortitude to finally put the people’s house in order. I’m not voting “yes” because this is a real solution. It’s not. I’m voting “yes” because this is the only way to avoid what’s otherwise an unconscionable, retroactive pro rata cut to our schools.

Senator Gleason’s statement is as follows:

I came down to Lansing and I was very honored to come down to Lansing four years and five months ago. Our business at that particular time was from misguided and misdirected policy that put me and others who have joined the legislative body on that particular day in a very harmful situation. Since the day I came down here, we’ve been cutting programs and services vital to people in the state of Michigan. A few weeks ago, we cast a vote so that we would have a one-time fix that would be required to once again compromise our future as a state. At that particular time, it was \$200 million that we were going to be asked for to plug that hole in the aforementioned *Titanic*.

I’m not alone when we stand here and we talk about tough districts that we represent. I have the historically great city of Flint. My county was the only county during the prosperous times in the 1990s to see an increase in the rise of poverty. Now many people think that those in poverty have taken a shortcut in life, but in my county, the reason that we had an increase in poverty was because of the working poor. They were working as we asked them to do, but they weren’t making enough money to rise above the poverty level, so they still needed assistance.

My concern is that I’m going to leave future bodies with the same experience that I had—giving our money away today when we may have a more urgent need in the future. Now there’s an old saying that says, “May you have the hindsight to know where you’ve been, the foresight to know where you are going, and the insight to combine the two and make a good decision.” I voted for this fix—I think a very onerous fix—a couple of weeks ago. I will do it today—again because I know there are those who are in a lot worse situations than I am personally, but I don’t think this is a very good decision.

Now, normally, when you know you're not going to make a good decision, you would vote "no," but I think those folks back home and in tough districts across this state are expecting us to make sure that they have the health care that's required.

Mr. President, I know we can do better. I didn't come down here to take an easy road. I think we are once again doing that today.

Senator Basham's statement is as follows:

I was just thinking to myself, if I was the head of the State Senate, I would do the other part of this budget puzzle which we need to do. In fact, I would increase the revenues the state needs and not play the games we are playing here today.

By unanimous consent the Senate proceeded to the order of  
**Statements**

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

The motion prevailed.

Senator Scott's statement is as follows:

Booker T. Washington, one of America's most scholarly educators and African American community leaders, reminded us more than a century ago, "It is the individual that exercises the most patience, forbearance, and self-control in the midst of trying conditions that wins."

Well, my friends, I think I've proven to you that I've got patience, and my three years worth of daily statements on this floor have demonstrated my forbearance. While my patience has certainly been tested at times, I am prepared to win my fight to secure fair and equitable treatment of Michigan citizens when it comes to insurance rates. These trying conditions are not letting up. Michigan drivers are still discriminated against. My bills are still awaiting action. I urge you to take up my legislation now.

Senator Clark-Coleman's statement is as follows:

First of all, I would move that the remarks presented by the Senator from District 23 be entered as my "yes" vote on House Bill No. 4850. It was probably the toughest vote that I've had to cast, but I must think of the children and that was the only reason I was able to cast that "yes" vote. Every gesture within my body wanted to vote "no" on that piece of legislation.

I rise to extol today's appearance by the Detroit Symphony Orchestra and to celebrate the joy and magic that their performance continues to inspire. But as a member of the History, Arts, and Libraries Subcommittee, I find it incredibly ironic that these treasured musicians described by my colleague across the aisle as the "crown jewel of Michigan for nearly 100 years" would suffer a cut to their budget by a whopping 50 percent, a blow dealt by these very same colleagues.

Resident Conductor Thomas Wilkins, our guest this morning, told of a college student who wept during her first live orchestra experience. He described the Detroit Symphony Orchestra as providing everyday, ordinary people an opportunity to discover their soul. He portrayed for us that imaginative and creative path that music often takes us on. He, along with an international cadre of critics, frequently used the term "world-class" to describe the DSO achievements. Yet, he made this inspiring remark in the very same chamber where those draconian cuts to arts and culture were made. Someone please explain this logic.

Meanwhile, I urge, indeed, I beseech the HAL Subcommittee to restore the funding that our state needs to assure that our memories do not become more exciting than our dreams.

Senator Brater's statement is as follows:

Mr. President and colleagues, last week two of my colleagues rose to make note of the tragic loss of the aircraft bearing the organ transplant team of University of Michigan. Today, I would like to speak specifically about the individual heroes who died in the loss of this plane.

The organ transplant program is a crucial lifesaving mission of the University of Michigan hospital and depends on the skill, talent, and courage of many outstanding professionals. The Ann Arbor and University of Michigan communities, and indeed, the entire state of Michigan mourn the tragic loss of these brave men.

Dr. David Ashburn of Dexter joined the University of Michigan in 2005 as a resident in pediatric cardiothoracic surgery. He was planning to begin a fellowship in pediatric cardiovascular surgery in July. He graduated from Quillen College of Medicine at East Tennessee State University in 1998 and went on to complete an internship and residency in general surgery at Wake Forest University. In 2003, he finished a two-year congenital heart surgery fellowship at the University of Toronto. He served as chief resident at Wake Forest's Bowman Gray Campus from 2004 to 2005. Dr. Ashburn is survived by his wife Candice and three children.

Richard Chenault II of Ann Arbor was 44. He joined the University of Michigan in 1985 and served as a transplant donation specialist with the U-M Transplant Program for 10 years. In 2006, he received the U.S. Department of Health and Human Services' distinguished Medal of Honor for his efforts to increase organ donation at U-M. He attended Eastern Michigan University and Spring Arbor College. He is survived by his wife, daughter, and stepson.

Rick Lapensee of Van Buren Township joined the U-M Transplant Program as a part-time donation specialist in 2005. He had served as an EMT and firefighter for the city of Ypsilanti Fire Department for 14 years. The U-M job combined his passions: aviation and helping people. He is survived by his wife of 23 years, Claudia, and his two sons, Brendan, 18, and Derrick, 14.

Dr. Martinus Spoor was an Ann Arbor resident and affectionately known by his colleagues as Mart or Martin. He was a clinical instructor at the University of Michigan Medical School in the Section of Cardiac Surgery. A Canada native, Dr. Spoor received his medical degree from the University of Calgary in Alberta. He came to the University of Michigan in 2003 for a heart failure fellowship, and he completed a critical care fellowship in 2006. He flew about 10 transplant runs per year. He is survived by his wife Susan, who is also a doctor, and three children.

There were also two pilots who were lost: pilot Dennis Hoyes, a pilot with Marlin Air and is survived by his wife and two children; and pilot William Serra, who served in 1993 in the Air Force in Desert Storm, and he is survived by his wife and three children.

We mourn the loss of all of these brave men, and we wish their families and colleagues to know of our sympathy in this time of mourning. We wish them strength and courage in the months and years ahead.

Senator Cassis' statement is as follows:

I want to join with the good Senator from Ann Arbor in expressing our collective compassion and condolences. The loss of that incredible organ transplant team and the two pilots is a very sad time in our history.

On another note, as a former violinist myself, today the Detroit Symphony's quartet has given us an incredibly beautiful lesson. This quartet played in harmony. Oh, how I wish that as elected leaders we could find similar harmony, especially today as it comes to reach a common chord on Michigan's main business tax replacement. Harmony is a wonderful thing. It just takes motivation and work.

By unanimous consent the Senate returned to the order of

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

Senator Gleason introduced

#### **Senate Bill No. 578, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 173.

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

Senators Barcia, Hunter, Schauer, Gleason, Anderson, Pappageorge, Cherry and Olshove introduced

#### **Senate Bill No. 579, entitled**

A bill to amend 1955 PA 133, entitled "An act to provide for the granting of military leaves and providing re-employment protection for officers and enlisted men of the military or naval forces of the state or of the United States," (MCL 32.271 to 32.274) by amending the title and by adding section 3b.

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

Senators Garcia, Jansen and Jacobs introduced

#### **Senate Bill No. 580, entitled**

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending sections 2, 3, and 5 (MCL 52.202, 52.203, and 52.205), section 2 as amended by 2004 PA 153 and sections 3 and 5 as amended by 2006 PA 569, and by adding section 5b.

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

Senators Whitmer, Pappageorge, Schauer, Cherry, Basham and Jacobs introduced  
**Senate Bill No. 581, entitled**

A bill to regulate certain contracts and transactions involving athlete agents and student-athletes in this state; to provide for licensure and regulation of certain athlete agents; to provide for certain powers and duties of certain state agencies; to require certain disclosures; to create certain causes of action; to provide for remedies and penalties; 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 Judiciary.

Senators Switalski, Kuipers, Gleason and Pappageorge introduced  
**Senate Bill No. 582, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280b (MCL 380.1280b), as added by 2000 PA 230, and by adding section 1280c; 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 Education.

Senators Clarke, Gleason, Scott, Hunter, Clark-Coleman and Basham introduced  
**Senate Bill No. 583, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2027a.

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

Senators Patterson, Allen, Richardville, Kuipers, Sanborn, Gilbert, Van Woerkom and Pappageorge introduced  
**Senate Bill No. 584, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 456.

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

Senators Patterson, Kuipers, Thomas and Richardville introduced  
**Senate Bill No. 585, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.10cc) by adding section 6r.

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

**House Bill No. 4215, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2006 PA 664.

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 Finance.

**House Bill No. 4471, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40102 (MCL 324.40102), as amended by 2000 PA 347.

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.

**House Bill No. 4614, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40107d.

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.

**House Bill No. 4673, entitled**

A bill to amend 1961 PA 39, entitled "An act to regulate insurance, bankruptcy, mortgage, insolvent, assignee's, executor's, administrator's, receiver's, trustee's removal and closing out sales, and sales of goods, wares and merchandise damaged by fire, smoke, water or otherwise; to provide penalties for the violation hereof; and to repeal certain acts and parts of acts," by amending section 6 (MCL 442.216).

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 Commerce and Tourism.

**Committee Reports**

The Committee on Economic Development and Regulatory Reform reported

**Senate Bill No. 471, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 521a (MCL 436.1521a), as added by 2006 PA 501.

With the recommendation that the bill pass.

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

Alan Sanborn  
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen and Gilbert

Nays: Senators Thomas, Hunter and Jacobs

The bill was referred to the Committee of the Whole.

**COMMITTEE ATTENDANCE REPORT**

The Committee on Economic Development and Regulatory Reform submitted the following:  
Meeting held on Wednesday, June 6, 2007, at 1:00 p.m., Rooms 402 and 403, Capitol Building  
Present: Senators Sanborn (C), Richardville, Allen, Gilbert, Thomas, Hunter and Jacobs

The Committee on Appropriations reported

**Senate Bill No. 232, entitled**

A bill to make appropriations for the department of human services and certain state purposes related to public welfare services for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Ron Jelinek  
Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas and Barcia

Nays: Senators Switalski, Anderson, Brater, Cherry, Clark-Coleman and Scott

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

The Committee on Appropriations reported

**House Bill No. 4766, entitled**

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending section 20m (MCL 38.1140m), as added by 2002 PA 728.

With the recommendation that the bill pass.

Ron Jelinek  
Chairperson

## To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Cherry, Clark-Coleman and Scott

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, June 6, 2007, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

The Committee on Education reported

**Senate Bill No. 571, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1311 and 1311a (MCL 380.1311 and 380.1311a), section 1311 as amended by 1999 PA 23 and section 1311a as amended by 2000 PA 230.

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, Van Woerkom, Cassis, Whitmer and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

**House Bill No. 4661, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 411a and 416 (MCL 380.411a and 380.416), as amended by 2004 PA 303.

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, Van Woerkom, Cassis, Whitmer and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, June 7, 2007, at 2:30 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Van Woerkom, Cassis, Whitmer and Gleason

## COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees submitted the following:

Meeting held on Wednesday, June 6, 2007, at 3:00 p.m., Room H-252, Capitol Building

Present: Senator Clarke

Excused: Senator McManus

## COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, June 7, 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 Committee on Energy Policy and Public Utilities submitted the following:

Meeting held on Thursday, June 7, 2007, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Brown, Birkholz, Kuipers, Olshove, Prusi and Thomas

Excused: Senator Richardville

**Scheduled Meetings**

**Agriculture** - Thursday, June 14, 9:00 a.m., Room 110, Farnum Building (373-1635)

**Appropriations** - Wednesday, June 13, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Economic Development and Regulatory Reform** - Wednesday, June 13, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

**Energy Policy and Public Utilities** - Thursday, June 14, 1:00 p.m., Room 210, Farnum Building (373-7350)

**Natural Resources and Environmental Affairs** - Wednesday, June 13, 1:00 p.m., Room 110, Farnum Building (373-3447)

**Senior Citizens and Veterans Affairs** - Wednesday, June 13, 9:00 a.m., Room 100, Farnum Building (373-2413)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 12:06 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, June 13, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate