

No. 4
STATE OF MICHIGAN
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REGULAR SESSION OF 2009

Senate Chamber, Lansing, Thursday, January 29, 2009.

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—excused
Kahn—present
Kuipers—present
McManus—present

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

Pastor Joe Rabbe of Mount Hope Church of Portland offered the following invocation:

Heavenly Father, we thank You this morning for the privilege of living in the greatest nation in the world. You have blessed us beyond measure, and we humbly stand before You today. We ask Your forgiveness for the many sins of our nation. We ask for Your grace and Your mercy during these difficult and trying days.

We pray for President Obama and ask that You would give him divine wisdom to lead this nation. We pray for Governor Granholm and ask Your blessing upon her and that she, too, would walk in Your wisdom.

I pray for every Senator here today, that You would lead them according to Your plans and purposes. I ask that You would open their eyes of understanding—to see as You see; to anoint their hearing—to hear as You hear. I pray for a spirit of unity and cooperation as they work together for the good of our state.

I ask that You would fill this Senate session with a powerful sense of Your presence and Your peace; that all the work done here today would be pleasing and acceptable in Your sight.

I ask all of this in the name of Your Son and our Savior Jesus Christ. Amen.

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

Motions and Communications

Senators Birkholz, Garcia, McManus and Kuipers entered the Senate Chamber.

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

Senator Cropsey moved that Senators Brown and Van Woerkom be temporarily excused from today's session. The motion prevailed.

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

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

Senate Bill No. 93

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

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

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.

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

The motion prevailed.

Senator Bishop's statement is as follows:

I have the honor today to recognize one of our family members in the Michigan Senate. She is the system administrator for the Senate Information Services, Eileen Gioia, who is retiring. I just wanted to take a special moment and share with the chamber some of the great things that she has been a part of in the Senate over the years.

"LET IT BE KNOWN, That it is with deep appreciation and pleasure that we acknowledge the exceptional work of Eileen Gioia on the occasion of her retirement. Eileen has served the Michigan State Senate, Office of the Secretary of the Senate, with distinction for more than 24 years. On behalf of the lawmakers, staff, and all who have worked with Eileen, we extend our best wishes and gratitude for her outstanding contributions to the Michigan Senate.

As the system administrator for Senate Information Services, Eileen has played a major role in the evolution and transformation of the Senate computer system. In 1984, she was hired to manage the Senate Datapoint system and assisted in the transition to PCs, Macintosh, and Novell file servers. Eileen has worked on a host of projects and guided the Senate through several major changes in computer infrastructure, including the implementation of the Senate’s first e-mail system—ccMail—and its move to GroupWise. She was one of the founding members and president of the State of Michigan Novell Users Group (SAMNUG), which enabled her to bring to the Senate new, efficient, and innovative technologies, such as GroupWise Web Access and the Senate Portal. It is the dedication of employees like Eileen who ensure that our system works smoothly and proficiently.

Eileen has volunteered thousands of hours sewing quilted pillowcases for wounded veterans through the Patriotic Pillow Project. She is also the Michigan coordinator for the No Soldier Left Behind Project and has embroidered dozens of memorial plaques honoring Michigan’s fallen heroes who have sacrificed their lives for our freedom.

IN SPECIAL TRIBUTE, THEREFORE, This document is signed and dedicated to congratulate Eileen Gioia on the occasion of her retirement. We thank her for her enduring commitment to the Michigan State Senate. May she know of the high esteem in which she is held by her colleagues and friends. Our best wishes are extended to her for a future filled with health, happiness, and time to enjoy life with her husband Jim; their children, U.S. Marine Major Brian (Marya) Lipiec, Jenny (Eric) Hudak, Matt (Jessica) Lipiec, Jim Gioia, Jr., Andrea Koinis, Jill Gioia, and Katie Gioia; and grandchildren, Jack, Jessica, and Nikole.”

From all of us to you, I hope you understand our gratitude for all your years of service. To you, your husband Jim, and your family—and I see your family up there; they are hard to miss, the whole team—who I know are also heavy-hearted about this day. I want to thank you on behalf of the Senate, and we look forward to hearing great things about you in the future.

Senator Kahn’s statement is as follows:

This is a day of change, I see, as Senator Bishop announces a staffer leaving. I have one too. In the sense that we here have impermanent jobs, our young people do need some permanency in their lives, though they seem to bounce back so well from change.

Stephanie Shooks has worked with me. Sometimes I work for her, frankly. She is moving on and out of my office. I will miss her. She helped me when I first got elected, and that was to the House and then, subsequently, in my Senate race, which as it turned out, wasn’t all that easy. Then she came over to help me with the Department of Community Health budget for the last two years. So, as we look around us, with us as the elected, the staff here, people from administration, news media, all folks, as I mentioned yesterday in Appropriations, are part of really a bigger family. She will still be here—but you can’t come of the floor anymore—but she will be in the lobby community.

Leaving not only for that permanency, but for another type of permanency, as over the Christmas holiday, she became engaged to Justin Winslow, who sits about four feet away from her. The looks that went back and forth across my desk were not X-rated, folks, but they weren’t G-rated either.

So we have another tribute; this reads:

“LET IT BE KNOWN, That with a deep appreciation for the hard work, dedication and professionalism”—and it doesn’t say it, but for your bouncy personality. When I get in an erinaceous mood, you manage to keep us all on a positive keel.

So we in the state of Michigan, and many of us here, thank you for your service, and we all know that the service that goes into these jobs well exceeds any defined time schedule or rate of pay. Hey, I still have time, so I’m going to use it.

Stephanie helped me out with my mood, my elections, my office, and your offices. So she moves on, and as the sun goes down a little bit for me today, it rises for her and Justin. My dear, there have been many daughters and you have exceeded them all.

Senators Brown, Gleason and Van Woerkom entered the Senate Chamber.

The Secretary announced that the following official bills and joint resolutions were printed on Friday, January 23, and are available at the legislative website:

House Bill Nos.	4001	4002	4003	4004	4005	4006	4007	4008	4009	4010	4011	4012	4013	4014
	4015	4016	4017	4018	4019	4020	4021	4022	4023	4024	4025	4026	4027	4028
	4029	4030	4031	4032	4033	4034	4035	4036	4037	4038	4039	4040	4041	4042
	4043	4044	4045	4046	4047	4048	4049	4050	4051	4052	4053	4054	4055	4056
	4057	4058	4059	4060	4061	4062	4063	4064	4065	4066	4067	4068	4069	4070
	4071	4072	4073	4074	4075	4076	4077	4078	4079	4080	4081	4082	4083	4084
	4085	4086	4087	4088	4089	4090	4091	4092	4093	4094	4095	4096	4097	4098
	4099	4100	4101	4102	4103	4104	4105	4106	4107	4108	4109	4110	4111	4112
	4113	4114	4115	4116	4117	4118	4119							

House Joint Resolutions **A** **B** **C** **D** **E**

The Secretary announced that the following official bills and joint resolutions were printed on Wednesday, January 28, and are available at the legislative website:

Senate Bill Nos.	19	20	21	22	23	24	25	26	27	28	32	33	34	35
	36	37	38	39	40	41	42	43	44	45	46	47	48	49
	50	51	52	53	54	55	56	57	58	59	60	61	62	63
	64	65	66	67	68	69	73	74	75	76	77	78	80	81
	82	83	84	85	86	87	88	89	90	91	92			
Senate Joint Resolution	B													
House Bill Nos.	4120	4121	4122	4123	4124	4125	4126	4127						
House Joint Resolution	F													

Third Reading of Bills

Senator Barcia entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 1, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 281 (MCL 208.1281), as added by 2007 PA 145.

The question being on the passage of the bill,

Senator Thomas offered the following amendment:

1. Amend page 3, following line 2, by inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 95th Legislature are enacted into law:

- (a) Senate Bill No. 29.
- (b) Senate Bill No. 30.
- (c) Senate Bill No. 31."

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. 1

Yeas—16

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

Nays—20

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

Excused—1

Jelinek

Not Voting—0

In The Chair: President

Protest

Senator Cassis, under her constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Thomas to Senate Bill No. 1 and moved that the statement she made during the discussion of the amendment be printed as her reasons for voting “no.”

The motion prevailed.

Senator Cassis’ statement is as follows:

I just have to say that it’s elementary, Dr. Watson. Needless to say, I am concerned that a new tie-bar being added to this bill looks an awful lot like an attempt to delay or avoid providing real tax relief in the state so badly in recession. And you know, you will recall, that our Banking and Financial Institutions Committee has taken steps to address this issue. I personally have taken steps last session to introduce a bill to disclose the amount of money owed when a house goes into foreclosure to make it easier for a homeowner to reclaim his property, and that bill will be re-introduced. It just never got the attention over in the House that is probably deserved.

Let me add, these are really two separate issues—fine issues, no doubt. Let me reinforce the comments of the good Senator from the 28th District. The goal here with Senate Bill No. 1 is to reduce excessive taxation and burden on our job providers. Why? This will retain jobs and perhaps add some new ones, but it will stop the horrendous bleeding, hemorrhaging of jobs in this state. How can we sit by and allow for jobs to continue to be lost every day; the *Detroit News*, *Detroit Free Press*, another example of more people going on the unemployment lines.

What we are doing here today is concrete, and most importantly, it is an immediate stimulus. Stimulus. There has been a lot of talk lately on the federal level and everywhere about what we can do to stimulate an economy. Well, this is it, make no doubt.

I would like to conclude by saying that the No. 1 reason for foreclosures to occur is that loss of a job—the loss of a job. So the bill that we are dealing with right now is addressing the very core problem of foreclosures. So let’s restore hope. Let’s do something today in a bipartisan fashion. This is more than just sending a message; it’s sending hope. There is an urgency to save jobs and the need is and has been imminent.

The President pro tempore, Senator Richardville, assumed the chair.

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. 2**Yeas—25**

Allen	Clarke	Hunter	Patterson
Anderson	Cropsey	Jansen	Richardville
Barcia	Garcia	Kahn	Sanborn
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Thomas
Brown	Hardiman	Pappageorge	Van Woerkom
Cassis			

Nays—11

Basham	Clark-Coleman	Olshove	Switalski
Brater	Gleason	Prusi	Whitmer
Cherry	Jacobs	Scott	

Excused—1

Jelinek

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Protests

Senators Switalski, Whitmer, Cherry, Jacobs and Gleason, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1 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 Switalski’s statement is as follows:

What has happened to all of my fiscal conservative friends? Do they really yearn to return to the days of structural imbalance? Do they really wish to eliminate \$1.3 billion in revenue while they are toiling under a \$1.6 billion deficit? Is it actually the goal of the advocates of this bill to put the state \$3 billion in the red?

According to the Senate Fiscal Agency, this bill comes with the following price tag: for fiscal year 2009, \$166 million; for fiscal year 2010, \$458 million; for fiscal year 2011, \$598 million—for a total of \$1.3 billion.

The proponents of this bill have identified neither savings nor cuts to fund this bill. Since we are already in deficit for both fiscal year ’09 and fiscal year ’10, \$200 million and \$1.5 billion, respectively, one can reasonably ask, do we begin fixing a deficit by casting a vote to immediately double its size? I think not. Let’s review the history of the MBT surcharge.

The trouble began when my normally-responsible colleagues voted to eliminate the SBT, without a replacement, in early 2007. That created a \$1.5 billion structural hole in the budget. And that budget was already suffering from six years of chronic deficits because of reductions in the income tax rate from 4.4 percent to 3.8 percent and in the SBT from 2.3 percent to 1.9 percent.

In July 2007, we had a bipartisan agreement to create the MBT, which restored the \$1.5 billion revenue loss. In October, we then passed the income tax restoration to 4.35 percent and the sales tax on services to eliminate the structural \$1.5 billion shortfall in the ’08 budget. One month later, we replaced the sales tax on services with a surcharge on the MBT. We restored structural balance to the budget and enjoyed budget peace for the first time in seven years.

Even amidst an unprecedented economic crisis, our ’09 budget remains in rough balance, \$200 million in the hole—rough balance. The deepening recession will make this year’s negotiations on the fiscal year 2010 budget a challenge. We should not escalate that challenge into a fiscal meltdown by adopting irresponsible legislation like Senate Bill No. 1. If you want to spend money on programs or tax relief, you must pay as you go. Anything less is fiscally irresponsible. So vote “no” on Senate Bill No. 1.

Mr. President, that is my argument on the merits of the bill. I shouldn’t just say no; I should actually talk to my colleagues about alternatives. I listened to my good friend Senator Cassis, and first of all, I want to thank her for the beautiful card she sent me about my mother-in-law that I was very touched by. But I know that there are certain things that we agree on in this area, and she has been very rightfully critical of the film tax credit which is over \$100 million. If you really wanted to fix the surcharge, you could certainly lower the percentage rate by making some adjustment in the film tax. I agree with that; there is probably something we could do in that area.

The other issue that she just mentioned in her speech, which I was very supportive of, was to let the county clerks make a calculation of what people owe. That was good legislation and should be part of state law.

So I don’t think we should cast our votes on this bill. We ought to think about the areas where we agree and try to make headway on those.

Senator Whitmer’s statement is as follows:

“Unreasonable haste is the direct road to error.” Moliere.

I want to stand up and clear up something. Not one of us thinks that we should or can afford to stand still, to not do anything. We all watch the nightly news. We have neighbors and constituents who have lost their jobs, who aren’t sure how they’ll make the next house payment. No one thinks that we can do nothing. In fact, I know there are many people on my side of the aisle who would like to support the elimination of the surcharge, myself included. I will go

even further. I thought it was a bad idea from the start, but faced with a shutdown and limited options, this is what a bipartisan agreement yielded. Remember, you negotiated this surcharge because you, like us, couldn't stomach the cuts to health care, education, and public safety that the budget hole would have necessitated. Also remember, you agreed to the surcharge after your side of the aisle proposed and ultimately nixed a services tax. And now you want it both ways? Spend the money and cut taxes? Well, that just doesn't add up.

There is no doubt that the ugliness of the shutdown days still haunts us all, but let us not forget the lesson that haste does not yield good policy decisions. Let me illustrate my point. First, we eliminated the SBT without a replacement. Then, ultimately, at the last hour we created the MBT with this surcharge. And now we are here eliminating the surcharge with neither a replacement nor the courage to identify corresponding cuts.

Another quote, "The definition of insanity is doing the same thing over and over again and expecting a different result." That's Einstein. This is particularly true when the price is so great and a decision like this will have an indelible impact on the already-fragile budget.

Yes, we want to move forward, absolutely, but with mature reflection and a dedication to ensure that these things we hold dear are not blindly sacrificed in the process. The danger with voting on a cut like this without explaining how to pay for it is that we will be right back here several months from now saying that we must cut vital services. Some Senators on the other side of the aisle have even hinted publically that the earned income tax credit may be back on the chopping block.

So what you are saying today is that you are going to cut these business taxes because they need our help in these tough economic times. Yet, you are willing to pass that burden onto the already-struggling workers of our state. That's more than 700,000 Michigan families who are barely able to get by that you could be targeting. Let me say it again, that is about 700,000 who could have about \$1,000 left in their pockets to buy a new stove, fix their car, get to work, take a sick kid to the doctor, or heat their home. We should, by all means, consider the needs of our business community, and like I have said, there are many of us who would like to support a measure like this. We can't seek to alleviate those needs, to address those needs, by picking the pockets of Michigan's working-class men and women who are being hit the hardest by this economic crisis.

Accordingly, at this juncture, Mr. President, I am unable to support this bill and ask that my colleagues join me in voting "no."

Senator Cherry's statement is as follows:

I also rise to oppose Senate Bill No. 1. As my colleague from the 23rd District said, none of us want to be in the business of staying the same. All of us, I think, would want to provide some type of reform to help our businesses in this state. In fact, the Governor has said that she would be open to this bill if it included reforms like prison sentencing reform. All of those things must go together, and yet, today we are urged to be bipartisan in nature, even though bills we see as priority have been really defeated and not added to this bill because we wanted, I guess, a clean bill, but not working in a bipartisan way; not one that works for all of us.

Yesterday I sat in the Appropriations Committee listening to the Senate Fiscal Agency tell us that we have a \$1.3 billion imbalance for the next fiscal year. That is with no increase in spending; just to maintain what we have and still have cuts because the departments will not be able to increase their spending. Yet today, we are proposing to add, as my other colleague said, another \$1.5 billion to that deficit over the next three years. Those dollars, the big dollars are really in programs that affect our communities. They provide safe police for all of our communities. They provide funding for universities and community colleges. And we have heard how important it is if we want to invest in our state and create jobs. We have to have an educated workforce, and yet, if we have to make these cuts, we will be cutting the investments that we need to be making.

It includes cutting dollars in revenue sharing, which I know none of you want to do. That money again goes for local governments and the assistance that they need in meeting their budgets. They are faced, just like us, with a huge deficit. It is important that we maintain our investments for the sake of our citizens and our businesses. Tax cuts are not the only way that we have to help a good business climate. We need to have a strong infrastructure, we need to have safe communities, and we need to have an educated workforce. All of those things are in jeopardy over the next few years, and they become even more in jeopardy if we just pass this legislation without addressing those problems at the same time.

So I think it is important, as was said earlier, that we need to look at this in a comprehensive manner. We need to make sure that we are not hurting those citizens who are working and those citizens who are unemployed. We all know that we have a huge unemployment rate in this state right now and cutting the dollars that help provide services for those people does not make any sense.

Senator Jacobs' statement is as follows:

Actually, Senator Cassis, I think your guests are very lucky to be able to observe some very good, healthy debate on something that is so important. I know that sometimes we don't have this healthy debate on this floor, so I am actually quite happy that we are.

I would really like to commend the speakers on my side of the aisle. They have been very eloquent in talking about a lot of the issues which are before us as we move forward to vote “yea” or “nay” on Senate Bill No. 1.

Our tax structure in Michigan was built on a manufacturing economy. Our economy is different. Michigan is different. Michigan is in transition, which means that, yes, we do need to make some changes—bold changes—as the sponsor of this bill has said. And, again, I want to offer all of the help, my personal help as minority vice chair of Finance, as well as other members of our caucus, to work together to craft what at the end of the day will be a re-look and a change in our tax structure.

I know that the Speaker has mentioned that he would like to see a total change and take a good look at all of our taxes that we have in Michigan. I commend him for wanting to do that because we are also looking at property taxes. We’ve heard about foreclosures. One of the reasons that homes are going into foreclosure is not just because people can’t afford their mortgage, but they can’t afford their taxes as well. So what I’m asking is that we take a measured approach, not nibble around the edges because we shouldn’t be performing triage. We don’t want the patient to die. We want a healthier state, and that’s where I believe that we can all move forward.

The other part of this I’m more anxious to find out more about, I was thinking today about the dozens of tax cuts under the Engler Administration. If the theory kind of works right that’s been presented by some of my colleagues on the other side of the aisle—that tax cuts create jobs and will infuse the economy with new life—I think we only have to historically look back and see why didn’t those tax cuts which were voted on during the Engler years stem the hemorrhage from happening. But, indeed, the hemorrhaging began despite those tax cuts, so something’s not right. We need really to work together. Put aside our partisan politics. I would actually say let’s take a year moratorium on beating up on each other, sit down, and let’s really work together to really figure this out because I think it’s going to take all of us collectively. Maybe we need to be bringing in economists from other places. We need to really take a good, fresh look.

So let’s not move here. Let’s hold off. Let’s work together, and I think within a short period of time, you know, we’ve got good minds and great places to go for help; that we really can come up with something that will work for the state.

Senator Gleason’s statement is as follows:

In echoing the remarks of the previous speaker, it doesn’t make sense when we have spent a half decade rolling back taxes with the promise of job creation. Many of us were involved with that process, and many of us now are talking about rolling them back once again and expecting a different result.

It seems like there is almost a philosophical bubble that reaches across this land—tax cut, tax cut, jobs, jobs, jobs. It seems like this chamber has joined the voices of our nation’s capital. Only yesterday, the same discussion was held at the federal level—whether we were going to put people to work or whether we were going to cut taxes. Many of us know it as a stimulus package. There was a conflict between philosophies in Washington, D.C. Every single Democrat said that we must advance the stimulus package to put people to work. Every single Republican, unanimously, said, no, we are going to hold off for further tax cuts—something that has been undertaken for the past decade without measurable results. Measurable results to the positive, they have definitely occurred in the negative.

Within the last ten days, we have taken on a new obligation in the state of Michigan. Our unemployment rate has become nearly unmanageable. We have hired hundreds more employees in the unemployment insurance office, added office equipment and new technology to undertake this responsibility. We cannot maintain the employment levels, nor take in new employees to undertake a crisis such as we are seeing here today with the several hundred new employees put on the ranks to answer the cause of our unemployed citizens.

So I add my voice to the previous speaker who said let’s slow this down. We have tried this time and time again. I come from a somewhat musical family and this is starting to resemble the Lansing waltz. One-two-three-stop, one-two-three-stop. This dance that we are performing seems to be to the same music with the same results under different band directorship. We must slow this down, folks. This is not the right course to take. How in the world can we generate new job creation if we are willing to slash our budget?

Only yesterday, we approached a new idea, a new way of thinking to fund our schools—to find a \$411 million savings for our local school districts. Now we are talking about taking more than the \$411million out of our state coffers with this effort here today. So I think we need to have a more balanced approach. We can’t always just have the chorus on the right sing the refrain of job cuts, and we can’t always have the chorus on the left singing job creation. We must have some collaboration; we must have some consolidation of these thoughts.

This is a terrible move that we are undertaking today. It is not new, and somehow I think more people in this chamber believe that we will be right back here before this calendar year ends addressing this same worn-out issue. Let’s slow this process down and have a more comprehensive approach. I urge you to vote “no” on this legislation as well.

Senators Hardiman, Kahn, Cassis, Pappageorge, Jansen and Bishop and asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hardiman's statement is as follows:

I rise to support Senate Bill No. 1. We need to pass this bill, and it is very appropriate that we do so as the first legislation of this session. There are many issues confronting us, but the No. 1 issue by far is the state of our economy. Our unemployment rate seems to be climbing every month, but our economic troubles are longstanding.

The last year that Michigan exceeded the nation average in job creation was 1995. But the average business which has managed to hang on in Michigan faces additional burdens of this surcharge. We have stepped in to help specific industries, but our state needs broader relief. Next year will be a tough budget for the state. We will probably all see programs that we like face the chopping block. Critics of Senate Bill No. 1 might ask, "Why add a tax cut on top of that?" We need to cut this surcharge because it imposes a new burden on Michigan businesses when they are at the crossroad of staying here or staying in business.

As a member of the Appropriations Committee, I know how hard it is to cut the budget. However, I also know from the business community in my district how hard it is for them to stay afloat in this economy. Listen, I don't think we understand the pressure cooker that is out there. Now I want to relay a couple of conversations I have had recently. In one, I went to a small business to purchase a small item and had the opportunity speak with the owner. He told me that it had been a pretty difficult Christmas season. He had managed to stay afloat and pay his employees, but he is not taking a check for himself. That is what we are dealing with, and we've added a burden under that by increasing taxes under the Michigan business tax.

I had another conversation, even this morning, with another service business. He is meeting with a group of other CEOs who are extremely angry with us because they have been in business for a long time supporting this state, supporting our communities. This particular business, I believe, has been in this state in business for about 98 years, but they are hurting now. Some of them probably will not make it. Some of them may go out of business. They are wondering if it is even worth it. It was tough before, but now they've had a 405 percent increase in their taxes, and we did it to them. We did it to them.

Now, our budget process may be a little easier because of that, but it won't continue to be easy if they go out of business and stop providing jobs for people who need to support their families. We are in a downward spiral, and we have to change it and we have to change it now.

Most of you know that I care about those who are less fortunate. When I came to this Senate, I was asked what committees I wanted. I asked for the Department of Human Services because it deals with families; it deals with children; it deals with those who are less fortunate. I care about them. They have worked to provide, even through this state, support for them. But we cannot continue to provide that support if we kill the engine that supplies the juice to run our society—our economy. We have to support our businesses, and it's not just about bringing in large, fancy new businesses. We have to support the businesses that have been here on a long-term basis supporting this state, and we are failing them right now and we have to make a change.

So while I care about those who are less fortunate, and I want to help them, we need to pass this relief for our Michigan businesses. For many of them to stay afloat in this economy, and they are making hard choices every day, Senate Bill No. 1 is our chance to provide support for them and to show them that we understand the real situation. It deserves our support and swift passage, and I ask you to support and vote for Senate Bill No. 1.

Senator Kahn's statement is as follows:

Jobs. That is Michigan's issue. It has been Michigan's issue all century—all century. We lost 50,000 just last month. We are facing a loss of another 300,000 in Michigan this year.

Yesterday when I rose to speak, I pointed out that on my drive here, one of the more prosperous areas in Saginaw County—that is kind of an oxymoron to talk about a prosperous area in Michigan, when we have unemployment rates of 10.6 percent. But in one of the more survivable areas in Michigan, store after store after store was closed. Gas stations, shops, chiropractic offices, 7-Eleven, and on and on and on. With each of these closures, the hopes, dreams, and, as Churchill would say in another war time, the blood, the sweat, and the tears of job providers and taxpayers were destroyed and lost. These people, in supporting themselves and supporting our economy, allow for us to be able to have an earned income tax credit; allow us to be able to have the state dollars that we use as federal match in the departments that so use match money; the Department of Community Health, where many of us serve.

My good friend, a man who I greatly admire, from the 10th District and my good friend and a lady who I greatly admire from the 26th District arise and talk about the needs of the least of us and, indeed, there are needs. Being able to provide those needs depends upon jobs—depends upon our fixing Michigan so we can, in fact, pay taxes. So it comes, as the good Senator says, that we had budget tranquility or peace after passing the Michigan business tax and this surcharge. Where was that peace? That peace was in Lansing. It wasn't on Gratiot Road with house after house and business after business more than struggling; in fact, disappearing.

Too often here in Lansing, you folks who serve with me and in the Gallery should know that we lose sight in our desire to do right by the rest of the state. Budget peace and tranquility here in Lansing is not tranquility across the land. In fact, each of us knows as we struggle to find each and every little job or medium-sized job if we're lucky, or big job if we have hit the lotto, that this is what our people are crying out for and the self-respect that goes with having a job.

Fixing Michigan—that's about jobs. This surcharge is about anything else but jobs.

Senator Cassis' statement, in which Senator Pappageorge concurred, is as follows:

This has been an excellent debate, discussion, this morning. While it seems to go on and on, it's because it's probably one of the most crucial types of discussions we will ever have in these chambers. It certainly is out in the open. What we are discussing right now is the core philosophical difference between my good colleagues, Democrats and Republicans, and approaches to the economy.

Calling for a comprehensive approach certainly has merit. I wouldn't want anyone to think we are going to drop that ball, but it is not immediately at hand. We have to do something immediate. The last time we did a comprehensive approach, it had to be revenue-neutral. Well, it turned out not to be revenue-neutral. It brought more money in, and then we saw more businesses close their doors and more people lose their jobs. As a result, it had the opposite effect. We're seeing less revenues come in to the state.

So, no, we don't want a comprehensive solution which is going to be repetitious of the past. It will have to be new, it will have to be innovative, and there will have to be appropriate cost savings in the budget. We can't save the budget—no pun intended—at all costs.

Michigan enjoyed, as you remember, the highest and most robust economy during the 1990s. *Site Selection* magazine noted that we were given the Governor's Cup four or five times in succession for what Michigan was able to produce and the number of jobs created.

I have to say that my good friend, the Senator from Huntington Woods, got one thing correct. The tanking of manufacturing, in particular, the domestic Michigan auto industry, led to what, in large part, we face today in Michigan. We became the first state to suffer a recession. But also on the heels of that came 9/11 and its impact. Then the collapse of the banking industry, the housing bubble, and on and on. We've been living through that.

The history of stimulating an economy through tax relief is well-known, and there's extensive documentation of it. We look to the Kennedy Administration and the Reagan Administration for two examples. Even our new President, President Obama and his administration, is recognizing the need for tax relief. Perhaps it does not go far enough, but there is a recognition.

You're right and absolutely right to say, when you endorse Senate Bill No. 1 to remove the surcharge, show us also responsibly how we can still retain government's essential services, and I mean essential services. Here are some recommendations: Freeze spending in the state and hiring; cut programs which after evaluation show they are not producing. The federal stimulus package which we are hopeful to receive, devote a good portion to helping our job providers through tax relief.

I want to thank my very good friend from Macomb County, who has been one of the first to recognize that we need to responsibly cap the film refundable give-aways, now at \$99 million to one industry. It's expected to go to twice that next year. I want to thank you, and I want you to know we are going to work together. We'll continue this working together.

Then I have said this for a long time. Hold all departments accountable to come up with a five percent reduction. If government can't find at least five percent reductions in each and every department, I don't know how they can ever be assumed to be accountable to the public taxpayer. And, yes, reform Corrections. I think we could save half a billion dollars, and I think that is something we must start looking at right now, working together.

So, yes, let's roll up our sleeves, Democrats and Republicans together. We can do both: save the essential services which this state stands for and must provide, but also get people back to work. This will immediately retain and save jobs. Yes, we can build a bridge to hope.

Senator Jansen's statement is as follows:

While I've heard a lot of nice political speeches and I've heard a lot of exaggeration of facts and some accuracy in facts, I do believe that today is the beginning of this balance we're looking for, or the beginning of the conversation. We have to tell the business community the people that create jobs in Michigan.

You and I spend money if we're on Appropriations, and there are jobs, there are state jobs where we have some great people out there doing their job. But the jobs that are created are done in our districts by people who mortgage their homes, take an idea and start a business and then they hire somebody else, and then they hire somebody else. And it begins to grow. And guess what? Back in our communities, that's not happening very much.

I've got the Senate Fiscal Agency report here. I left the Legislature in 2002, and since 2001, and I would argue 9/11 was the beginning of our demise. But we've lost 637,000 jobs, give or take. Now in my old planning department in my township, we averaged 3.1 people per house, 600,000 jobs. I'm going to make the math easy for everybody. Three people per family, let's say. That's 1.8 million people who have been affected over the last, let's say, seven years. Folks, we're on the wrong path. Something has to change. I've been here for two years, and guess what? The numbers aren't going right.

Whoever said something about talking about tax policy, some of us walked in the door in 2007, and guess what? We had 12 months to fix the tax problem. So eight of us who are returning, were given a very large task, with all the rest of you, to re-write tax policy because the previous four years, eight years, 12 years, maybe it didn't get done like it should have. So the last year, or in 2007, we were able to re-write tax policy with all of you. It was really ugly.

Because I'm on Finance, we were in meetings, we were in more meetings, and then we were in even more meetings, and we negotiated and we worked. We tried to find a balance. The MBT was agreed upon in those meetings. The surcharge never came out of those meetings. The service tax never came out of those meetings. The MBT is what we negotiated and what we worked on and what we came to fruition with. The rest of the stuff is what we're dealing with that was not part of re-writing tax policy. So for many of us who hopefully will be around a while yet, we believe that wasn't a very good idea. The numbers are proving it.

Now if you want to find cuts, I'm on Appropriations. You know me; I will work with anybody. I have a list of about \$1.6 billion in cuts. You won't agree with them. I don't even agree with some of them. But we have a list and if we don't start putting that list together, we're on the same path where we sit around and say, "No, I don't want to pass anything."

You know what business is saying? They're deciding right now, in the next quarter, I have to pay a 100 percent increase, and in that quarter, I have to come up with X amount of dollars, and guess what? That's one job in my business. That's two jobs in my business. And they are asking, "You know, is Lansing even paying attention? Do they even care?"

I think today by voting for Senate Bill No. 1, we send a message to businesses. We know you create jobs, and you are an integral part of Michigan. We need you because I can't do anything on Appropriations until they produce.

So, ladies and gentlemen, I think our job is to send a message back home that business in Michigan is still desired, and we want to help them to get back on track. My job is not creating jobs in Michigan. I spend a lot of their money. There are jobs that come with that, but we're not making money on them. We're just spending the money. So it is time for us to be bold. I've said it before that it's going to take some risk. I know some of you are scared to death that there is going to be an emptiness in our budgets.

I come back after a number of years being gone, and I look at our budgets and we're up to \$44 billion. By the time this rescue package/stimulus package comes, I'm imagining the budgets next year, we're going to have \$48 billion or \$50 billion or something in our budgets. And the average citizen back home says, "You know what, Lansing, you spend way too much money" because it's their money in the first place.

So it is time for us to re-examine, be bold, work together, and find balance. I've heard all the nice words. Guess what? If we don't do it this year, we are going to be in a lot of trouble.

So, my colleagues, I ask that you'll join all of us, both sides. We find these solutions, but I think Senate Bill No. 1 is a great first start. It's a bold move. It's trying to find change. It's trying to reinvent who we are in some respects. It's the beginning. It's not the silver bullet. So I ask for your support, and I ask that we represent Michigan business owners who are trying to pay their bills so that they don't find foreclosure on their businesses, and then their employees find foreclosure on their homes. So I ask for your support.

Senator Bishop's statement is as follows:

I want to congratulate the chamber today for a lively debate on a very important issue regarding Michigan's future. We have had several of our members stand and give testimonials on this issue and join in the pros and cons of what we are discussing today. We can talk all day long about the history. I have heard several members get up and talk about the history of how we got the MBT and how we got the surcharge. We can spend all day talking about whose theory is right and whose recollection of history is the best, but the reality is we do have the MBT and we do have the surcharge and on that we can all agree.

The question really is, now that we have it and now that we know how it is being implemented; now that we know it is being interpreted; and now that we know how it is impacting the business community in our state and our job providers in this state, it is important that we do what is our responsibility and address those issue that have been raised. The Senate put together a task force, traveled across the state, the good chair of the Senate Finance Committee. Senators from across our great state took upon themselves to talk to job providers directly and talk to individuals and taxpayers as to how this impacts them. We gathered up a number of recommendations and put them together and brought them before the Legislature. Many of those recommendations have been adopted already. Others are still waiting.

Today we are talking about probably the biggest recommendation of that group, which is to roll back and to terminate infernality, the surcharge. The surcharge was one of those interesting elements that came up after the MBT; that was never originally intended to be a part of the MBT; that was an unfortunate result of the disdain for the Governor's service tax. Now that we know how this is impacting our businesses and our job providers, we can't simply continue to agree that it is a problem and point the finger at the problem and then proceed to blame each other for why it's there in the first place. Our responsibility now is to come up with solutions and ideas. This is not a Republican or Democrat issue. This is an issue for all of us Michiganders, as all of us have job providers in our districts, and all of us join in our concern about the future of our state. All those who talked about foreclosure today and the many pressures that are on our individuals in our state and our job providers, today is one of those days that we are engaging the dialogue which represents a legitimate solution—relief to the many people who need it in this state.

It is our responsibility to have an educated discussion, and I think we have. Now it is time to act. Let's stop talking about it and let's start acting. Today we have an opportunity to vote on the surcharge. You heard the testimonials and the egregious impact this is having on job providers and the disparate impact it is having on certain sectors of our economy. Let's stop pointing fingers of who is responsible for the MBT and the surcharge. Let's start talking about solutions.

Here is a solution: Yes, it will take us out of our comfort zone. It will undoubtedly put a hole in the budget, add to the budget, there is no question about it. But that is exactly why Senator Jelinek and the Appropriations Committee are meeting right now to discuss solutions on ways that we can reform government in ways that we can make ourselves more efficient and run more efficiently. Taxpayers and job providers have changed their lives and are biting the bullet right now because of what is happening to this economy. It is not too much to ask for state government to do the same. This is a small step towards that direction. If anybody believes that we are not going to be taken out of our comfort zone in the next couple of years as a result of this economy, they are flat-out wrong, and they have their head in the sand. You are in complete denial. Yes, we have been engaged in the Lansing two-step in this town. I like the way that was put. We have been whistling the same tune for years, and history has got us caught in a rut, and we are afraid of change. We, now more than ever, have to embrace that change. Government has got to change in a way that we have never seen—a transformational change, just like businesses are doing right now. Job providers and taxpayers have got to change their family budgets. Yes, we will be taken out of our comfort zone, but it is a step that we have to take. If we don't do it today, we will have to do it tomorrow. I can guarantee you if we wait til tomorrow, it is going to be far worse than it is today.

So let's step up on behalf of the people we represent and do our job. Take yourself out of the comfort zone, and be bold in our leadership. Today is a good day. It is a solution, and as time goes on, I hope that we can come together and find more solutions. It is not something that I like to do; it is something that we have to do.

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 Hunter 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:

Senate Bill No. 93, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," (MCL 408.1001 to 408.1094) by adding section 17.

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.

Resolutions

Senator Cropsey offered the following resolution:

Senate Resolution No. 5.

A resolution for the adoption of the Standing Rules of the Senate.

Resolved by the Senate, that the following rules be and are hereby adopted as the Standing Rules of the Senate.

SENATE RULES

CHAPTER I - SECTION 1

SENATE ORGANIZATION

1.101 PRESIDING OFFICER

a) The Lieutenant Governor shall be the President of the Senate and shall preside over all sessions of the Senate or, in his or her absence, the President pro tempore, Assistant President pro tempore, or Associate President pro tempore shall preside.

b) The Lieutenant Governor may vote only when the Senators are equally divided in their vote (see Const. Art. 5, Sec. 25).

c) In the absence of the President of the Senate, President pro tempore, Assistant President pro tempore, or Associate President pro tempore, the Secretary of the Senate shall preside until the Senate shall appoint a Senator to act as presiding officer or until the President of the Senate, President pro tempore, Assistant President pro tempore, or Associate President pro tempore shall appear. In the absence of all, or all but one Senator, the Secretary of the Senate shall preside.

1.102 AUTHORITY OF THE PRESIDENT OF THE SENATE

a) The presiding officer shall call the Senate to order at the hours provided by the Constitution, by these rules, or at the hour established by the Senate at its last meeting.

b) Unless Rule 1.205 b) is in effect, following the invocation and Pledge of Allegiance, the presiding officer shall instruct the Secretary of the Senate to record the attendance. The attendance shall be taken by using the electronic voting system for one minute, except for the first session in January or if the electronic voting system is not operational, the presiding officer shall instruct the Secretary of the Senate to call the roll orally and record and announce the results.

1.103 THE PRESIDENT OF THE SENATE'S CONTROL WITHIN THE CHAMBER

The presiding officer shall preserve order and decorum and shall have general control within the Chamber. During every session of the Senate, the Sergeant at Arms is under the direct supervision of the presiding officer. Every question of order and procedure shall be decided by the presiding officer, subject to an appeal by the Senate.

1.104 ELECTION OF SENATE OFFICERS

a) A President pro tempore, Assistant President pro tempore, and Associate President pro tempore shall be elected by a vote of a majority of the Senators elected and serving. They shall be elected at the first session of a quadrennium. All officers elected by the Senate are to hold office until their successors are elected and qualified or until the expiration of their term, whichever occurs first.

b) Prior to the commencement of the quadrennium session, the majority party shall meet in an organizational caucus and elect a Majority Leader, Majority Floor Leader, Majority Whip, Majority Caucus Chairperson, Assistant Majority Leader, Assistant Majority Floor Leader, Assistant Majority Whip, and Assistant Majority Caucus Chairperson. At a similar organizational caucus, the minority party shall elect a Minority Leader, Minority Floor Leader, Minority Whip, Minority Caucus Chairperson, Assistant Minority Leader, Assistant Minority Floor Leader, Assistant Minority Whip, and Assistant Minority Caucus Chairperson.

c) All majority party Senate Officers shall serve at the pleasure of the majority party caucus. All minority party Senate Officers shall serve at the pleasure of the minority party caucus.

d) All majority and minority caucuses shall be subject to the provisions of Section 8 of the Open Meetings Act (see MCL 15.268).

1.105 APPOINTMENT OF COMMITTEES

a) The Senate Majority Leader shall appoint all committees except when the Senate shall otherwise order. Except for the Appropriations Committee, the Senate Majority Leader may appoint subcommittees of standing committees when some of the members of that subcommittee are not also members of that standing committee. Such subcommittees shall contain at least one majority member and one minority member who are members of that standing committee and shall have one more majority party member than minority party member.

b) The Senate Majority Leader shall make appointments of minority party members from a list submitted by the Senate Minority Leader, and shall consider the preferences, seniority, and experience of the members in making appointments. The Senate Majority Leader may accept the list submitted by the Senate Minority Leader in whole or in part. If the Senate Majority Leader rejects names on the list and their corresponding committee assignments, the Senate Minority Leader shall submit replacement nominations.

c) All appointments to standing and select committees and subcommittees appointed by the Senate Majority Leader shall be subject to the approval of the Senate given by a majority of the Senators elected and serving. All appointments to conference committees shall be effective upon appointment by the Senate Majority Leader until disapproved by the Senate given by a majority of the Senators elected and serving.

1.106 ELECTION OF A SECRETARY OF THE SENATE

A Secretary of the Senate shall be elected as an officer of the Senate. The Secretary of the Senate shall take and subscribe to the Constitutional Oath of Office for the true and faithful discharge of the duties of office. The Secretary of the Senate is responsible for the constitutional and statutory duties of this office and is also authorized to sign papers, forms, documents and contracts on behalf of the Senate.

1.107 SENATE PARLIAMENTARIAN

The Secretary of the Senate, or a member of the staff of the Secretary of the Senate, shall serve as the Senate Parliamentarian to advise the Senate on questions relating to parliamentary law and procedure.

1.108 SENATE BROADCAST

The Secretary of the Senate, with the concurrence of the Senate Majority Leader, is authorized to broadcast Senate session.

1.109 SENATE JOURNALS

a) The Secretary of the Senate shall keep a correct Journal of each day's proceedings of the Senate, supervise its publication, and make corrections from day to day as may be necessary. During the consideration and passage of appropriation bills, the Secretary of the Senate is authorized to correct totals that may have been affected by amendments made to items in the bill. The corrections shall be made in the bill and the Journal.

b) The Secretary of the Senate shall have copies of the Journal distributed to the offices of the President of the Senate and Senators daily, and shall make copies available to the general public.

c) When the Senate goes into Executive Session, the proceedings of the Senate shall be kept in a separate Journal, which shall be open to inspection by Senators only, unless otherwise ordered. Such Journal shall be published after the close of the session, at the end of the regular Journals of the Senate proceedings, unless otherwise ordered by the Senate.

1.110 INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

a) All bills and joint resolutions to be introduced shall be submitted to the Secretary of the Senate to be available for introduction on the next succeeding Senate legislative day, and accompanied by 12 true copies. Once submitted to the Secretary of the Senate, all bills and joint resolutions become the property of the Senate and cannot be withdrawn. Each bill, conference report, substitute bill and joint resolution shall be approved as to form and numbering of sections by the Legislative Service Bureau prior to being submitted for introduction. Bills and joint resolutions may be submitted for introduction during the interim between sessions.

b) Each Senate bill and joint resolution when introduced and each House bill and joint resolution when first received from the House shall be read a first and second time by title.

c) Senators may move to co-sponsor a Senate bill or Senate joint resolution when it is in possession of the Senate and not in a Senate committee. The first named member is the sponsor. After final passage of a Senate bill or adoption of a Senate joint resolution, or upon final action on a Senate bill or Senate joint resolution returned from the House, the presiding officer may open the voting board to allow Senators to add their names as co-sponsors. A sponsor or co-sponsor may move to remove his or her name from a Senate bill or Senate joint resolution when it is in possession of the Senate and not in a Senate committee, provided that at least one Senator remains listed as the sponsor.

1.111 NUMBERING, LETTERING AND PRINTING OF BILLS AND JOINT RESOLUTIONS

a) The Secretary of the Senate shall assign Senate bill numbers to all Senate bills in the order they are submitted for introduction. All joint resolutions shall be assigned letters in the order they are submitted for introduction.

b) The Secretary of the Senate shall attend to the printing or reproduction of all bills, joint resolutions, acts, or documents ordered printed or reproduced by the Senate. The heading of every bill and joint resolution ordered reproduced shall contain the number of the bill or letter of the joint resolution, name of the Senator or Senators introducing the bill or joint resolution, date of introduction, and the name of the committee to which the bill or joint resolution is referred (see Const. Art. 4, Sec. 26).

1.112 ANNOUNCEMENT OF PRINTING AND ENROLLMENT OF BILLS AND JOINT RESOLUTIONS

The Secretary of the Senate shall print in the Journal each day the number of all Senate and House bills and letters of all joint resolutions which have been printed or reproduced and distributed to the offices of the President of the Senate and Senators, and the numbers of the Senate bills which have been enrolled and presented to the Governor.

1.113 CARE AND PRESERVATION OF BILLS AND RESOLUTIONS

The Secretary of the Senate shall be responsible to the Senate for the care and preservation of every bill and resolution introduced in the Senate and each bill and resolution received from the House, which responsibility shall only be relieved by a receipt from an authorized person.

1.114 ENROLLMENT OF BILLS AND PRESENTATION TO THE GOVERNOR

a) After a Senate bill has passed both Houses, the Secretary of the Senate shall attend to the enrollment printing. The Secretary of the Senate shall present the enrolled bill to the Governor, obtaining a receipt, on which the exact date and time shall be shown for the bill deposited in the Executive Office.

b) The Secretary of the Senate may be authorized by a motion to enroll a Senate bill while the Senate is not in session if that bill has passed both Houses and no action is pending. The Secretary of the Senate shall notify the Senate of such action on the next Senate legislative day.

c) When a Senate bill is approved by the Governor, the Secretary of the Senate shall obtain a receipt from the Governor's office verifying the exact date and time the bill was filed with the Secretary of State. At the end of each year, the Secretary of the Senate shall deposit with the Secretary of State the official printed copy of the Senate bill as passed by both Houses and obtain a receipt.

1.115 ENROLLMENT OF JOINT RESOLUTIONS

a) After a Senate joint resolution has been adopted by both Houses, the Secretary of the Senate shall attend to the enrollment printing. The Secretary of the Senate shall certify and file the enrolled joint resolution with the Secretary of State and others as directed by the joint resolution.

b) The Secretary of the Senate may be authorized by a motion to enroll a Senate joint resolution while the Senate is not in session if that joint resolution has been adopted by both Houses and no action is pending. The Secretary of the Senate shall notify the Senate of such action on the next Senate legislative day.

c) When filing an enrolled Senate joint resolution with the Secretary of State, the Secretary of the Senate shall obtain a receipt verifying the exact date and time filed. At the end of each year, the Secretary of the Senate shall deposit with the Secretary of State the official printed copy of the Senate joint resolution **AS ADOPTED BY BOTH HOUSES** and obtain a receipt.

1.116 BILL AND RESOLUTION HISTORY

The Secretary of the Senate shall keep a record and index of all bills and resolutions received by the Senate. This record shall include the title, bill or resolution number, joint resolution letter, name of the ~~Senator or Senators~~ **SPONSOR AND CO-SPONSOR(S)** introducing the bill or resolution, name of the committee to which the bill or resolution is referred, and an entry of all action, including the date, taken on the bill or resolution.

1.117 SENATE ADMINISTRATION AND OFFICE BUDGETS

a) The Senate Majority Leader shall assign duties to Senate employees not specified by other rules, and shall have final approval authority for all expenses for the operation of the Senate, except as provided by law.

b) In the absence of the Senate Majority Leader, the Assistant Majority Leader shall assume the duties and responsibilities of the Senate Majority Leader.

c) The Secretary of the Senate shall create a budget with the concurrence of the Senate Majority Leader, discuss it with the Senate Minority Leader and present it to the Committee on Appropriations at the beginning of each budget year. The form of the budget shall parallel, as closely as practical, the departmental budgets presented to the Committee on Appropriations.

d) The Senate financial records shall be open for public inspection. Upon a request that describes the financial record sufficiently to enable the Senate to find the financial record, a person has a right to inspect, copy, or receive copies of that financial record of the Senate. Documents shall be available for inspection during normal business hours. The Secretary of the Senate shall keep a record of these requests. A copy of the Senate financial records shall be on file with the Secretary of the Senate, who shall have overall authority to administer the Senate financial records under the direction of the Senate Majority Leader. The Secretary of the Senate shall provide to each Senator access to information regarding the status of the Senator's staff account, office operations account, and committee operations account for any standing committee that he or she chairs. The Senate Majority Leader shall have access to the reports for the accounts of all Senators.

1) The Secretary of the Senate shall serve as the Senate Information Officer to respond to requests for Senate financial records from the public and the media on behalf of a Senator or the Senate. All requests must include the first and last name, mailing address, and phone number of the requester. When the Secretary of the Senate receives a written request for a public record, the Secretary shall immediately, but not more than 5 business days after the day the request is received unless otherwise agreed to in writing by the person making the request, respond to the request by 1 of the following:

A) Grant the request.

B) Issue a written notice to the requesting person denying the request.

C) Grant the request in part and issue a written notice to the requesting person denying the request in part.

D) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the Senate shall respond to the request. The Senate shall not issue more than 1 notice of extension for a particular request.

If the Senate fails to respond to the written request within these guidelines, there will be a fine of \$250 and all Senate copying and inspection fees shall be waived.

2) As used in this section, "financial record" means a budget, account, contract, purchase order, an expenditure authorization, voucher, check, warrant, lease, audit report, balance sheet, travel voucher, or other such summaries of financial transactions.

The following information contained in Senate financial records is exempt from disclosure under this rule:

A) Information of a personal nature contained in financial records where the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy. Such exempt information would include, but not be limited to, the following:

(i) An employee's social security account number, financial institution record, electronic transfer fund number, deferred compensation, savings bonds, W-2 and W-4 forms, and any court enforced judgment.

(ii) An employee's benefit selection.

(iii) Telephone bill detail including the telephone number and name of individual called.

(iv) Unemployment compensation and workers' disability compensation records.

B) Records and information specifically described and exempted from disclosure under statute or subject to attorney-client privilege.

C) A bid or proposal by a person to enter into a contract or agreement, until the time for the public opening of bids or proposals, or if a public opening is not to be conducted, until the time for the receipt of bids or proposals has expired.

D) Commercial or financial information or trade secrets voluntarily provided to the Senate for use in developing government policy if submitted upon a promise of confidentiality by the Senate.

E) Communications, notes, and electronic data within the Senate or between the Senate and other public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to the final Senate determination of policy or action.

3) The Senate may charge a reasonable fee for providing a copy of a financial record. The fee shall be limited to actual mailing costs and to the actual incremental cost of duplication or publication including labor, the cost of search, examination, review, and the deletion of exempt information from nonexempt information.

4) The Senate may also charge a reasonable fee for providing for the inspection of financial records. This fee may include the actual incremental cost of supervising the inspection including labor, the cost of search, examination, review, and the deletion of exempt information from nonexempt information.

The Senate may adopt any such other rules and policies as are necessary to provide for the orderly dissemination of materials to the public.

e) Each Senator shall be allotted separate budget amounts for the annual staff account and the annual office operations account, as determined by the Senate Majority Leader, to be used on a fiscal year basis. Each standing committee chairperson shall be allotted a separate budget amount for the annual committee operations account, as determined by the Senate Majority Leader. The amounts allocated to these accounts may be adjusted for all Senate offices by the Senate Majority Leader. Any unused amount in a fiscal year shall not be carried into the succeeding year. A Senator shall not exceed the annual limits for each of these accounts without approval of the Senate Majority Leader.

f) The Senate Majority Leader shall establish guidelines to allow Senators to transfer a limited amount of funds between their own staff account and their office operations account.

1.118 SECRETARY OF THE SENATE ADMINISTRATIVE DUTIES

a) With the approval of the Senate Majority Leader, the Secretary of the Senate shall appoint a staff to conduct the business of the Senate.

b) The Secretary of the Senate shall exercise supervisory care and control of the Senate Chamber, all Senate rooms, corridors, furniture, and equipment. Upon approval of the Senate Majority Leader, the Secretary of the Senate shall purchase all necessary furniture, carpet, equipment, postage, supplies, and services for use by the Senate.

c) The Secretary of the Senate shall install and maintain any equipment approved for use by the Senate.

d) The Secretary of the Senate shall have responsibility for the development and maintenance of a system for preserving records of the Senate and its committees. The Secretary of the Senate shall issue guidelines for the organization and preservation of these records.

e) The Secretary of the Senate shall be responsible for keeping the Senate seal and for affixing the Senate seal to official Senate documents, as authorized by the Senate Majority Leader. The Senate seal shall be comprised of the coat of arms of the State of Michigan encompassed by the words: "Senate - State of Michigan".

f) The Secretary of the Senate shall maintain a schedule of Senate committee rooms.

g) The Secretary of the Senate shall make and maintain an official tape of all sessions of the Senate. Copies of the official tape shall be made only upon application approved by the Senate Majority Leader. All official tapes of the Senate sessions shall be transferred to the State Archives four years following the end of each biennial session of the Senate.

h) The Secretary of the Senate shall compile and maintain a list of appointments by the Governor subject to the advice and consent power of the Senate. This list shall contain the name and function of the office, the holder of the office, the date of appointment, and the expiration date of the officeholder's term. This list shall be posted on the Senate Website.

i) The Secretary of the Senate shall compile and maintain a list of the appointments that the Senate Majority Leader or the Senate Minority Leader are authorized to make to various boards and commissions. This list shall contain the name and function of the office, the holder of the office, the date of appointment, and the expiration date of the officeholder's term. This list shall be posted on the Senate Website.

1.119 DUTIES OF THE SERGEANT AT ARMS

a) The Sergeant at Arms shall be the chief security officer of the Senate. Under the direction of the Senate Majority Leader, the Secretary of the Senate shall supervise and direct the work of the Sergeant at Arms, Assistant Sergeants at Arms, and Pages and may commission the Sergeant at Arms and Assistant Sergeants at Arms, who meet the certification requirements of this state, as law enforcement officers with the powers provided under the Legislative Sergeant at Arms Police Powers Act (see MCL 4.381-4.382).

b) The Sergeant at Arms shall attend the Senate during its sessions and maintain order under the direction of the presiding officer. The Sergeant at Arms shall execute the commands of the presiding officer and of the Senate, and all processes issued by authority thereof.

c) The Sergeant at Arms shall have general charge, and maintain order, in the gallery, Chamber, and committee rooms of the Senate. The Sergeant at Arms shall see that all staff and visitors are seated.

1.120 EXECUTIVE SESSION

On a motion made and carried that the Senate go into executive session, the presiding officer shall direct all persons, except Senators, the Secretary of the Senate, and personnel as authorized by the Senate, to withdraw. The vote of a majority of the Senators voting shall be required on a motion for executive session, except for executive sessions called under Rule 2.104. During an executive session, the doors shall remain closed and every Senator and officer shall keep confidential all proceedings and matters enjoined by order of the Senate (see Const. Art. 4, Sec. 20).

CHAPTER I - SECTION 2 MEMBER RESPONSIBILITIES

1.201 OATH OF OFFICE

The oath of office to Senators-elect shall be administered following the November general election up to and including the first day of regular session, or as soon thereafter as a Senator-elect may appear. The oath shall be administered by the Lieutenant Governor, a Justice of the Supreme Court, a Judge of the Court of Appeals, or the Secretary of the Senate (see Const. Art. 11, Sec.1).

1.202 CONTESTED ELECTIONS

a) A petition for a recount shall be filed not later than 48 hours following the completion of the canvass of the votes cast at an election. A copy of the petition shall be given by the contestant to the Secretary of the Senate (see MCL 168.879). Notice of receipt of the petitions shall be announced by the Secretary of the Senate and printed in the Journal.

b) Each contestant requesting a recount shall deposit with the Secretary of State, Bureau of Elections, the amount provided by law for each precinct in which he or she has requested a recount (see MCL 168.881).

c) Upon completion of a recount, the Board of State Canvassers shall forward a report of the results to the Secretary of the Senate and the report shall be announced by the Secretary of the Senate and printed in the Journal (see MCL 168.879).

d) In the case of two or more persons having equal and the highest number of votes for any office, as canvassed by the Board of State Canvassers, the Board of State Canvassers shall certify the result of the canvass to the Legislature and in joint convention the Legislature shall choose one of said persons to fill the office. When the determination of the Board of State Canvassers is contested, the Legislature in joint convention shall decide which person is elected (see MCL 168.846).

1.203 PROCEDURE FOR EXCLUSION

a) A Senator-elect shall not be given the oath of office or seated as a Senator if he or she has been convicted of subversion or has, within the preceding 20 years, been convicted of a felony involving breach of the public trust (see Const. Art. 4, Sec. 7). Upon finding by a majority vote of the Senators elected and serving that a Senator-elect has committed an offense within the provisions of this rule, he or she shall be declared to be unqualified for membership in the Senate and his or her office declared vacant.

b) Questions arising from challenges to the elections or returns of its members shall be decided by a vote of a majority of the Senators elected and serving (see Const. Art. 4, Sec. 16). In cases of contested elections or returns, notice setting forth the grounds of the contest shall be given by the contestant to the Secretary of the Senate not later than January 7 following the general election, or not later than 20 days following the special election.

c) The Senate, with concurrence of two-thirds of its members elected and serving, may expel a member. The reasons for such expulsion shall be printed in the Journal (see Const. Art. 4, Sec. 16).

1.204 EXCUSED ABSENCE

The Senate may excuse any Senator from attendance for any stated period, and the excused absence shall be printed in the Journal. The Senate may revoke an excuse at any time.

1.205 SENATORS DEEMED PRESENT UNLESS EXCUSED

a) A Senator who answers an attendance roll call or who enters after an attendance roll call and reports his or her presence to the Secretary of the Senate shall be considered present thereafter unless an excused absence is granted.

b) A Senator may be recognized prior to the invocation and the attendance roll call only for the purpose of presenting a motion to adjourn. Should such a motion to adjourn prevail, there shall be no official invocation and attendance roll call for that day.

1.206 COMPENSATION FOR SENATORS

The compensation of Senators is determined by the State Officers Compensation Commission, as provided by law. Senators shall not collect from the Senator's staff account any compensation, expense allowance, or mileage reimbursement.

1.207 FACILITIES FOR SENATORS

Each Senator shall be entitled to facilities, equipment, furnishings, and expenses that are necessary to fulfill the duties of office. The location of facilities and the sufficiency of equipment, furnishings, and expenses shall be determined through guidelines issued by the Senate Majority Leader.

1.208 EXPENSE REIMBURSEMENT

Expense reimbursement for travel, lodging, meals, registration fees, and related items shall be made in accordance with an established set of regulations as determined and published by the Senate Majority Leader. The regulations shall set forth the guidelines for amounts, methods of payment, and time of payment for such items. When, in the judgment of the Senate Majority Leader, the regulations need revision, the Senate Majority Leader may make the revision upon 15-day notice to all Senators. The regulations shall include the following:

a) Out-of-state expenses of a Senator, or Senate employee, shall not be paid by the Senate unless a written request has been approved by the parties specified in the regulations and by the Senate Majority Leader, and has been filed with the Secretary of the Senate prior to departure.

b) The request shall state the purpose for making the trip, the relevance of the trip to legislative matters, and an estimate of the cost.

c) A Senator, or Senate employee, shall file a written and signed post-travel report with the Secretary of the Senate not more than 20 calendar days after returning. These reports shall be retained by the Secretary of the Senate until no longer required by law. If a report is not filed within 20 calendar days after returning, expenses may not be reimbursed by the Senate. Senate funds received in advance of departure shall be returned in full if the report is not filed within 20 calendar days after returning. The report shall include a summary of the relevant legislative information, material pertinent thereto, and itemized expenditures.

d) An expenditure for travel by a Senator, or Senate employee, shall not be paid by the Senate unless that expenditure is itemized and receipted (except in cases in which receipts are not ordinarily provided).

e) Expenses for out-of-state travel by Senators shall be printed in the Journal on a quarterly basis.

f) A Senator, or an employee of a Senator, shall not incur out-of-state travel expenses after the Senator is defeated in a Senate primary or general election, or upon the failure of the Senator to file for election while serving the balance of his or her unexpired term, unless approved by the Senate Majority Leader.

1.209 MAILING

- a) The mailing or printing at Senate expense of any personal or campaign material is prohibited.
- b) A Senator, or committee of the Senate, shall not use state funds to mail 1,000 or more pieces of substantially similar material 30 days or less before a primary or general election, in which the Senator is a candidate. This rule does not apply if the mailing is a summary of a ballot proposal and is approved by the Senate Majority Leader.
- c) The Senate shall not make payment for a mass mailing sent outside the district of the Senator making the mailing. In determining whether a violation of this rule has occurred, recognition shall be given to established mass mailing techniques.
- d) The Senate Majority Leader shall develop and disseminate guidelines for printing and mass mailing.
- e) The cost of pieces mailed by a Senator which were paid for by Senate funds shall be tabulated and recorded by the Secretary of the Senate.

CHAPTER I - SECTION 3 LEGISLATIVE CONDUCT AND ETHICS

1.301 LEGISLATIVE CONDUCT

Each Senator shall conduct himself or herself to justify the confidence placed in him or her by the people and shall, by personal example and admonition to colleagues, maintain the integrity and responsibility of his or her office.

1.302 ATTENDANCE AND VOTING

Every Senator is expected to vote on each roll call vote, unless absent or prohibited from voting by Rule 1.306. A Senator who misses a roll call vote may request that a ~~statement~~ **VOTE INTENTION** be printed in the Senate Journal reflecting how he or she would have voted.

1.303 IMPROPER INFLUENCE

A Senator shall not accept anything that will influence his or her official act, decision, or vote.

1.304 CONFLICTING EMPLOYMENT

A Senator shall not allow any personal employment to impair his or her independence of judgment in the exercise of his or her official duties.

1.305 UNDUE INFLUENCE

A Senator shall not use his or her influence in any matter that involves substantial conflict between his or her personal interest and his or her duties in the public interest.

1.306 DISCLOSURE AND DISQUALIFICATION

A Senator having a personal, private, or professional interest in a bill, of which he or she has knowledge, shall not vote on the bill and shall disclose in writing his or her interest in the bill. A personal, private, or professional interest in a bill is an interest that would provide a benefit particular to a Senator or a benefit particular to any individual or entity to whom the Senator is financially or legally obligated or is personally related. The disclosure shall be filed with the Secretary of the Senate to be printed in the Journal immediately following the record of the vote on the bill. If a Senator votes on a bill that might appear at the time of the vote to provide a benefit particular to that Senator or a benefit particular to any individual or entity to whom the Senator is financially or legally obligated or is personally related, a Senator may submit a statement explaining his or her reasons for voting. The statement shall be printed in the Journal.

1.307 SEXUAL HARASSMENT

Sexual harassment of Senators and Senate employees is prohibited and will not be tolerated by the Senate. The Senate Majority Leader shall establish a Senate Majority Leader policy to implement this prohibition.

1.308 SENATE EMPLOYEES AND CONFLICTS

Senate employees shall be accountable to the intent of Chapter I - Section 3 where applicable.

1.309 IMPROPER USE OF STAFF AND FACILITIES

a) A Senator shall not convert for personal, business and/or campaign use, unrelated to Senate business, any supplies, services, facilities, or staff provided by the State of Michigan. This includes, but is not limited to, telephones, telecopy machines, computers, postage, and copy machines.

b) Personal business and incidental campaign calls, when charged to the state, are clearly contrary to the proper use of these facilities.

c) Personal and business calls must be charged to the caller's residence telephone, personal credit card, special billing number or made from a cellular telephone or pay station. Individuals making unreimbursed personal calls from state facilities shall be subject to appropriate sanctions.

d) In situations where it is not possible to utilize any of the methods outlined above to make a personal call, or when other incidental expenses are incurred, the Senate's operating procedure shall allow reimbursement to the State of Michigan for such calls and expenses.

1.310 ADVISORY OPINIONS

All questions relating to the interpretation and enforcement of these rules concerning legislative conduct and ethics shall be referred to the Committee on Government Operations and Reform. A Senator who has a question regarding

legislative conduct and ethics may submit a factual situation to the Committee on Government Operations and Reform with a request for an advisory opinion establishing the standard of public duty. The Committee shall respond to each inquiry. All opinions shall, after hearing, be numbered, dated, and printed in the Journal. No opinion shall identify the requesting Senator without his or her consent.

1.311 PENALTIES FOR VIOLATION

If a Senator is alleged to have violated the provisions of the rules regulating ethics and conduct, the Committee on Government Operations and Reform shall determine if the facts underlying the allegation are sufficient to merit a hearing. If a hearing is held, the Senator charged with a violation shall be given notice and granted the opportunity to appear at the hearing and be represented by counsel. The determination and any disciplinary action shall be made and taken only by a two-thirds vote of the Senators elected and serving on recommendation of the Committee on Government Operations and Reform. A Senator determined to have violated the provisions of the rules regulating ethics and conduct may be reprimanded, censured, or expelled. Any actions undertaken under this section shall be separate from any prosecutions or penalties otherwise provided by law.

CHAPTER I - SECTION 4 SENATE EMPLOYEES

1.401 EMPLOYEES OF EACH SENATOR

a) All Senators may appoint necessary staff in accordance with Senate rules and subject to policies established by the Senate Majority Leader. These employees shall be directly responsible to the Senator. A Senator shall not appoint any employee who is related within the first degree of consanguinity or direct affinity to any Senator elected or serving. A Senator shall not appoint any employee who is related within the second or third degree of consanguinity or direct affinity to any Senator elected or serving without permission of the Senate Majority Leader.

b) A person shall not begin employment nor receive any compensation until a Senator has provided the Secretary of the Senate with the necessary information about the employee.

c) A Senate employee shall not convert for personal, business and/or campaign use, unrelated to Senate business, any supplies, services, facilities, or staff provided by the State of Michigan. This includes, but is not limited to, telephones, telecopy machines, computers, postage, and copy machines.

d) Personal business and incidental campaign calls, when charged to the state, are clearly contrary to the proper use of these facilities.

e) Personal and business calls must be charged to the caller's residence telephone, personal credit card, special billing number or made from a cellular telephone or pay station. Individuals making unreimbursed personal calls from state facilities shall be subject to appropriate sanctions.

f) In situations where it is not possible to utilize any of the methods outlined above to make a personal call, or when other incidental expenses are incurred, the Senate's operating procedure shall allow reimbursement to the State of Michigan for such calls and expenses.

1.402 COMMITTEE CLERKS

Each standing committee chairperson shall appoint one person ~~from his or her staff~~ to serve as committee clerk, **AS AUTHORIZED BY THE SENATE MAJORITY LEADER**. The person designated as committee clerk must perform all duties established by the State Constitution and Senate rules and must attend committee clerk training sessions provided by the Secretary of the Senate.

1.403 EMPLOYEE APPOINTMENT

The Senate Majority Leader shall appoint employees as may be necessary for the work of the Senate. The Senate Majority Leader shall appoint minority staff employees from a list submitted by the Senate Minority Leader.

1.404 EMPLOYEE COMPENSATION

a) Compensation for Senate employees shall be established by each Senator within the limits of the budget guidelines in accordance with Senate rules and subject to policies issued by the Senate Majority Leader.

b) The Senate shall not provide more than three fringe benefit packages for the staff of each minority Senator or more than five fringe benefit packages for the staff, including committee staff, of each majority Senator unless otherwise determined by the Senate Majority Leader.

1.405 EMPLOYEES AS CANDIDATES

Any Senate employee who files a nominating petition or pays a fee for ballot access or files an affidavit of candidacy for a full-time elective office shall be placed on an unpaid leave of absence.

1.406 TERMINATION OF EMPLOYMENT

The Senate Majority Leader shall have the right to terminate the services of any employee and the pay of the employee shall stop on the day of dismissal. This rule shall not apply to any employee elected by the Senate or those employees specifically provided for by other Senate rules.

CHAPTER II - SECTION 1 COMMITTEE ORGANIZATION

2.101 AUTHORIZATION FOR STANDING COMMITTEES

Permanent standing committees, when created by rule of the Senate, shall exist and function both during and between sessions (see MCL 4.221).

2.102 POWERS AND RESPONSIBILITIES OF COMMITTEES

a) Any Senator, while acting as a member of a committee, shall have authority to administer oaths to such persons as shall be examined before the committee of which he or she is a member (see MCL 4.85).

b) Any committee may, by resolution of the Senate, be authorized to administer oaths, subpoena witnesses, and examine the books and records of any persons, partnerships, or corporations involved in a matter properly before any committee (see MCL 4.101).

c) Any witness, or attorney representing a witness, may be punished for contempt by the Legislature (see MCL 4.82 and 4.101), under either of the following circumstances:

1) During a committee investigation and pursuant to a committee subpoena, he or she:

a) Refuses to be sworn or testify, or

b) Fails on demand to produce any papers, books, or documents in regards to any matter under investigation, or

c) Otherwise neglects or refuses to obey the committee subpoena.

2) He or she is guilty of deliberately interfering with the duties and powers of the Legislature while in attendance at a committee hearing.

d) Contempt of the Legislature shall be punishable as provided by law (see MCL 4.82 and 4.83).

2.103 STANDING COMMITTEES

The standing committees of the Senate shall be:

Agriculture **AND BIOECONOMY** (5 members)

Appropriations (18 members)

Banking and Financial Institutions (7 members)

Campaign and Election Oversight (~~5~~ 4-members)

Commerce and Tourism (5 members)

Economic Development and Regulatory Reform (7 members)

Education (5 members)

Energy Policy and Public Utilities (8 members)

Families and Human Services (3 members)

Finance (7 members)

Government Operations and Reform (~~7~~ 6-members)

Health Policy (7 members)

Homeland Security and Emerging Technologies (7 members)

Hunting, Fishing and Outdoor Recreation (5 members)

Judiciary (~~8~~ 7-members)

Local, Urban and State Affairs (5 members)

Natural Resources and Environmental Affairs (5 members)

Senior Citizens and Veterans Affairs (5 members)

Transportation (5 members)

Statutory standing committees:

Administrative Rules (5 members) (see MCL 24.235)

Legislative Council (6 members and 3 alternates) (see MCL 4.1103)

Legislative Retirement Board of Trustees (2 members) (see MCL 38.1026)

Michigan Capitol Committee (4 members) (see MCL 4.1701)

2.104 COMMITTEE ON GOVERNMENT OPERATIONS AND REFORM

a) All appointments to office submitted by the Governor, and any other executive business, shall be referred to the Committee on Government Operations and Reform. No appointment shall be voted upon until it has been printed in the Journal.

1) Any appointment not disapproved within 60 session days after receipt shall stand confirmed (see Const. Art. 5, Sec. 6).

2) On all appointments to office reported favorably, the question shall be on advising and consenting to the appointment. On all appointments reported unfavorably or without recommendation, the question shall be on the disapproval of the appointment.

3) The vote of a majority of the Senators elected and serving by record roll call vote shall be required to approve or disapprove any appointment to office submitted by the Governor. Any appointments considered by the Senate shall be in open session, unless a majority of the Senators elected and serving shall vote in favor of an executive session (see Const. Art. 4, Sec. 19).

b) If an appointment is made at a time when the 60 days would lapse during an extended recess of the Senate, the Senate Majority Leader may schedule a session of the Senate for the sole purpose of carrying out the Senate's constitutional duties to advise and consent on gubernatorial appointments. The Senate Majority Leader shall notify the Secretary of the Senate at least 10 calendar days prior to the date of the scheduled session. The Secretary of the Senate shall take all reasonable steps to notify the members of the Senate of the scheduled session.

c) Effective upon written notification to the Secretary of the Senate, the chairperson of the Committee on Government Operations and Reform may request a Senate standing committee to hold hearings and make written recommendations to the Committee on Government Operations and Reform on a gubernatorial appointment or an executive order. The Senate standing committee shall adopt by committee vote a recommendation to the Committee on Government Operations and Reform.

d) Executive orders issued by the Governor, ~~dealing with matters of executive reorganization, EXCEPT THOSE DEALING WITH MATTERS OF APPROPRIATIONS OR EXPENDITURE REDUCTIONS,~~ shall be referred to the Committee on Government Operations and Reform. Any executive order dealing with matters of executive reorganization ~~not disapproved MAY BE DISAPPROVED BY A RESOLUTION CONCURRED IN BY A MAJORITY OF THE MEMBERS ELECTED TO AND SERVING IN EACH HOUSE~~ within 60 calendar days ~~AFTER RECEIPT AT~~ of a regular session, or a full regular session if of shorter duration, ~~after receipt shall stand.~~ Unless disapproved in both Houses by a resolution concurred in by a majority of the members elected to and serving in each House ~~WITHIN THAT TIME,~~ the executive order shall become effective at a date thereafter to be designated by the Governor (see Const. Art. 5, Sec. 2).

e) Executive orders dealing with matters of appropriations or expenditure reductions shall be referred to the Committee on Appropriations (see MCL 18.1391).

f) The Committee on Government Operations and Reform shall receive for review all reports presented by the legislative auditor general.

g) Effective upon written notification to the Secretary of the Senate, the chairperson of the Committee on Government Operations and Reform may request a Senate standing committee to hold hearings and make written recommendations to the Committee on Government Operations and Reform on an auditor general report. The Senate standing committee shall adopt by a committee vote a recommendation to the Committee on Government Operations and Reform.

2.105 COMMITTEE CHAIRPERSONS AND TEMPORARY MEMBERS

a) The first named member of any committee shall be the chairperson, the second named member shall be the majority vice chairperson, and the remaining members of the committee shall rank in the order in which they are named. The first named member of the minority party shall be the minority vice chairperson **EXCEPT WHEN THE CHAIRPERSON IS FROM THE MINORITY PARTY, IN WHICH CASE, THE SECOND NAMED MINORITY PARTY MEMBER SHALL BE THE MINORITY VICE CHAIRPERSON.** In the temporary absence of the chairperson and majority vice chairperson, the highest ranking member in attendance shall act as chairperson. When all members of a subcommittee are also members of the standing committee, the committee chairperson shall appoint the subcommittee members.

b) In the apparent prolonged absence of a member of a committee, the Senate Majority Leader shall fill the vacancy by appointing a committee member who shall serve until the absent Senator returns. A temporary committee member shall not be appointed chairperson of the committee by the Senate Majority Leader.

2.106 CALLING OF A COMMITTEE

It shall be the duty of any committee to meet at the call of the chairperson, or on the written request of a majority of the members of the committee. The call or request must contain the date, time, and place of the meeting. No committee of any status shall sit during a session of the Senate, except during recess, unless leave is granted by the Senate. No committee shall use the Senate Chamber for a public hearing during any regular or special session of the Legislature.

2.107 NOTICE OF MEETINGS AND PUBLIC HEARINGS

a) A committee may hold a meeting or public hearing on any bill or resolution referred to the committee and on any issue relevant to the subject matter of the committee. Notice of the meeting or hearing, its subject, date, time, and place, shall be given in writing to the Secretary of the Senate who shall print it in the Journal and on the Senate calendar and post it where appropriate (see Const. Art. 4, Sec. 17). Oral notice of the meeting or public hearing may be given to the Senate during a session by the chairperson, or a member, of the committee holding the meeting or public hearing.

b) Notice of all committee meetings and public hearings shall comply with the Michigan Open Meetings Act (see MCL 15.261-275).

2.108 COMMITTEE STAFFING

In addition to the allocation for staff as provided in Rule 1.117(e), the committee chairperson may appoint additional committee personnel as authorized by the Senate Majority Leader. The Senate Majority Leader may authorize joint utilization of personnel with the House of Representatives and may authorize the Senate to share in the cost.

2.109 COMMITTEE EXPENSES

No committee may receive reimbursement for expenses unless authorized by the Senate Majority Leader. A report of committee expenses, prepared by the chairperson and the Secretary of the Senate from the documents on file in the Secretary of the Senate's office and approved by the chairperson, shall be filed quarterly with the Secretary of the Senate. The report shall include the date, payee, amount, and purpose of the expenditure. The Secretary of the Senate shall print in the Journal that the expense report is on file and open for public inspection.

CHAPTER II - SECTION 2 COMMITTEE PROCEDURE

2.201 COMMITTEE QUORUM

A quorum of a committee is a majority of the committee. The affirmative vote of a majority of the committee members serving is required to adopt an amendment or substitute to a bill or resolution and to report any matter to the Senate.

A member must be present at the time a roll call is taken for his or her vote to count toward the required majority concurrence.

2.202 COMMITTEE RECORDS

a) Each committee chairperson shall keep a record of its proceedings, including the date and time of each meeting, the committee members present and absent, and all action on bills and resolutions in the committee with the names and votes of members (see Const. Art. 4, Sec. 17). A member of the committee wishing to explain his or her vote may file a written explanation with the clerk of the committee within two legislative days after the vote is taken, which explanation shall be attached to the minutes. All minutes shall be available for public inspection during reasonable business hours. The committee record of its proceedings shall be transmitted biennially to the Secretary of the Senate within 30 days of the final adjournment of the Legislature. The Secretary of the Senate shall be responsible for the storage of the committee minutes and records of its proceedings, which shall be available for public inspection upon request.

b) The chairperson of each committee shall keep the committee files, recordings, tapes, records, memoranda, or written documents in storage cabinets which are separate from his or her legislative records. The chairperson shall provide the Secretary of the Senate with the identification numbers of the storage cabinets containing the committee records. The Secretary of the Senate shall tag the designated storage cabinets and maintain a record of this information.

2.203 COMMITTEE REPORTS

a) All committees shall file a report of their activities following each meeting. All reports shall be submitted on a form prescribed and furnished by the Secretary of the Senate. The reports shall include the date, time, and place of the committee meeting, the members in attendance, the vote of each committee member on any bill, resolution, or other business, and the committee's recommendation on immediate effect for any bill and shall be submitted to the Secretary of the Senate. The committee recommendation for immediate effect shall be considered on House bills at the time of Senate passage and on Senate bills upon their return from the House unless the Senate has previously given the bill immediate effect. All committees shall submit an attendance report to the Secretary of the Senate within two Senate legislative days of the committee meeting. The Secretary of the Senate shall cause all committee reports and attendance reports to be printed in the Journal.

b) Except for a committee report recommending a substitute, any bill, resolution, or other business reported out of any committee shall be filed with the Secretary of the Senate as soon as possible and not later than 4:00 p.m. on the next calendar day (excluding weekends and holidays). A committee report recommending a substitute shall be filed not later than 4:00 p.m. on the second calendar day (excluding weekends and holidays). The Secretary of the Senate shall have the authority to retrieve any report not filed by these deadlines.

c) If a bill, joint resolution or other business is reported back to the Senate with the recommendation that it be referred to a second committee, the reported bill, joint resolution or other business, and any amendments, shall be referred to that committee in accordance with Rule 3.106.

d) All business not reported by a committee shall be returned to the Secretary of the Senate at the conclusion of each biennium.

2.204 ITEMS REPORTED WITHOUT RECOMMENDATION

All items reported without recommendation, with or without amendments, by any committee shall lie on the table unless otherwise ordered by the Senate. To take from the table any item placed on the table in this manner shall require the vote of a majority of the Senators elected and serving.

2.205 MANUAL OF COMMITTEE PROCEDURE

The rules of parliamentary law and practice in the most recent edition of Mason's "Manual of Legislative Procedure" shall govern committee procedure in all cases except when they are inconsistent with the standing rules and published precedents of the Senate and its committees.

2.206 COMMITTEE TELEVISIONING AND CONDUCT

a) Senate committee meetings may be taped or televised live through the equipment operated by the Secretary of the Senate staff.

b) No person shall engage in any conduct during a Senate committee meeting which undermines the decorum of the meeting. All individual electronic devices during a committee meeting shall be turned off or left on non-audible alert. Failure to follow a warning issued by the chairperson may result in the device(s) being confiscated upon direction of the committee chairperson for the remainder of the meeting.

CHAPTER III - SECTION 1 ORDER OF BUSINESS

3.101 TIME OF SESSION

The Senate shall convene at 10:00 a.m. Tuesday through Thursday, unless otherwise ordered by the Senate.

3.102 ORDER OF BUSINESS

The order of business of the Senate shall be as follows:

1. Call to Order
2. Invocation
3. Pledge of Allegiance and, on the first day of session each year, the last session day before sine die and at the session day of the State of the State address, the Pledge of Allegiance to the Flag of Michigan

4. Roll Call
5. Motions and Communications
6. Messages from the Governor
7. Messages from the House
8. Conference Reports
9. Third Reading of Bills
10. General Orders
11. Resolutions
12. Introduction and Referral of Bills
13. Statements
14. Adjournment

3.103 CHANGE OF ORDER OF BUSINESS

The Senate may change, bypass, or return to any order of business at any time by the consent of a majority of those voting.

3.104 QUORUM OF THE SENATE

- a) A majority of Senators elected and serving shall constitute a quorum (see Const. Art. 4, Sec. 14).
- b) Routine business on which no vote of the Senate is required may be disposed of on any day, with or without a quorum present, and proper entries shall be printed in the Journal.
- c) In the absence of a quorum, a motion is in order to order a Call of the Senate, recess or adjourn.

3.105 COMMUNICATIONS TO THE SENATE

The Secretary of the Senate shall compile official communications received by the Senate and shall make them available to all Senators. The presiding officer shall refer all communications which are informational only, to the Secretary of the Senate in one order for their printing in the Journal.

3.106 COMMITTEE REPORTS ON THE CALENDAR

a) All committee reports in the possession of the Secretary of the Senate shall be placed on the Senate calendar under the heading of Committee Reports. The Senate calendar shall be closed for printing at 4:00 p.m. on Tuesday, Wednesday and Friday. If a Senate committee is scheduled to meet on a Friday, Saturday or Sunday, the Senate calendar for a Tuesday session shall be closed for printing at 9:30 a.m. on Monday. If there is a Friday session, the calendar shall be closed at 4:00 p.m. on Thursday. If Monday is a state holiday, the Senate calendar for Tuesday shall be closed for printing on Friday at 12:00 noon.

b) A Senator may object to a committee report on the basis of its sufficiency or proper authorization. The presiding officer shall place the objection before the Senate for its decision.

c) All committee reports shall be laid over one day. After one session day a committee report shall be considered accepted and the item shall be referred as appropriate.

3.107 RESOLUTION CONSENT CALENDAR

a) The Senate Majority Floor Leader and the Senate Minority Floor Leader or members who are their designees shall jointly compile a list to be known as the resolution consent calendar. It shall consist of Senate resolutions, Senate concurrent resolutions, and House concurrent resolutions which do not require committee referral and consideration, and the adoption of which may be accomplished by a majority of those voting. Resolutions which are subject to the voting requirements of Senate Rule 3.501, or governed by a voting requirement in statute shall not be placed on the resolution consent calendar.

b) Resolutions on the consent calendar shall be disposed of in a single vote. Before stating the question of adoption of the consent calendar, the presiding officer shall ask if there are objections. The objection of any Senator to the placement of one or more items on the resolution consent calendar shall result in the removal of the stated item or items from that calendar.

CHAPTER III - SECTION 2 INTRODUCTION OF BILLS

3.201 FIVE DAYS' POSSESSION

No bill shall be passed or become law at any regular session of the Legislature until it has been printed or reproduced and in possession of the Senate for at least five days (see Const. Art. 4, Sec. 26).

3.202 BILLS AND RESOLUTIONS AMENDED BY THE HOUSE

All bills, joint resolutions and concurrent resolutions returned by the House with amendments shall be laid over one day. Consideration of bills and joint resolutions shall be resumed the following day under the same order of business. Consideration of resolutions shall be resumed the following day under the order of Resolutions.

3.203 REFERRAL OF BILLS AND RESOLUTIONS

a) The Senate Majority Leader shall refer all bills and joint resolutions to a standing committee no later than one Senate legislative day after being submitted to the Secretary of the Senate. The presiding officer shall announce the reference of all bills and joint resolutions.

b) A bill introduced pursuant to the timely filing of a notice of objection by the Joint Committee on Administrative Rules to a proposed administrative rule shall be read twice and placed on the Senate calendar under the order of business of General Orders (see MCL 24.245a(3)).

c) The Senate Majority Leader may change the original referral of a bill or resolution by oral notice to the Senate or written communication submitted to the Secretary of the Senate before the end of session on the next Senate legislative day following the day of the original referral. Notices of the written communication shall be announced by the Secretary of the Senate during session and both oral and written notifications shall be printed in the Journal.

d) It shall be in order at any time before the final passage of any bill or the adoption of any resolution to move its commitment or recommitment.

e) The vote of a majority of the Senators elected and serving shall be required to discharge a committee from further consideration of any item referred to that committee.

3.204 RESOLUTIONS

a) All resolutions shall be accompanied by nine true copies. Resolutions which are not subject to provisions in other Senate rules shall be read once by title to the Senate, and referred to the Committee on Government Operations and Reform. Once submitted to the Secretary of the Senate, resolutions become the property of the Senate and shall remain in the possession of the Secretary of the Senate. Concurrent resolutions shall be transmitted to the House on adoption.

b) Once a resolution is submitted to the Secretary of the Senate, any Senator and the President of the Senate wishing to co-sponsor it shall complete a form provided by the Secretary of the Senate. A member must be present and specifically request to be named as a co-sponsor of a resolution. After adoption of a Senate resolution, the presiding officer may open the voting board to allow Senators to add their names as co-sponsors.

c) After a Senate concurrent resolution has been adopted by both Houses and is returned to the Senate, the Secretary of the Senate is authorized to order the printing of the concurrent resolution unless amended by the House or otherwise directed by the Senate.

3.205 PRINTING

All bills and joint resolutions shall be printed or reproduced after introduction unless otherwise ordered by the Senate. No bill or joint resolution shall be reported from a standing committee until it has been printed or reproduced.

3.206 THE BILL TITLE

The title of a bill shall include:

a) The object of the bill, and

b) A reference to the section(s), act, and compilation numbers when amending any act which has been compiled.

3.207 THREE SEPARATE READINGS

Every bill and joint resolution shall receive three separate readings prior to its being passed or adopted. The presiding officer shall announce whether it is the first, second, or third reading. The first and second readings may be by title only. The third reading of a bill or joint resolution shall be in full unless otherwise ordered unanimously by the Senate. The third reading of a bill or joint resolution shall be on a day subsequent to that on which it is read a second time or is reported by the Committee of the Whole (see Const. Art. 4, Sec. 26).

3.208 INITIATIVE PETITIONS

a) Initiative petitions received by the Secretary of the Senate from the Secretary of State shall be stamped with the date and time measured in hours and minutes. The Secretary of the Senate shall deliver the initiative petition to the Senate Majority Leader to be available for referral to committee on the next Senate legislative day (see Const. Art. 2, Sec. 9).

b) Each initiative petition, when introduced, shall be read a first and second time by title and referred to committee. When reported out of committee, each initiative petition shall be placed on the order of Third Reading of Bills.

c) Any law proposed by initiative petition shall be either enacted or rejected by the Legislature without change or amendment within 40 days from the time such petition is received in the office of the Secretary of the Senate (see Const. Art. 2, Sec. 9).

d) If the Senate rejects an initiative petition, the Senate may propose a different measure on the same subject by a yeay and nay vote on separate roll calls. ~~In such event,~~ **IF THE DIFFERENT MEASURE IS PASSED BY BOTH HOUSES OF THE LEGISLATURE**, both measures shall be submitted to the electors for approval or rejection at the next general election (see Const. Art. 2, Sec. 9).

CHAPTER III - SECTION 3 MOTIONS

3.301 RECOGNITION

The presiding officer shall recognize Senators to speak in the order in which they press their "request to speak" button, except when a Senator seeks recognition to introduce guests or to raise a point of order. A Senator, when recognized, shall address the presiding officer, standing at the microphone nearest to his or her desk.

3.302 PRECEDENCE OF MOTIONS

The following motions shall take precedence in the order listed:

1. To fix the time to which to adjourn
2. To adjourn

3. To take a recess
4. To lay on the table
5. For the previous question
6. To postpone to a day certain
7. To commit
8. To amend
9. To postpone indefinitely

3.303 MOTION IN WRITING

No motion shall be debated until stated by the presiding officer or Chair. Any motion shall be reduced to writing on demand of the presiding officer, Chair or any Senator. The written motion shall be presented to the Secretary of the Senate and read before it is debated.

3.304 MOTION WITHDRAWAL

Any motion may be withdrawn by the maker of the motion before it is amended or adopted.

3.305 NONDEBATABLE MOTIONS

a) The motions to adjourn, to recess, to reconsider, to lay on the table, for the previous question, to suspend the rules, and all questions relating to the priority of business shall be decided without debate.

b) A nondebatable motion is not in order if the Senator, making the motion, speaks immediately before offering the motion.

3.306 CONSIDERATION FOLLOWING A RECESS

When a recess is taken during the pendency of any question, the consideration of the question shall be resumed on the reassembling of the Senate.

3.307 MOTION TO LAY ON THE TABLE

A motion to lay on the table shall carry with it all pending subsidiary questions except in case of laying an appeal or a motion to reconsider on the table. A motion taken from the table shall be divested of all subsidiary motions except motions to amend. The vote of a majority of the Senators elected and serving shall be required for a motion to remove any item from the table. Items laid on the table must first be removed from the table before they are eligible for further consideration by the Senate.

3.308 MOVE THE PREVIOUS QUESTION

a) Any Senator may move the previous question. The previous question shall be ordered by a majority of the Senators voting. The motion for the previous question may be limited by the mover to one or more of the questions preceding the main question. The effect of ordering the previous question shall be to close debate instantly, bringing the Senate to an immediate vote on the pending question or questions in their regular order. If the previous question is ordered on the third reading of a bill or joint resolution, only amendments to the bill or joint resolution that have been filed with the Secretary of the Senate prior to the motion calling for the previous question shall be considered, but the amendments shall not be debated. The yeas and nays may be demanded on any vote taken while the previous question is in effect.

b) A motion to reconsider is in order under operation of the previous question before voting is completed on all pending items affected by the previous question.

c) A motion for a Call of the Senate shall not be in order after the previous question has been ordered. No Senator shall dissent orally by making a statement of protest while the previous question is in effect. The previous question having been ordered, any question of order or appeal from the decision of the presiding officer shall be decided without debate.

3.309 MOTION TO DIVIDE

Any Senator may call for a division of the question. If supported by a majority of the Senators voting, the question shall be divided providing it contains propositions sufficiently distinct in substance that, if one ~~be~~^{is} taken away, a substantive proposition remains for the decision of the Senate.

3.310 MOTION TO STRIKE OUT AND INSERT

A motion to amend by striking out and inserting other words shall be indivisible. However, the words proposed to be struck out or inserted may be amended.

3.311 MOTION TO RECONSIDER

a) No motion for the reconsideration of any vote shall be in order unless:

- 1) The subject matter on which the vote was taken is in the possession of the Senate, and
- 2) It is made on the same day the vote is taken or within the next two Senate legislative days.

b) The same question shall not be reconsidered more than once.

c) The vote of a majority of the Senators elected and serving shall be required to reconsider the vote by which any bill or joint resolution was passed or adopted or the vote by which an amendment or substitute (but not an amendment to an amendment or a substitute) was adopted on Third Reading by the Senate.

d) A motion to reconsider may be laid on the table. The tabling of a motion to reconsider the vote by which any bill or joint resolution failed to pass or be adopted by the Senate shall require the vote of a majority of the Senators elected and serving and shall postpone indefinitely the consideration of the bill or joint resolution.

e) Tabling of a motion to reconsider shall not carry with it the original question but shall be a refusal to reconsider. It shall not be in order to take from the table a motion to reconsider, nor shall the vote whereby any motion to reconsider was laid on the table be reconsidered.

3.312 INDEFINITE POSTPONEMENT

To postpone indefinitely further consideration of any bill, resolution, or other matter shall require the vote of a majority of the Senators elected and serving, and the vote on such a motion shall not be reconsidered.

3.313 MOTION FOR CALL OF THE SENATE

A Call of the Senate shall be ordered by a majority of the Senators 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.

**CHAPTER III - SECTION 4
AMENDMENTS**

3.401 TWO READINGS BEFORE AMENDMENT

No bill or joint resolution shall be amended until it has been read twice.

3.402 AMENDMENTS ON THIRD READING

a) The vote of a majority of the Senators elected and serving shall be required to adopt any amendment on Third Reading.

b) If a series of amendments is offered to a bill or joint resolution and it becomes obvious the amendments are being used as a basis of obstruction, a motion may be made that the amendments be declared obstructive and the motion shall not be debatable. If the motion prevails, the amendments shall be read en bloc and a single vote shall be taken immediately on all of the amendments. In this case, no division of the question shall be allowed.

3.403 PRINTING OF AMENDMENTS IN THE JOURNAL

a) No bill or joint resolution which has been reported with amendment or amendments by any committee shall be considered in Committee of the Whole until the amendment or amendments have been printed in the Journal. No bill or joint resolution amended in Committee of the Whole shall be considered on Third Reading of Bills until all amendments made in Committee of the Whole have been printed in the Journal.

b) All amendments shall be submitted in writing and with seven (7) copies and all substitutes shall be submitted with **TEN** (10) copies.

**CHAPTER III - SECTION 5
VOTING PROCEDURE**

3.501 ACTIONS REQUIRING AN EXTRAORDINARY MAJORITY

Action by the Senate on the following matters shall require a vote of two-thirds of the Senators elected and serving except as otherwise noted:

- a) Amendment or Repeal of Initiated Law, three-fourths of the Senators elected and serving (Const. Art. 2, Sec. 9)
- b) Expulsion of Member (Const. Art. 4, Sec. 16)
- c) Immediate Effect (Const. Art. 4, Sec. 27)
- d) Local or Special Act (Const. Art. 4, Sec. 29)
- e) Private or Local Purpose Appropriation (Const. Art. 4, Sec. 30)
- f) Overriding Veto (Const. Art. 4, Sec. 33)
- g) Bank and Trust Company Law (Const. Art. 4, Sec. 43)
- h) Courts of Limited Jurisdiction (Const. Art. 6, Sec. 1)
- i) Removal of Judge (Const. Art. 6, Sec. 25)
- j) State Borrowing (Const. Art. 9, Sec. 15)
- k) State Land Reserve Designation (Const. Art. 10, Sec. 5)
- l) Rejection or Reduction of Civil Service Pay Increases (Const. Art. 11, Sec. 5)
- m) Amendments to Michigan Constitution (Const. Art. 12, Sec. 1)
- n) Mackinac Bridge Bonds Refunding (Const. Schedule, Sec. 14)
- o) Amendments to increase the February 1, 1994 statutory limits on the maximum amount of ad valorem property taxes that may be levied for school district operating purposes, three-fourths of the Senators elected and serving (Const. Art. 9, Sec. 3)

3.502 MAJORITY VOTE ON QUESTIONS SHORT OF THE FINAL QUESTION

When a bill or joint resolution requires, pursuant to the Constitution, the concurrence of more than a majority of the Senators elected and serving, the concurrence of such majority shall not be requisite to decide any question for amendment or relating to the merits, being short of the final question, except on the question of the adoption of a conference report, concurring in House amendments, or receding from Senate amendments to any such bill or joint resolution returned from the House to the Senate for final action.

3.503 FINAL PASSAGE BY REQUIRED VOTE

a) The vote on the final passage of any bill or the adoption of any joint resolution, **INCLUDING A JOINT RESOLUTION RATIFYING A PROPOSED AMENDMENT TO THE FEDERAL CONSTITUTION**, shall be taken by yeas and nays—**A RECORD ROLL CALL VOTE**, which shall be printed in the Journal (see Const. Art. 4, Sec. 26).

~~b) The final vote on all joint resolutions ratifying a proposed amendment to the federal Constitution shall be by record roll call.~~

~~B) e)~~ When any bill or joint resolution receives the constitutionally required assent, that fact shall be certified on the bill or joint resolution by the Secretary of the Senate.

~~C) d)~~ When a bill is given immediate effect by a two-thirds vote of the Senators elected and serving, that action remains in effect as the bill proceeds through the legislative process, unless the vote for immediate effect is reconsidered and defeated.

3.504 DEMAND FOR RECORDED VOTE

The record of the votes and names of the Senators voting on any question shall be printed in the Journal at the request of one-fifth of the Senators present (see Const. Art. 4, Sec. 18), except during the Committee of the Whole.

3.505 VOTING

a) After a question is stated by the presiding officer or Chair, no motion shall be in order and no Senator shall be entitled to speak until the roll call is finished and the result is declared.

b) The electronic voting system shall be used, if operational, to determine the question before the body when the vote is taken by roll call or by division, and shall display the votes of each Senator and the running total. At the direction of the presiding officer, the Secretary of the Senate shall immediately activate the electronic voting system for one minute for a roll call vote, after which the vote shall be closed and no further votes shall be entered in the record. If all Senators present have voted before one minute has elapsed, the presiding officer may ask Senators if there is objection to closing the vote. If no Senator objects, the presiding officer shall instruct the Secretary of the Senate to close the board immediately and record the vote.

c) The presiding officer or Chair may close a division vote at his or her discretion when it appears that all members present have had a reasonable opportunity to vote.

d) If the electronic voting system is not operational, the presiding officer or Chair shall direct the Secretary of the Senate to conduct a roll call or a division vote orally, and to announce the results and record the roll call.

e) A Senator shall not vote for another Senator. A person not a Senator shall not vote for any Senator. In addition to penalties prescribed by law, any Senator may be punished as the Senate may determine for voting for another Senator. If a person not a Senator votes or attempts to vote, he or she, in addition to penalties prescribed by law, shall be barred from the Senate floor for the remainder of the session and may receive further punishment as the Senate deems proper.

3.506 A SENATOR'S RIGHT TO DISSENT

a) A Senator may dissent from or protest against any act, proceeding, or resolution which he or she believes is injurious to any person or the public, and have the reason for his or her dissent printed in the Journal (see Const. Art. 4, Sec. 18).

b) A Senator may dissent orally by making a statement of protest, unless the previous question is in effect, which shall not be limited in length, or by moving that a statement made personally during session on any order of business other than during the Committee of the Whole be his or her protest. A Senator may also dissent by concurring with another Senator's protest or statement previously moved to be printed in the Journal during that day's session. Dissent statements not made during the debate preceding or immediately following the vote from which a Senator is dissenting shall be made under the order of business of Statements.

c) A Senator may dissent in writing not to exceed 1,000 words if:

1) He or she gives oral notice during session of an intent to file a written protest, and

2) On that day or prior to the end of session on the next Senate legislative day, a signed copy of the written protest is placed on each Senator's desk and filed with the Secretary of the Senate, and

3) No objections are raised and sustained by the end of session on the first Senate legislative day following the day oral notice was given.

d) All protests submitted in any of the above manners shall be printed in the Journal, except the Senate may refuse to print statements or material containing insulting and contemptuous matter under the guise of a protest.

e) No statement of any Senator shall be printed in the Journal unless moved by that Senator.

3.507 ANNOUNCEMENTS AND STATEMENTS

a) Announcements may be made during any order of business. Announcements are remarks concerning the session schedule, committee meetings, introduction of guests, congratulations, condolences or illness, requests to co-sponsor bills and resolutions, requests to be removed as a sponsor or co-sponsor of bills and resolutions, past vote intentions, or intentions of introducing legislation or resolutions. Announcements also include memorial remarks concerning the passing of individuals and may be made during any order of business except General Orders.

b) Statements on topics, issues or items not properly before the Senate shall be made during the order of business of Statements. Dissent statements may be made under the order of business of Statements.

c) A Senator is limited to one statement each day under the order of business of Statements, except for dissent statements which are unlimited in number.

d) Each statement shall be limited to five minutes orally or, if submitted in writing, shall be no greater than 1,000 words, except an oral dissent statement made on the order of Statements shall not be limited in length.

e) With the leave of the Senate, the President of the Senate may request that a statement made by the President be printed in the Journal.

CHAPTER III - SECTION 6 APPROPRIATION BILLS

3.601 GENERAL APPROPRIATION BILLS

The general appropriation bills for the succeeding fiscal year covering items set forth in the budget shall be passed or defeated in the Senate before it passes any appropriation bill for items not in the budget, except bills supplementing appropriations for the current fiscal year's operation (see Const. Art. 4, Sec. 31).

3.602 BILLS REQUIRING APPROPRIATIONS

Any bill containing an appropriation to carry out its purpose shall be considered an appropriation bill (see Const. Art. 4, Sec. 31). Appropriation bills, when reported back to the Senate favorably by a committee other than the Committee on Appropriations, shall, together with amendments proposed by that committee, be referred to the Committee on Appropriations for consideration.

3.603 ESTIMATED REVENUE

One of the general appropriation bills as passed by the Senate shall contain an itemized statement of estimated revenue by a major source in each operating fund for the ensuing fiscal year, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

CHAPTER III - SECTION 7 COMMITTEE OF THE WHOLE

3.701 FAVORABLE REPORTS

All bills and joint resolutions reported back to the Senate favorably shall be referred to the Committee of the Whole with amendments, if any, proposed by the committee, which amendments shall be considered first by the Committee of the Whole. Any bill or joint resolution may, after having been reported favorably to the Senate by a committee, be referred to a second committee. If the second committee reports the bill or joint resolution back to the Senate, the report shall include amendments, if any, that were recommended by the first committee. The reported bill or joint resolution, and any amendments, shall be referred to the Committee of the Whole.

3.702 BUSINESS IN ORDER

When the Senate resolves itself into the Committee of the Whole, General Orders shall be the only matter of business which shall be in order until the Committee rises.

3.703 BILLS AND JOINT RESOLUTIONS CONSTITUTING GENERAL ORDERS

a) Bills and joint resolutions referred to the Committee of the Whole shall constitute General Orders and shall be considered in the Committee of the Whole on a day subsequent to such referral in the order of their reference, unless the Senate or the Committee of the Whole otherwise determines.

b) No bill or joint resolution shall bypass consideration by the Committee of the Whole.

3.704 CHAIRPERSON OF THE COMMITTEE OF THE WHOLE

The presiding officer shall, when the Senate resolves itself into the Committee of the Whole, designate a Senator as chairperson of the Committee, unless otherwise ordered by the Senate. Senators shall be designated alphabetically. The Majority and Minority Floor Leaders shall submit to the Secretary of the Senate names of designees for members of their respective caucuses when they are unable to serve.

3.705 RULES IN THE COMMITTEE OF THE WHOLE

a) The rules of the Senate shall be observed in the Committee of the Whole so far as may be applicable, except limiting debate, ordering the previous question, suspension of rules, or taking the yeas and nays. However, no speech shall exceed five minutes. A motion that the Committee rise shall always be in order and decided without debate. Motions in the Committee of the Whole recommending action by the Senate shall take precedence in the same order as identical motions made during a session of the Senate. Motions to recess or reconsider are in order in the Committee of the Whole.

b) No statement made during the Committee of the Whole shall be printed in the Journal.

c) In the event the Senate is in session in the Committee of the Whole at 11:55 p.m., it shall be the duty of the chairperson to declare the Committee of the Whole to have risen. The Committee of the Whole shall automatically rise and the presiding officer of the Senate shall resume the chair.

3.706 BILLS ORDERED TO THIRD READING

All bills and joint resolutions recommended for passage or adoption by the Committee of the Whole shall be placed on Third Reading of Bills by the Secretary of the Senate, and shall be taken up in the same order as they were advanced to the order of Third Reading of Bills unless otherwise ordered by the Senate.

CHAPTER III - SECTION 8 PARLIAMENTARY PROCEDURE

3.801 AUTHORITY AND PRECEDENCE OF SENATE RULES

a) The principal sources of authority for Senate rules are, in the order of precedence, as follows:

- 1) Constitutional Rules
- 2) Fundamental Legal Principles

- 3) Statutory Rules
- 4) Adopted Rules
- 5) Adopted Parliamentary Authority
- 6) Parliamentary Law
- 7) Customs and Usages
- 8) Judicial Decisions

Judicial decisions have the lowest precedence of the sources cited except to the extent they are interpretations of rules from one of the other sources. In those instances, they take the same precedence as the source which is interpreted.

b) Rules from the source with the higher precedence prevails when there are conflicts between rules from different sources.

3.802 MANUAL OF LEGISLATIVE PROCEDURE

The rules of parliamentary practice in the most recent edition of Mason's "Manual of Legislative Procedure" shall govern all cases except when they are inconsistent with the Standing Rules and precedents of the Senate.

3.803 RULES OF A NEWLY CONVENED SENATE

The Senate rules which are in effect when the Senate adjourns sine die in an even numbered year shall be the temporary rules of the Senate when it convenes at twelve o'clock noon on the second Wednesday in January of the following odd numbered year and shall remain in effect until other temporary or permanent rules are adopted (see MCL 4.42).

3.804 AMENDMENT OR REPEAL OF SENATE RULES

The repeal or amendment of any rule shall be accomplished only by resolution. All proposed amendments or repeals of Senate rules shall be referred to the Committee on Government Operations and Reform for consideration. The adoption of a proposed resolution for the repeal or amendment of any rule shall require a majority of the Senators elected and serving.

3.805 SUSPENSION OF RULES

The suspension of any Senate rule or adopted parliamentary authority shall require a majority of the Senators elected and serving.

CHAPTER III - SECTION 9 PRIVILEGE AND CONDUCT ON THE FLOOR

3.901 MEMBERS OF THE MEDIA

Members of the media shall register with the Secretary of the Senate. The following provisions shall govern the registration process:

- 1) A member of the media shall be defined as a person employed by or working as:
 - a) A newspaper (as defined by U.S. postal regulations);
 - b) A broadcast station licensed by the Federal Communications Commission, or a network serving one or more licensed broadcast stations;
 - c) A cable television system with a franchise granted by a Michigan unit of government, or a network serving one or more franchised cable systems;
 - d) A wire service; or
 - e) An independent contractor on assignment to report state government news for an organization described above.
- 2) A visiting member of the media shall register on a daily basis at least 30 minutes before the start of session with the Secretary of the Senate.
- 3) The Secretary of the Senate may, under special circumstances, register representatives of the media not defined above if it is determined to be in the public interest.
- 4) Technicians for broadcast/cable stations shall also be registered when accompanying members of the media and shall be subject to the same rules.
- 5) The Secretary of the Senate may revoke the registration of any member of the media for cause. Cause shall include, but not be limited to, a change in employment status, lobbying or acting as a lobbyist agent, disrupting Senate proceedings, or refusing to comply with Senate rules or the directives of the presiding officer, Senate Majority Leader, or Secretary of the Senate. A decision to revoke registration may be appealed to the Committee on Government Operations and Reform.
- 6) Members of the media may talk with a Senator in the front entry or the hallway behind the Senate rostrum. Members of the media, notwithstanding Senate Rule 3.902, may leave the media's designated area and talk with Senators in the Chamber immediately following adjournment.
- 7) Members of the media shall enter from the north main door or the two south doors on either side of the rostrum and shall proceed directly to the areas designated for the media. If a member of the media enters through the north main door, he or she shall proceed directly to the areas designated for the media using the east or west side aisles only. Members of the media shall not enter the cloak room or the restrooms of the Senate Chamber.
- 8) Members of the media may film, videotape, or photograph the Senate session from the media's designated area. During the first 20 minutes after the attendance roll call, with permission from the Senate, members of the media shall be allowed to film, videotape, or photograph from along the full length of the east and west side aisles.

9) A member of the media, including a broadcast technician, shall be entitled to record Senate session as long as it does not disrupt the proceedings of the Senate. "Record" shall mean videotaping, photographing, filming, taping, or electronically transmitting Senate proceedings or activities on the Senate floor when the Senate is in session.

3.902 FLOOR PRIVILEGE AND CONDUCT

A) A session of the Senate shall be defined, for the purposes of this rule, as any period of time when the Senate is in session, any recess, and any 15-minute period before the Senate convenes and five minutes after it adjourns. The Senate floor is defined as the Senate Chamber and adjoining Rooms S212, S204 (E. Lakin Brown Room), S204A, S201 and S207. Access to the Senate floor shall be restricted as outlined below during any session of the Senate, except that members of the public are permitted in Room S204 when a scheduled press conference is held there during session.

1) No person, other than the following, shall be admitted to the Senate floor:

- a) Senators or Representatives
- b) The President of the Senate
- c) The Governor
- d) Senators or Representatives in Congress
- e) Former Michigan Legislators
- f) The Secretary of the Senate and his or her support staff
- g) Legislative staff as authorized in guidelines issued by the Senate Majority Leader
- h) One representative of the Governor
- i) Members of the immediate family of a Senator or the President of the Senate
- j) Registered members of the media pursuant to Rule 3.901
- k) A guest who has been invited by a Senator to offer the invocation, and an immediate family member of that guest.

2) No registered lobbyist agent, including former Legislators, shall be allowed on the Senate floor. They shall not be allowed in the hallway behind the Senate rostrum, unless en route to or from the Lieutenant Governor's Office (S215) or the Elijah Myers Room (S208).

3) A FORMER LEGISLATOR SHALL NOT LOBBY ON THE SENATE FLOOR, EXCEPT IF THEY ARE ADMITTED UNDER SENATE RULE 3.902 A) 1) G) OR H).

B) No person shall engage in any conduct on the Senate floor during any session of the Senate which undermines the decorum of the Senate. All persons who are admitted to the Senate floor shall observe the following guidelines:

1) No Senator shall speak until recognized by the presiding officer, unless the Senator rises to make a point of order.
2) Except as otherwise outlined in other Senate rules, no Senator shall speak on any matter not properly before the Senate.

3) No Senator shall speak more than twice in any one debate on the same day, without leave of the Senate, except the Senator who sponsored the matter under consideration, the Senator who sponsored the bill or resolution if an amendment is under consideration, the chairperson of the committee which reported it and the chairperson of the subcommittee which considered the matter. Each speech shall not exceed five minutes or, if submitted in writing, not exceed 1,000 words, except there is no limit on the length of a speech on Third Reading of Bills, memorial announcements, or an oral dissent statement.

4) No Senator shall speak impertinently **OR SUBMIT IN WRITING IMPERTINENT STATEMENTS**, attack the motives of any Senator who proposes or advocates a particular position, use indecent language or other disorderly words, or refer to another Senator by name in a disparaging way.

5) No Senator shall use a display, exhibit, or prop on the Senate floor during discussions, debate, statements, or the announcement of the introduction of a bill or resolution.

6) No person other than a Senator or the President of the Senate shall pass through the well of the Senate Chamber which is immediately in front of the Senate rostrum.

7) No person shall pass between the presiding officer and a Senator who is speaking.

8) No person other than a Senator or the President of the Senate shall use the center aisle of the Chamber.

9) No person other than a Senator shall sit in a Senator's chair.

10) No staff shall be allowed on the Senate floor unless they wait in the majority or minority lounge or the lounge at the rear of the Chamber until they are needed by a Senator and shall then be seated at a Senator's desk.

11) No member of the media shall be allowed on the Senate floor unless he or she is in the media's designated area, except as otherwise provided in Rule 3.901.

12) No smoking shall be permitted on the Senate floor.

13) All individual electronic devices shall be turned off or on non-audible alert during Senate session. Failure to follow a warning issued by the presiding officer or Chair may result in the device(s) being confiscated for the duration of the session upon direction of the presiding officer or Chair.

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, a majority of the members serving voting therefor. Senators Pappageorge and Switalski were named co-sponsors of the resolution.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Cropsey, Switalski, Scott, Bishop, Allen, Sanborn and Prusi asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cropsey's statement is as follows:

Last week, the Council of State Governments Justice Center presented its findings and policy options to the Governor, the Legislature, and the people of Michigan. They spent a full year doing the most exhaustive analysis of the Michigan criminal justice system that I have ever seen. These experts have worked in several states. The Governor wanted them to come in and I agreed, along with Representative Smith, the Majority Leader, and the Speaker.

By our bipartisan agreement, the Justice Center did not look at the Michigan Department of Corrections internal operations such as staffing and food services. They were looking for better policy options, not the operational budget of the department. This was their basic charge: first and foremost, public safety. Secondly, can we find and use tax dollars more effectively and efficiently to enhance public safety and perhaps save taxpayer dollars in the process?

The Justice Center looked across departmental borders. It mapped out areas of need and focus and talked to more than 80 stakeholder groups. With that information, the Justice Center crafted policy options to reduce crime and to reduce the number of repeat offenders.

There are five major findings that I believe deserve our focus. Two of the findings are positive. First, our sentencing guidelines for serious crimes are in line with the rest of the country. Secondly, Michigan has one of the lowest prison commitment rates in the country. Nationally, for every 100 felons convicted, 40 of them go to prison. In Michigan, only 23 go to prison. So the good news is our sentencing guidelines are in line with the rest of the nation, and they are especially effective in diverting low-risk felons from prison. We hear from special interest groups on the need for changing our sentencing guidelines. These groups say we send too many felons to prison. The Justice Center study shows that such an assertion is blatantly false.

On the negative side, there were three major findings. First, we have a serious crime problem in Michigan. Our violent crime rate in Michigan is higher than most of the country and all of the Midwest states except Illinois. By the way, Illinois sends 46 of every 100 convicted felons to prison while we only send 23. Second, Michigan's spending per prisoner is one of the highest in the country. While the Justice Center doesn't do budget analyses, it's clear that in order to fix the budget, we need to fix the way the Corrections Department overspends on its operations. And third, what is driving our prison population is not new offenders, but previously convicted felons under the jurisdiction of the Corrections Department.

Michigan's sentencing guidelines have been shown to be effective and productive. We have one of the best sentencing laws in the country to prioritize and reduce prison bed space. When the Governor gives us her budget in two weeks, I hope she will focus on needed reforms in the Corrections Department. She needs to provide an in-depth plan for lowering department costs without putting the public at risk. She needs to provide a strategy that deals with reinvesting in our communities. Unless we reinvest and find ways to change people's lives, the revolving door will continue to go around and around. Offenders will return to lives of crime and find their way back into our corrections system. We must intervene with these offenders and find answers before they repeat their crimes.

The best way to reduce corrections spending is to prevent people from breaking the law. That takes commitment and investment. We, as policymakers, the Governor and the Legislature, must bring fresh solutions to persistent problems. The Justice Center has given us a comprehensive package of options that will work if done as a package. If we do that, the citizens and taxpayers of Michigan will be grateful.

I would like to thank the Pew Charitable Trusts and the United States Bureau of Justice Assistance and the taxpayers of Michigan for funding this Council of State Governments Justice Center study and giving us direction for the reformation of our criminal justice system.

Senator Switalski's statement is as follows:

I very much enjoyed the debate today, and I appreciate the Majority Leader allowing the debate to have its full run. I especially enjoyed being able to hear the debate because it was relatively quiet in the chamber. I would like to apologize to Senator Cropsey who just gave his statement. It started getting very loud again, and I couldn't really hear his statement. He was speaking on a very important item, the Council of State Governments' report on our corrections system. I think if we actually talk to one another, not talk at one another, and listen to one another, it is useful. This is our time to do that in these chambers.

I listened during the debate on the MBT and I heard a lot of areas of agreement between the two sides. We were separated on the bill itself, but there are within that bill a lot of areas where we do have agreement and could make progress. I believe we should move forward in those areas.

I wanted to talk about the Council of State Governments, and we should be looking at that for areas of joint agreement. It does seem like this is a very good opportunity. The report detailed some \$262 million in savings by 2015 that we could make if we adopt its proposals. One of the key proposals in there was that prisoners should serve 100 percent of their minimum and then be up for parole and should generally be paroled if they have been good prisoners—if they have not violated rules, if they haven't gotten a bunch of tickets, if they have pursued their education in prison. This would create significant savings for the state. We on average serve about 127 percent of the minimum.

I would ask members to think about this for a minute. I used to think about this, and I would say the person got three to ten years, depends on how bad they are, but they might serve five, six, seven, eight, nine, or the ten years. There is no reason they should serve the three-year minimum. But I would like to think about that, and this report asks us to think about that. When the judge sentences the person, they are saying this person should be in for three years to protect the public; they need to be in for three years. If they are going to be in longer, that is going to be at the judgment of the parole board.

There is one other very important statement in this report, and I will quote it: "No other state provides the parole board such discretion in determining what the length of time served should be." Now if you start to think about what the judge is doing when he sentences someone, he says you should serve that minimum. The parole board should be looking at what the person has done since that sentence; what did they do during their time in prison? That is why I mentioned did they get a bunch of tickets, were they in fights all the time, did they violate rules, or did they not pursue their educational opportunities? Those should be what the decision of the parole board looks at, not things that the judge originally considered when he established the minimum; not whether it was a heinous crime; not whether there were several priors. Those were all considered by the judge at the time of sentencing.

I hope we will think about those things, read this report, see these common areas of agreement, and move forward with these significant reforms to our corrections system. I appreciate Senator Cropsey bringing it up, and I want to join him in that effort to find ways to create a safer and more humane system.

Senator Scott's statement is as follows:

Miriam Makeba is a Grammy-winning South African singer and political activist who was mentored by Harry Belafonte. In 1963, after an impassioned testimony before the United Nations Committee Against Apartheid, Makeba's records were banned in South Africa and her South African citizenship and her right to return to the country were revoked.

After her controversial marriage to Black Panther Stokely Carmichael, her United States record deals and appearances dwindled. They then moved to Guinea where she served as a United Nations ambassador for that nation.

In 1990, at the urging of Nelson Mandela, she returned to South Africa, continuing television, movie, and concert performances. As of May of this year, she is still touring.

Miriam Makeba said, "There are three things I was born with in this world, and there are three things I will have until the day I die: hope, determination, and song." Well, I don't claim to be much of a singer, but two out of three isn't bad. I certainly have hope. My hope is that you will all soon see the light and readdress the inequality that continues to fester in Michigan's insurance system today. I also have determination, as evidenced by my continuing efforts to introduce insurance reforms on behalf of Michigan residents.

I am sure most of you received the auto theft prevention report that indicates theft in Michigan is down by 16.5 percent as of last year, and auto thefts have fallen by 42 percent. So I think it is time for us to stop saying that it is because of theft and all of that that we can't lower these insurance rates. It is time for us to take up these bills. We just spoke about businesses. Well, these constituents are just as important, so it is time for us to move my bills.

Senator Bishop's statement is as follows:

I rise today to comment on an historical moment in our country's history as Congress is poised to take action on President Obama's highly-touted stimulus package. Without any question, those of you who have reviewed the proposal will see that this 687-page bill represents the most far-sweeping economic proposal in the history of our country. As such, it's imperative that all of us as elected members of government stay educated on the proposal and ultimately work together to ensure whatever tax dollars do come our way that we do it according to our fiduciary duty in a wise and educated manner.

Many viewed this stimulus package as an injection of funds that is much-needed, which is true in a budget-strapped economy. The hard, cold fact is that this is a dramatic debt expansion plan with unsupported claims of job creation and no discernable way to measure actual economic stimulus. In fact, according to the Congressional Budget Office, which is a nonpartisan outfit in Washington, D.C., connected to Congress, just over three percent of this money will be spent this year and another 13 percent will be spent next year. Also notable is the fact that only three percent of the entire package will be put toward road infrastructure and highway spending and only two percent toward clean energy.

In all, the budget office estimates that money will be funneled to 150 different federal programs, again, without any certainty of creating new jobs or stimulating our economy. After the budget office posted these facts, it was a surprise to no one that the analysis disappeared from the website within 36 hours. I find the lack of transparency and the effort to block people from educating themselves very disturbing.

All in all, the bottom line is this stimulus package is the equivalent of borrowing \$10,520 from every family in America. It's \$825 billion that will have to be paid back by our kids, our grandkids, and very clearly, future generations after that. While we have no control over our federal government and how they spend their money, we certainly have control over the money that flows through our appropriations process. Here in Michigan we know what it is like to have a budget shortfall. We've seen incredible challenges in the past two years, especially as we have gone through our revenue discussions and our appropriations discussions. But we know firsthand that putting a Band-Aid on our budget won't solve Michigan's structural deficit and overspending problem. While we welcome a discussion on ways that we can jump-start our economy, a one-time federal stimulus certainly won't cover Michigan's gap for 2010 and the years thereafter.

So if the federal government really wants to help Michigan and help the states, I would make a couple of recommendations on how they can do that. They can make permanent tax cuts for job providers and taxpayers. Put the money in the pockets of the people who will actually stimulate the economy. If you are going to make an increase in education, I understand that. We all agree that education is important, but do so by connecting your increases to specific outcomes and reward performance. Also make those funds available to schools of choice.

Let's demand that stimulus money address some of the issues with regard to our entitlement spending. Austin Goulsby, Obama's own policy advisor, last night on a *CNN* documentary last week said that the underfunding liability for just three entitlement programs, Social Security, Medicare, and Medicaid, is an incomprehensible \$600 trillion—that's with a "T." That's about \$500,000 per family. We have to create new incentives to create or reduce debt. Create a bipartisan commission to develop a plan to do this and do it wisely.

All in all, I am asking that Congress take a deep breath, and the administration, we understand that they are trying to help, but let's do the right thing here. If we are going to create a stimulus package, let's put more thought into that process.

Senator Allen's statement is as follows:

My fellow colleagues, it is with great sadness that I speak in honor of the passing of a truly remarkable lady. Margaret Reilly was an excellent example of dedication and a selfless citizen in the Elk Rapids area. She influenced Elk Rapids, the Upper Peninsula, and the wide-reaching impact within our communities. Throughout her life, Margaret has been a beacon and an inspiration to many and was recognized as the Elk Rapids Person of the Year in 2000.

Her involvements included the Elk Rapids School District teacher for over 30 years; being a member of the Women's Business and Professional organization for 50 years; and actively participating in the Republican Party at local and state levels. Margaret was a councilwoman on the Elk Rapids Village board for generations. She was involved in the public library and an active participant in the Michigan Municipal League.

Margaret's impact is truly just touched upon here today. She was the best of the best, and we are grateful for her many years of dedication and years of service as such a person who made such an impact on many people.

Senator Sanborn's statement is as follows:

Well, Mr. Majority Leader, thank you for opening up the debate. Congress has went and done it. Economic stimulus package, indeed. If you'll look at yesterday's *Wall Street Journal*, you'll see that 12 cents of every \$1 is, in fact, going to the economic stimulus package. I think you'll find that there's more money going to welfare, contraception, and pork; then economic stimulus—\$835 billion that our leader has just stated.

Our children and grandchildren will be paying for years to come. We're mortgaging their future and trying to play, as what was said before, dance the two-step. Try and convince our citizens and constituents that this will turn the economy around—this one-time fix. You're mortgaging away the future.

Indeed, there's really only three ways to pay for this: print more money, causing inflation. Listen closely to this one: raid Social Security, yet again. I hope you're not relying on that because we're going to get to that next. It's not going to be there. Or raise taxes.

I'm one of those people, and I'll call it when I see it. I appreciate President Bush cut taxes, but he didn't do the other side that Ronald Reagan said we had to do: cut taxes and cut spending. Bush cut taxes and raised spending, although I suspect that his legacy will hopefully treat him better because he also protected our nation.

Congress, no doubt, will be wrong because they're going to raise spending and raise taxes. I can only hope and pray, since I do believe we're all in same boat together, that the new President will be wise enough not to raise taxes and raise spending. He promised change.

This Keynesian approach that we're going to turn the economy around by spending more dollars to create jobs. Who in their right mind thinks the government is going to create jobs? They do a terrible job. They'll spend thousands and thousands of dollars on a screwdriver. They don't know how to spend. Cut spending. Cut taxes.

I pray for the President every day that he'll succeed. We all want him to succeed, but please don't raise taxes. Please don't raise spending. That's not change; that's change back.

Senator Prusi's statement is as follows:

You all know that I rarely get up under Statements, but I appreciate that the Senator from the 11th and 12th Districts have started the debate on the stimulus package and the things going on in Washington, even as we speak. Certainly, when the stimulus dollars reach Michigan, those of us in the Legislature charged with appropriating that money and the priorities with which we spend it, I trust we will do it with our usual rigor and foresight.

I would be interested to hear, and don't believe I ever did hear during the closing days of the previous administration, when \$700 billion of taxpayer money was handed out to the so-called masters of the universe camped out on Wall Street, trading collateralized debt obligations and fictitious mortgage loans, and turning our financial system into a cesspool. I didn't hear anyone talking about the taxpayers during that fiasco when the banks, the mortgage companies, and the insurance companies were handed money without question, without any request for a plan, as our Big 3 automakers were forced to jump through all the hoops and crawl on their knees.

So, as we consider and are concerned with the taxpayers over the stimulus package, let's not forget what happened just a few short months ago when the taxpayers were taken to the cleaners by the financial companies, mortgage companies, and the insurance companies, and that \$700 billion also rests on the backs of our children and grandchildren. So I would just like a little equity in the debate here as we talk about taxpayer dollars and what is happening in Washington, D.C., and what happened during the previous administration just several short months ago.

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

January 21, 2009

Pursuant to Public Act 224 of 2004 (MCL 600.108), we are making the following appointment to the State Drug Treatment Court Advisory Committee:

Mr. Dennis M. Priess, P.O. Box 571, Charlevoix, Michigan 49720 (an individual representing a substance abuse coordinating agency).

Sincerely,
 Michael D. Bishop
 Senate Majority Leader

Andy Dillon
 Speaker of the House

The communication was referred to the Secretary for record.

The Secretary announced that the Majority Leader has made the appointment of the following standing committees:

Campaign and Election Oversight - Senator Olshove.

Government Operations and Reform - Senator Prusi (MVC).

Judiciary - Senator Whitmer; Senator Basham replacing Prusi.

The standing committee appointments were approved, a majority of the members serving voting therefor.

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

Senators Garcia, Cropsey, Pappageorge, Kuipers, Hardiman, Barcia and Olshove introduced
Senate Joint Resolution D, 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 McManus, Barcia, Hardiman and Brown introduced
Senate Joint Resolution E, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 1 and 6 of article II, sections 2 and 3 of article IV, and section 6 of article IX and by repealing section 10 of article II and sections 4, 5, and 6 of article IV, to repeal constitutional provisions that have been declared unconstitutional.

The joint resolution was read a first and second time by title and referred to the Committee on Campaign and Election Oversight.

Senators Anderson, Gleason, Switalski, Brater, Clark-Coleman and Hunter introduced

Senate Joint Resolution F, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 2, 3, and 6 of article IV, to modify congressional and legislative apportionment and districting.

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

Senators Kuipers, Van Woerkom, Kahn, Brown, Cropsey, Pappageorge, Jansen, Hardiman, Richardville and Garcia introduced

Senate Bill No. 132, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 715 and 719 (MCL 38.2665 and 38.2669), section 715 as amended by 1999 PA 215 and section 719 as added by 1996 PA 523.

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

Senators Kuipers, Van Woerkom, Kahn, Brown, Cropsey, Pappageorge, Jansen, Hardiman, Richardville and Garcia introduced

Senate Bill No. 133, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending sections 50b, 75, and 79 (MCL 38.1050b, 38.1075, and 38.1079), sections 50b and 75 as amended by 1998 PA 501 and section 79 as amended by 2006 PA 614, and by adding section 79a.

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

Senators Van Woerkom, McManus, Jelinek, Birkholz, Brown, Allen, Gleason, Richardville, Kahn, Switalski, Jansen, Kuipers and Barcia introduced

Senate Bill No. 134, entitled

A bill to amend 2000 PA 322, entitled "Julian-Stille value-added act," by amending the title and sections 2, 2a, and 3 (MCL 285.302, 285.302a, and 285.303), the title and section 2 as amended by 2006 PA 423 and section 2a as added by 2006 PA 424.

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

Senators Pappageorge, Garcia, Kahn, Allen, Anderson, Hardiman and Birkholz introduced

Senate Bill No. 135, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2006 PA 562, and by adding section 811r.

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

Senators Garcia, Kahn, George, Brown, Van Woerkom, Cropsey, Kuipers, Stamas, Allen, Barcia and Olshove introduced

Senate Bill No. 136, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 88b (MCL 125.2088b), as amended by 2008 PA 175, and by adding section 88r.

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

Senators Garcia, Kahn, Anderson, Allen, Basham, Cropsey, Pappageorge, Richardville, George, Van Woerkom, McManus, Barcia, Kