

No. 65
STATE OF MICHIGAN
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REGULAR SESSION OF 2007

Senate Chamber, Lansing, Wednesday, June 27, 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—excused
Patterson—present
Prusi—present
Richardville—present
Sanborn—present
Schauer—present
Scott—present
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

Pastor Ken Benson of United Methodist Church of Lansing offered the following invocation:

Father, we give You thanks for this beautiful day. We thank You also, dear God, for dedicated servants who are willing to commit their lives to make this state a better place for all of Your children. As the Senate debates today and as they do the business of the state, may they be guided and directed by Your Spirit to do that which is best for all of us.

Bless us now; lead and guide us as we pray in Jesus' name. Amen.

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

Motions and Communications

Senators Brown, McManus, Gilbert, Schauer, Scott and Hunter entered the Senate Chamber.

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

June 27, 2007

Pursuant to Joint Rule 3, the House of Representatives having non-concurred in the Senate substitute (S-9) to Senate Bill 94, appoints the following members to sit on the conference committee:

Senator Michael D. Bishop

Senator Nancy Cassis

Senator Samuel Thomas III

Thank you for your prompt consideration of this matter.

Respectfully yours,
Michael D. Bishop
Majority Leader
State Senate, 12th District

The communication was referred to the Secretary for record.
The bill was referred to the Conference Committee.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:05 a.m.

11:24 a.m.

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

During the recess, Senators Brater, Bishop, Clarke, Garcia and Barcia entered the Senate Chamber.

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

The motion prevailed.

Senator Cropsey's statement is as follows:

You know, our schedules can be a little bit erratic and a little bit hectic; not only our schedules, but the schedules for our staff people also. When you have good staff, that really helps tremendously for us to do our jobs. One of the key staff people I have is the lady who sits at the front desk. You come into my office and she makes people feel warm and welcome and smiles. It is just wonderful to have somebody there so that when constituents come in or when other people come in, they say, "Would you like a cup of coffee?" and gives them a nice smile and makes them feel right at home.

Unfortunately, Melanie Miles on my staff, who does the receptionist job, will be leaving. She is going to be working down in the southeastern part of the state in her area of training. She has just been a wonderful asset in our office, and I am going to be missing her. She has been dependable every day that she has been there. She is one of those types of people when there isn't anything on her desk, she is looking around at other people and saying, "Boy, you are working hard; can I help you out?" She's just an invaluable staff person. I just hate to lose her, but I know she is going on to better things.

I just wanted to thank Melanie Miles for the work that she has put in in my office and to recognize her on the floor of the Senate today.

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, June 26:
House Bill Nos. 4132 4240 4399 4936

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, June 26, for her approval the following bills:

- Enrolled Senate Bill No. 266 at 10:39 a.m.**
- Enrolled Senate Bill No. 360 at 10:41 a.m.**

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 Kuipers as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 570, entitled

A bill to amend 2006 PA 479, entitled “Michigan promise grant act,” by amending section 2 (MCL 390.1622).

Senate Bill No. 600, entitled

A bill to amend 2006 PA 479, entitled “Michigan promise grant act,” by amending sections 4 and 8 (MCL 390.1624 and 390.1628).

The bills were 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 following bills be placed at the head of the Third Reading of Bills calendar:

- Senate Bill No. 530**
- Senate Bill No. 545**
- Senate Bill No. 365**

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 530, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 82126 (MCL 324.82126), as amended by 2003 PA 2.

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. 202

Yeas—37

Allen	Clark-Coleman	Jacobs	Richardville
Anderson	Clarke	Jansen	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Garcia	Kahn	Scott
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Olshove	Thomas

Brown
Cassis
Cherry

Hardiman
Hunter

Patterson
Prusi

Van Woerkom
Whitmer

Nays—0

Excused—1

Pappageorge

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 545, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 3118 (MCL 324.3118), as amended by 2004 PA 91.

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. 203

Yeas—37

Allen
Anderson
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
Hunter

Jacobs
Jansen
Jelinek
Kahn
Kuipers
McManus
Olshove
Patterson
Prusi

Richardville
Sanborn
Schauer
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—1

Pappageorge

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 365, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 451 (MCL 500.451), as amended by 1994 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. 204

Yeas—31

Allen	Cherry	Jansen	Sanborn
Anderson	Clarke	Jelinek	Schauer
Barcia	Cropsey	Kahn	Stamas
Birkholz	Garcia	Kuipers	Switalski
Bishop	George	McManus	Thomas
Brater	Gilbert	Olshove	Van Woerkom
Brown	Gleason	Patterson	Whitmer
Cassis	Hardiman	Richardville	

Nays—6

Basham	Hunter	Prusi	Scott
Clark-Coleman	Jacobs		

Excused—1

Pappageorge

Not Voting—0

In The Chair: Richardville

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. 79

The resolution consent calendar was adopted.

Senators Allen, Prusi and George offered the following resolution:

Senate Resolution No. 79.

A resolution commemorating the Fiftieth Anniversary of the completion of the Mackinac Bridge.

Whereas, The Michigan Senate is proud to commemorate the Fiftieth Anniversary of the completion of the Mackinac Bridge, providing the vital link between the Upper and Lower Peninsulas of our great state; and

Whereas, In 1934, the Michigan Legislature created the Mackinac Straits Bridge Authority and empowered it to investigate the feasibility of the construction of a bridge and to finance the work through the issuance of revenue bonds. Despite limited funds, the authority actively pursued this project and had the blessings of the United States Army Corps of Engineers, as well as President Franklin Delano Roosevelt. However, work stalled with the onset of World War II, and ultimately, the Michigan Legislature abolished the authority in 1947; and

Whereas, In 1950, the Michigan Legislature re-established the Mackinac Straits Bridge Authority with direction to facilitate the creation of a bridge connecting Mackinaw City and St. Ignace, joining the two unique peninsulas that make up our state; and

Whereas, In 1954, construction officially began on the bridge under the direction of Dr. David Steinman to create the longest suspension bridge in the world. With finance and construction efforts coming from all over the nation, the construction of the bridge proved to be a vital boost in the economy of our state. Utilizing the most recent technological and engineering advances, as well as 42,000 miles of cable, the five-mile bridge is able to accommodate four lanes of motorized traffic and is suspended 200 feet above the choppy waters of the Straits of Mackinac; and

Whereas, The bridge opened for traffic as scheduled on November 1, 1957, despite the many hazards of maritime construction over the Straits of Mackinac, officially creating our state's most recognizable man-made landmark; and

Whereas, With over four million crossings of the Mackinac Bridge annually, it is essential to the economic vitality of our state that the Mackinac Bridge be recognized upon reaching the milestone of fifty years of service linking the Upper and Lower Peninsulas. The bridge has allowed for historical and economic growth in Michigan and has helped vitalize the immensely important tourism industry in northern Michigan; and

Whereas, The millions of visitors and commercial vehicles that traverse the bridge every year directly contribute to the local economies of St. Ignace, Mackinac Island, and Mackinaw City in a given year, making the Mackinac Bridge extraordinarily important in the regional and statewide economy; and

Whereas, The Mackinac Bridge has become a worldwide landmark, symbolizing the ingenuity with which our state has come to be known. The crown jewel of our great state, the "Mighty Mac" has served to inspire the fortitude, strength, and spirit of Michigan and its people. A symbol of the enduring greatness of our state, the Mackinac Bridge is evidence of the determination and willpower of the citizens of Michigan; now, therefore, be it

Resolved by the Senate, That we hereby commemorate the Fiftieth Anniversary of the Mackinac Bridge. Special thanks is given to the engineers and iron workers who designed, built, and continue to maintain this piece of Michigan history and to the community and state leaders who believed in this grand vision of two peninsulas united by a bridge of steel. It is a pleasure to recognize this important structure and the vital purpose it has served in Michigan's commerce, travel, economic well-being, and source of pride; and be it further

Resolved, That copies of this resolution be transmitted to the Mackinac Bridge Authority, the city of St. Ignace, the village of Mackinaw City, the city of Mackinac Island, and the Michigan Department of Transportation in celebration of this historical milestone.

Senators Anderson, Barcia, Basham, Cassis, Clarke, Gilbert, Gleason, Jacobs, Kuipers, Richardville, Schauer, Switalski and Van Woerkom were named co-sponsors of the resolution.

Senators Garcia, Brater, Cropsey, Allen, Barcia and Gilbert offered the following resolution:

Senate Resolution No. 80.

A resolution to encourage the Federal Highway Administration to approve the \$1,000,000 grant request, submitted by the Michigan Department of Transportation, to develop a rail transit route as an alternative to U.S. 23 in Livingston and Washtenaw counties.

Whereas, The U.S. 23 corridor, one of the most heavily congested corridors in Southeast Michigan, is a critical route connecting the communities of Howell and Brighton to the Ann Arbor area and is the key route for traffic flow between Livingston and Washtenaw counties. U.S. 23 between Livingston and Washtenaw counties continually experiences heavy congestion, resulting in more than 2,600 crashes per year. Almost 60 percent of these accidents are rear-end crashes during peak traffic times and nearly 19 percent of the crashes result in injuries. Between 2003 and 2005, accidents on this stretch of highway resulted in over 600 injuries and 6 fatalities; and

Whereas, The development of a commuter rail system that parallels the U.S. 23 corridor to provide morning and evening peak service would establish the only general transit connection between Livingston and Washtenaw counties. Surveys completed by the University of Michigan, the Ann Arbor Chamber of Commerce, the Brighton Chamber of Commerce, and the Washtenaw Community College demonstrate a significant interest in a commuter rail system, with more than half the respondents indicating that they would use such a service 4 to 5 days per week; and

Whereas, A commuter rail system is being planned and developed by a large group of community partners, including Great Lakes Central Railroad, the Michigan Department of Transportation, Livingston County, Washtenaw County, the city of Ann Arbor, the city of Brighton, the city of Howell, Ann Arbor Township, Northfield Township, the Ann Arbor Chamber of Commerce, the Greater Brighton Chamber of Commerce, the Howell Chamber of Commerce, the Ann Arbor Transportation Authority, and the Livingston Essential Transportation Services. To help this partnership move forward in establishing an alternative general transit route between Livingston and Washtenaw counties, a grant request for \$1,000,000 was submitted to the Federal Transportation, Community, and System Preservation Program to assist in paying for the necessary upgrades to support a safe and secure passenger system with appropriate stops to pick up and drop off passengers; now, therefore, be it

Resolved by the Senate, That we encourage the Federal Highway Administration to approve the \$1,000,000 grant request, submitted by the Michigan Department of Transportation, to develop a rail transit route as an alternative to

highway travel on U.S. 23 to reduce congestion and provide a more comprehensive transportation plan for travel between Livingston and Washtenaw counties; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan congressional delegation, the Federal Highway Administration, Great Lakes Central Railroad, the Ann Arbor Transportation Authority, and Livingston Essential Transportation Services.

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 resolution was adopted.

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

The motion prevailed.

Senator Garcia’s statement is as follows:

I am the sponsor of this resolution to express the Senate’s support for a grant of \$1 million from the Federal Highway Administration for the development of a passenger railcar service between Ann Arbor, Brighton, and Howell. As you know, I represent Brighton and Howell. I also happen to travel the U.S. 23 corridor quite often. My son goes to the University of Michigan, and I get down to the southeast portion of the state a fair amount. This highway, U.S. 23, experiences a tremendous amount of traffic, both in the morning and in the evening, and there is no viable alternative route. So what this would do is provide an opportunity of rail service, giving alternate means of transportation for people who are traveling to and from Brighton and Howell down to Ann Arbor.

I think it would behoove this body to support this resolution so that we can get the Federal Highway Administration to give us this grant.

Senators Bishop and Cropsey offered the following resolution:

Senate Resolution No. 81.

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 3.313 is hereby amended to read as follows:

“3.313 MOTION FOR CALL OF THE SENATE

A Call of the Senate shall be ordered by a majority of the Senators ~~voting, whether a quorum or not~~ **ELECTED AND SERVING**. After a Call of the Senate is ordered, the doors shall be closed and the Senators shall not be permitted to leave the Senate floor without permission of the Senate. The roll of the Senate shall be taken by the Secretary of the Senate and the absentees noted. The Sergeant at Arms, or persons duly empowered by a majority of the Senators voting, may be dispatched and may arrest any or all of the Senators absent without leave.”

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 Thomas requested the yeas and nays.

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

The resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 205

Yeas—20

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

Nays—17

Anderson	Clark-Coleman	Jacobs	Scott
Barcia	Clarke	Olshove	Switalski

Basham
Brater
Cherry

Gleason
Hunter

Prusi
Schauer

Thomas
Whitmer

Excused—1

Pappageorge

Not Voting—0

In The Chair: Richardville

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

The motion prevailed.

Senator Schauer's statement is as follows:

I would hope the sponsor of the resolution will speak to the reason and motivation behind this resolution. As I read it—and I have just seen it for the first time—this would change the Standing Rules of the Senate. It would change the threshold for ordering a Call of the Senate.

Now here is what I think is very interesting. First, I ought to note that the Senate is having a hard enough time doing its job, and if there was a circumstance where there was not a majority of members here, okay, and we had critical business to do, for example, balancing the state's budget, and there was a motion for a Call of the Senate in order to get all of the members necessary, or at least a majority, where this body could function. This rule change would prohibit that, so it would penalize this minority, in this case, that was here to do the business of this body, such as balancing the state's budget. This would say that a Call of the Senate shall be ordered by a majority of the Senators elected and serving. The current language says it shall be ordered by a majority of Senators voting, whether a quorum or not exist.

Now let's keep in mind these were your rules. These were approved unanimously, I recall, in January and now for some reason—you know, I don't think any of us should vote for this unless we hear a proper rationale for changing the rules of this body. So it really nullifies the necessity of having this rule in our Standing Rules in the first place.

Again, the relevance of having this rule is if there are not the members here to conduct the business of this body, I guess this weakens the Senate. It offers another excuse for the Senate not to do its work in the first place. I think we ought to do our job. We ought to show up, and we ought to do our work. This offers another excuse from this happening.

So I would urge a "no" vote for both Democrats and Republicans, especially if we don't hear an explanation of why this improves this body.

Senators Hardiman, Jansen, Kuipers, Allen, Birkholz, Gilbert, Van Woerkom, Stamas, Jelinek, Bishop, Richardville, Cropsey, Pappageorge, Brown, Barcia, Garcia and Clarke offered the following concurrent resolution:

Senate Concurrent Resolution No. 15.

A concurrent resolution to request the congressional Joint Committee on the Library to approve the replacement of Michigan's statue of Zachariah Chandler with an image of President Gerald R. Ford as part of the National Statuary Hall Collection and to take other actions related to this undertaking.

Whereas, Under federal law, each state is invited to provide two statues of distinguished citizens for display in the United States Capitol. Michigan's contributions to this Nation Statuary Hall Collection, Lewis Cass and Zachariah Chandler, were placed in our nation's Capitol in 1889 and 1913, respectively; and

Whereas, The Architect of the Capitol manages the National Statuary Hall Collection, which was established in 1864. Legislation enacted in 2000 provides for the replacement of statues, which must be approved by the Joint Committee on the Library. This procedure requires the states to take specific actions. This process was followed in 2003, when Kansas provided a statue of President Eisenhower, and more recently in California, which has authorized a statue of President Ronald Reagan that will soon become part of the collection; and

Whereas, The process of a state replacing a statue begins with the state's legislature adopting a resolution to request the Joint Committee on the Library to approve the replacement. This resolution is to identify the statue being replaced, to name the individual who is the subject of the new statue, to select a commission to represent the state in naming a sculptor, and to outline the means of payment for the entire replacement process. The governor of the state must send a letter of approval to the Architect of the Capitol; and

Whereas, The Gerald R. Ford Foundation has expressed its strong commitment to this project and has pledged its leadership and financial support to this important undertaking; and

Whereas, As Michigan history unfolds, the notable accomplishments of Zachariah Chandler are more appropriately celebrated in Michigan. Returning the statue to Michigan can provide an important incentive to our citizens to learn more of his contributions; and

Whereas, The remarkable story of Gerald R. Ford and his leadership as our 38th President is integral to the nation's history, especially for his lasting impact during the unique challenges of the 1960s and 1970s. This decorated World War II naval officer, who devoted 25 years to the people of western Michigan as their voice in Congress and served as Vice President at a time of great challenges, carved a life of public service that embodied the highest standards. His courageous actions as President in standing up for the country's best interests at the expense of political expediency are now widely recognized by a grateful nation. The personal integrity that marked all aspects of the life of the man from Grand Rapids continues to inspire the people of Michigan; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we request the congressional Joint Committee on the Library to approve the replacement of Michigan's statue of Zachariah Chandler with an image of President Gerald R. Ford as part of the National Statuary Hall Collection in our nation's Capitol. We make this request on behalf of the people of Michigan; and be it further

Resolved, That we urge the Governor to communicate approval of this replacement project to the Architect of the Capitol and to sign an agreement with the Architect of the Capitol to replace the Zachariah Chandler statue with one of President Gerald R. Ford; and be it further

Resolved, That we hereby select the Gerald R. Ford Foundation as the entity that will develop the process for selecting an artist for the statue of President Ford and underwrite the costs of this entire project, including the costs of creating, transporting, and placing both statues at their respective locations and the costs related to ceremonies that may be held in Lansing and Washington, D.C.; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor, the Architect of the Capitol, the Gerald R. Ford Foundation, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Joint Committee on the Library of Congress.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Commerce and Tourism.

The motion prevailed.

Senators Anderson, Cassis, Gleason, Jacobs, Schauer and Switalski were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senators Pappageorge, Cassis, Switalski, Cropsey, Bishop, Birkholz, Gilbert, Van Woerkom, McManus, Kahn, Barcia, Garcia, Patterson, Sanborn, Stamas, Hardiman, Gleason, Kuipers, Jansen, Jelinek, Scott, Prusi, Thomas, Olshove, Clark-Coleman and Allen introduced

Senate Joint Resolution E, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 31 of article IV and section 18 of article V, to limit the budget, to require certain deposits into certain state funds, and to require a 2/3 majority for certain appropriations.

The joint resolution was read a first and second time by title and referred to the Committee on Government Operations and Reform.

Senators Garcia, Pappageorge, Hardiman, Kuipers, Cropsey and Barcia introduced

Senate Joint Resolution F, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 8 of article IV, to provide for temporary replacement members of the legislature if a member is called to active military service.

The joint resolution was read a first and second time by title and referred to the Committee on Government Operations and Reform.

Senators Clarke and Schauer introduced

Senate Bill No. 609, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2002 PA 630.

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

Senators Clarke, Brater, Jacobs, Hunter, Basham, Whitmer, Anderson and Schauer introduced

Senate Bill No. 610, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 147b (MCL 750.147b), as added by 1988 PA 371.

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

Senator Thomas introduced

Senate Bill No. 611, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending the title and section 20 (MCL 431.320), section 20 as amended by 2006 PA 185.

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

Senators Basham, Jacobs, Anderson, Brater, Scott, Hunter, Thomas, Switalski, Clarke and Schauer introduced

Senate Bill No. 612, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 8609, 8611, 8613, 8615, 8617, 8619, and 8621.

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

Senators Hunter, Basham, Jacobs, Anderson, Brater, Scott, Thomas, Clarke, Switalski and Schauer introduced

Senate Bill No. 613, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3115 and 3120 (MCL 324.3115 and 324.3120), section 3115 as amended by 2004 PA 143 and section 3120 as added by 2004 PA 91.

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

Senators Switalski, Basham, Jacobs, Anderson, Brater, Scott, Hunter, Thomas, Clarke and Schauer introduced

Senate Bill No. 614, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 86.

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

Senators Anderson, Basham, Jacobs, Brater, Scott, Hunter, Thomas, Switalski, Clarke and Schauer introduced

Senate Bill No. 615, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 8623 and 8625.

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

Senators Brater, Basham, Jacobs, Anderson, Scott, Hunter, Thomas, Switalski, Clarke and Schauer introduced

Senate Bill No. 616, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 8627.

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

Senators Jacobs, Basham, Anderson, Brater, Scott, Hunter, Thomas, Switalski, Clarke and Schauer introduced

Senate Bill No. 617, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 8629, 8631, and 8633.

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

Senators Clark-Coleman, Brater, Basham, Jacobs, Anderson, Scott, Hunter, Thomas, Switalski, Clarke and Schauer introduced

Senate Bill No. 618, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 8635.

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

Senators Thomas, Basham, Jacobs, Anderson, Brater, Scott, Hunter, Switalski, Clarke and Schauer introduced

Senate Bill No. 619, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 8637 and 8639.

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

Senators Clarke, Basham, Jacobs, Anderson, Brater, Scott, Hunter, Thomas, Switalski and Schauer introduced

Senate Bill No. 620, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 32708 (MCL 324.32708), as amended by 2006 PA 35.

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

Senators Scott, Basham, Jacobs, Anderson, Brater, Hunter, Thomas, Switalski, Clarke and Schauer introduced

Senate Bill No. 621, entitled

A bill to amend 1981 PA 93, entitled "Michigan right to farm act," by amending sections 2 and 4 (MCL 286.472 and 286.474), section 2 as amended by 1995 PA 94 and section 4 as amended by 1999 PA 261.

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

Senators Kahn, Jelinek, Pappageorge, Garcia, Cropsey and Hardiman introduced

Senate Bill No. 622, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 1003 (MCL 330.2003), as amended by 1993 PA 252.

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

Senators Brater, Jacobs, Hunter, Clarke, Scott, Cherry and Thomas introduced

Senate Bill No. 623, entitled

A bill to amend 1997 PA 16, entitled "The playground equipment safety act," by amending the title and section 6 (MCL 408.686).

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators McManus, Brown, Hardiman and Bishop introduced

Senate Bill No. 624, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 613a, 614a, 615a, 624g, 641, and 759a (MCL 168.613a, 168.614a, 168.615a, 168.624g, 168.641, and 168.759a), section 613a as amended by 2003 PA 13, sections 614a and 615a as amended by 1999 PA 72, section 624g as amended by 1990 PA 7, section 641 as amended by 2005 PA 71, and section 759a as amended by 2006 PA 605, and by adding sections 615c and 759c; 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 Campaign and Election Oversight.

Senators Brown, McManus, Hardiman and Bishop introduced

Senate Bill No. 625, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 613a, 614a, 615a, 624g, 641, and 759a (MCL 168.613a, 168.614a, 168.615a, 168.624g, 168.641, and 168.759a), section 613a as amended by 2003 PA 13, sections 614a and 615a as amended by 1999 PA 72, section 624g as amended by 1990 PA 7, section 641 as amended by 2005 PA 71, and section 759a as amended by 2006 PA 605, and by adding sections 615c and 759c; 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 Campaign and Election Oversight.

Senator Cropsey introduced

Senate Bill No. 626, entitled

A bill to prohibit certain dog races; to prohibit the simulcasting of certain dog races; and to prescribe penalties. The bill was read a first and second time by title and referred to the Committee on Commerce and Tourism.

House Bill No. 4132, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 54B. 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 Health Policy.

House Bill No. 4240, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 54C. 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 Health Policy.

House Bill No. 4399, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5485. 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 Health Policy.

House Bill No. 4936, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 5478 and 5479; and to repeal acts and parts of acts.

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

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

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 pro tempore, Senator Richardville, designated Senator Kuipers as Chairperson.

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

House Bill No. 4493, 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-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. 549, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1284a. 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.

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 at the head of the Third Reading of Bills calendar:

House Bill No. 4493

Senate Bill No. 549

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

The following bill was read a third time:

House Bill No. 4493, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies, capital outlay, 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. 206

Yeas—31

Allen	Clarke	Jansen	Schauer
Anderson	Cropsey	Jelinek	Scott
Barcia	Garcia	Kahn	Stamas
Birkholz	Gilbert	Kuipers	Switalski
Bishop	Gleason	McManus	Thomas
Brater	Hardiman	Olshove	Van Woerkom
Brown	Hunter	Prusi	Whitmer
Cherry	Jacobs	Sanborn	

Nays—6

Basham	Clark-Coleman	Patterson	Richardville
Cassis	George		

Excused—1

Pappageorge

Not Voting—0

In The Chair: Richardville

The President, Lieutenant Governor Cherry, resumed the Chair.

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.

Protests

Senators George and Basham, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4493 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 George’s statement is as follows:

I rise because I want to point out that this measure before us, House Bill No. 4493, is illustrative of what is at the heart of our state budget difficulties. It illustrates what is undermining the competitiveness of our businesses and demonstrates the very nature of our state’s economic problems. This budget bill typifies the challenge that is threatening the livelihood of our people and our state’s economic survival.

What does this bill do? The bill responds to cost overruns within the Medicaid program by papering them over with taxpayer dollars, rather than fixing the source of the problem. The bill appropriates \$143 million new General Fund dollars to cover unanticipated expenses, which are not primarily due to new caseloads, but instead reflect cost overruns within the existing program—overruns with the existing caseload.

By approving this bill, we continue the trend where we have allowed the Medicaid portion of the General Fund budget to grow 40 percent over the last four years. Whereas, other priorities such as higher ed and revenue sharing have shrunk 10 to 20 percent over the same period of time.

Moreover, when I ask citizens in my district what they think the state's budget priorities should be, they tell me education; that education is the ticket to Michigan's future, and for years our budget reflected that. The budgets of higher ed, community colleges, and K-12 funding, combined, form the total education piece of our budget, and until the current year, this was the largest single budget priority. This biggest piece of state spending has always reflected our priority—education.

But in the current year budget, that has changed for the first time. For the first time in our state's history, the total education budget has been eclipsed by the total health care piece of our budget. If you add up the amount spent on Medicaid, the amount spent on state employees' health care, and the amount spent within the education budget itself, you will see that health care spending now exceeds the amount spent on education. Despite most of us sharing the goal that education be our top spending priority, it has, in fact, become second to paying for health services.

Now, my friends, we do have an obligation to provide care for the poor and the disabled, and no one would dispute that. But I do not agree that the road to Michigan's future is paved by Medicaid. Medicaid should not be our top spending priority. It has failed the *Price of Government* test. It is not the key to Michigan's economic recovery.

As a physician, one might think that I would be pleased with more spending on health services, but I am not pleased. More Medicaid spending that is not caseload-driven is a sign of failure. It is a sign of a program that has failed in its mission to maintain the health of the poor and disabled.

Three years ago, I first suggested to the Department of Community Health that they investigate benefit designs that would encourage recipients to be active participants in maintaining their health. It didn't happen, and instead, we budgeted more dollars for Medicaid.

Two years ago, I pursued boilerplate language calling on the department to develop incentives for healthy behavior for Medicaid recipients. It didn't happen, so once again, we budgeted more dollars for Medicaid.

Last year, we passed Senate Bill No. 1255, calling on the department to reform Medicaid, but the department opposed the bill, nothing happened, and we budgeted more dollars for Medicaid.

This year, while we face a fiscal crisis, the department is spending its time and resources seeking federal approval for the Governor's Michigan First program—a program which does not fix Medicaid, but instead, a plan to expand it to new enrollees.

Earlier this year, several of us had an opportunity to meet with the Secretary of Health and Human Services, Secretary Levitt, who was visiting us here in Michigan. I asked the Secretary how difficult it would be to obtain a federal waiver to enact changes in Medicaid design which would encourage recipients to be partners in their care. And his reply was that it was no longer necessary to obtain a waiver to enact those changes. Federal legislation enacted last year gives departments the power to make benefit design changes now, and many states have done it already. No special permission is needed. The process has become simpler, and yet, it hasn't happened here.

Earlier I said this budget bill typifies the challenge the Michigan economy as a whole faces. And by that I mean to point out that just as our budget priorities are being twisted by runaway health care costs, so are the budgets of our local schools, our local governments, small businesses, and our large manufacturers.

And what has their response been? Businesses that self-insure are designing benefit packages that reward their employees who take active measures to maintain their health. School districts are asking us to change the law to give them more flexibility in shopping for health benefits. Here in the Senate, we are going to be asked to complete a health screening as part of our benefit redesign. Large manufacturers are renegotiating health care benefits with their unions. Unions are telling their members and retirees to prepare for change.

You can't pick up a newspaper in Michigan without seeing an article about restructuring health benefits in a way to make them more effective and more affordable. So in the same way that our businesses and unions are redesigning health benefits, Medicaid benefits need to be restructured. They've needed to be restructured, but it hasn't happened. We just keep feeding Medicaid more money.

The structural problem in Michigan's budget is not a taxation deficit. The problem is the structure of Medicaid benefits which have not achieved their intended result of making Michigan healthier and which are no longer affordable.

Mr. President, given the absence of meaningful Medicaid reform, I am going to vote "no" on this budget, and I would encourage my colleagues to do the same.

Senator Basham's statement is as follows:

This is the bill that actually robs Peter to pay Paul. It robs \$70 million from the revolving petroleum fund. We talk about health care. One of the previous speakers, the doctor, was talking about health care. I think certainly you can talk

about cleaning leaking underground storage tanks as being a health issue in the state of Michigan, when, in fact, we are one of the worst states in the country to have leaking underground storage tanks not being cleaned up. As a matter of fact, we are cleaning up so few leaking underground storage tanks that we are losing federal money as a result of it. So we actually should be putting more money in the revolving petroleum fund. We should be putting more money in that barrel—no pun intended—in that fund actually to clean up more leaking underground storage tanks, not taking more money out of them.

And if you talk about a health care crisis in this state, certainly, the more rural areas in this state will be affected quicker than the urban areas because they use city water, like in southeastern Michigan. But if you have a well, it won't take too long to realize that you have a problem if you got gas stations or abandoned gas stations or abandoned tanks from a number of factories.

Some of my colleagues might not want to listen to this, but I think it is important. I think when we rob Peter to pay Paul, I just want to know who this Paul is because, certainly, he is getting all the money, and the money is not going to the revolving petroleum fund that we should be adequately funding. And if not this year, then we should absolutely guarantee that that money goes back in next year.

I would ask—you know, this mentality of robbing Peter to pay Paul in taking money out of funds like this is the wrong thing to do.

Senators Scott 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:

I rise to comment on two issues as it relates to this supplemental. First, I am happy to know that we were able to reach an agreement on the Morris Hood Diabetes Outreach program, a program that provides critical diabetes outreach services for children all across this state. Because of the \$25,000 included in this bill and with a commitment from the department to fund the remaining balance, the program will be fully restored at \$100,000.

It is unfortunate, however, that we have to spend so much time on such an important program that costs the state so little, with 60 percent of these funds going out-state. Children from Marquette to Alpena to Traverse City to Port Huron to Detroit are able to be tested, treated, and screened for this increasingly-diagnosed disease in our young children.

Secondly, I want to state my disappointment that we were not able to maintain the executive house recommendation to include a \$100 authorization allowing Wayne County Community College to begin planning for a new instructional facility and renovations of its existing buildings. It is important to note that Wayne County Community College had never had a capital outlay appropriations in its 40-year history. The state has continued to put them on hold the better part of three years. It is my hope that as we continue our work on this '08 budget that this project will be given top priority.

Senator Cassis' statement is as follows:

My comments take a different approach. The supplemental before us is an increase in funding; it's overspending almost \$74 million. We all have said that reforms are needed in this great state, but when do we start? Like a diet, we are very similar to a diet; it's easy to put off until tomorrow starting that diet. Let's eat the cake today; we will worry about starting the diet tomorrow. Or while I do want to reform and make savings to programs—certain programs—there are other ones I simply don't want to touch.

So today my vote is to begin the reforms and to contain overspending.

The following bill was read a third time:

Senate Bill No. 549, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1284a.

The question being on the passage of the bill,

Senator Whitmer offered the following amendment:

1. Amend page 4, following line 12, by inserting:

"(7) AS USED IN THIS SECTION:

(A) "BOARD" MEANS THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR THE BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY.

(B) "CONSTITUENT DISTRICT" MEANS A CONSTITUENT DISTRICT OF THE INTERMEDIATE SCHOOL DISTRICT OR A PUBLIC SCHOOL ACADEMY LOCATED WITHIN THE BOUNDARIES OF THE INTERMEDIATE SCHOOL DISTRICT."

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Thomas requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 207**Yeas—18**

Anderson
Barcia
Basham
Brater
Cherry

Clark-Coleman
Clarke
Gleason
Hunter
Jacobs

Kahn
Olshove
Prusi
Schauer

Scott
Switalski
Thomas
Whitmer

Nays—19

Allen
Birkholz
Bishop
Brown
Cassis

Cropsey
Garcia
George
Gilbert
Hardiman

Jansen
Jelinek
Kuipers
McManus
Patterson

Richardville
Sanborn
Stamas
Van Woerkom

Excused—1

Pappageorge

Not Voting—0

In The Chair: President

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. 208**Yeas—20**

Allen
Birkholz
Bishop
Brown
Cassis

Cropsey
Garcia
George
Gilbert
Hardiman

Jansen
Jelinek
Kahn
Kuipers
McManus

Richardville
Sanborn
Stamas
Switalski
Van Woerkom

Nays—17

Anderson
Barcia
Basham
Brater
Cherry

Clark-Coleman
Clarke
Gleason
Hunter

Jacobs
Olshove
Patterson
Prusi

Schauer
Scott
Thomas
Whitmer

Excused—1

Pappageorge

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Whitmer, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 549 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 Whitmer’s statement is as follows:

There are two fundamental issues with this bill as I can see. One is the charter school issue, which we’ve already talked about. The other is it was raised in committee that perhaps this was aimed at taking another tool for collective bargaining off the table for employee groups. The response was, “Well, if we’re really doing that, we wouldn’t have included employee groups in the text of the bill.” However, today the bill was substituted to do exactly that and take the employee groups out of the bill.

So it begs the question, what is the true motivation? I don’t know. I think the real motivation is savings—taxpayers’ savings—but that is the singular change in the bill that happened on the floor today, and it raises a fundamental question about what’s going on here.

This is my second pause for concern, and these are the two reasons I personally will be voting against this bill.

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

The motion prevailed.

Senator Whitmer’s statement is as follows:

This bill before us is about encouraging schools within an ISD—not encouraging, mandating I should say—to adopt a common calendar. The motive is a good one. The motive is to save taxpayers dollars by fostering efficient, cost-effective savings between districts. That is good, but this is noteworthy because ISDs can do this now and many of them actually are.

In committee, however, it was asked why doesn’t this bill apply to charter schools. We gave them a vague answer. No one could really say that in some sort of a workgroup that it was determined that they did not want to be included in the bill.

It seems to me that if it’s good public policy for taxpayer-funded public schools, then it’s good policy for taxpayer-funded charter schools. I know the proponents are going to say this is probably going to be too onerous, charters are different, but at the end of the day, it’s all taxpayer dollars. If there are savings to be had and it’s good public policy, then we should include charter schools. If it is too onerous, guess what, the bill has a section where they can apply for a waiver just like any public school could. So I think this makes a lot of sense to amend the bill in this way.

Accordingly, I respectfully ask for your support of this amendment.

Senator Kuiper’s statement is as follows:

As I shared with the amendment sponsor, our objection to this amendment is not because it’s too onerous on charter schools, but rather because in recent history, ISDs have excluded most of our charters from utilizing their services. If we want charters to abide by the same rules and work with the ISDs to establish a common calendar, then I think it’s important for us to also include charters in many of the services that they are precluded from utilizing through the ISD today.

I would ask members to object to this amendment. If we’re going to come back to this issue in the future, we can do it, but it should be under an expanded scope.

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 Kuipers 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:

House Bill No. 4884, entitled

A bill to amend 2000 PA 489, entitled “Michigan trust fund act,” by amending section 7 (MCL 12.257), as added by 2005 PA 232.

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

House Bill No. 4884

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

The following bill was read a third time:

House Bill No. 4884, entitled

A bill to amend 2000 PA 489, entitled “Michigan trust fund act,” by amending section 7 (MCL 12.257), as added by 2005 PA 232.

The question being on the passage of the bill,

Senator Schauer offered the following amendment:

1. Amend page 2, line 24, by striking out all of subsection (6) and inserting:

“(6) IN THE FISCAL YEAR ENDING SEPTEMBER 30, 2007 ONLY, IN ADDITION TO ANY INTEREST AND EARNINGS DEPOSITED IN THE GENERAL FUND UNDER THIS SUBSECTION, \$50,000,000.00 OF THE FUNDS IN THE 21ST CENTURY JOBS TRUST FUND IS TRANSFERRED TO AND SHALL BE DEPOSITED INTO THE GENERAL FUND.

(7) IN FISCAL YEAR 2016 ONLY, \$30,000,000.00 OF THE TOBACCO SETTLEMENT REVENUE RECEIVED BY THIS STATE THAT IS NOT CONSIDERED A TSR AS THAT TERM IS DEFINED UNDER THE MICHIGAN TOBACCO SETTLEMENT FINANCE AUTHORITY ACT, 2005 PA 226, MCL 129.261 TO 219.2789, SHALL BE DEPOSITED INTO THE 21ST CENTURY JOBS TRUST FUND.”.

The question being on the adoption of the amendment,

Senator Thomas requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 209

Yeas—18

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

Nays—19

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

Excused—1

Pappageorge

Not Voting—0

In The Chair: President

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. 210**Yeas—20**

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

Nays—17

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

Excused—1

Pappageorge

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:
“An act to create certain funds; to provide for the allocation of certain revenues among certain funds and for the operation, investment, and expenditure of certain funds; and to impose certain duties and requirements on certain state officials;”.

The Senate agreed to the full title.

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

The motion prevailed.

Senator Schauer's statement is as follows:

I would ask for your support of this amendment that merely preserves and codifies the 2007 budget agreement with regard to the transfer of \$30 million from the 21st Century Jobs Fund to the General Fund. While that transfer from this fund should raise some concerns because in itself it is undermining our economic development efforts in this state, certainly, the breach of an agreement that would have repaid those funds is even worse. This is bad for business in this state. It's bad economic development policy, and unfortunately, it's breaking an agreement that would have repaid \$30 million that is being taken from the 21st Century Jobs Fund.

I would urge your support of this amendment.

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

There is an African proverb that says, "When elephants fight, it's the grass that suffers." Do I need to draw you a picture to make the point? We have been fighting over this insurance issue for many years. There have been battles in the House, in committees, in workgroups, and on the Senate floor, but who has continued to suffer? I'm sure that every person in this room has adequate insurance on their multiple cars and more than adequate protection if disaster strikes their lovely homes.

The same people who are suffering at the beginning of this debate are still suffering today. They are driving without insurance and tempting disaster by living in uninsured or underinsured homes.

In our case, it's not the grass that suffers; it's the grassroots. I am ever hopeful that we can end this battle with bipartisan passage of my insurance legislation and assure that no Michigan resident suffers at the hands of the elephants.

Scheduled Meetings

Appropriations -

Subcommittee -

Higher Education - Thursday, June 28, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Campaign and Election Oversight - Friday, June 29, 1:30 p.m., Detroit Marriott - Troy, 200 West Big Beaver Road, Troy (373-1725)

Energy Policy and Public Utilities - Thursday, June 28, 1:00 p.m., Room 210, Farnum Building (373-7350)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 12:57 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, June 28, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate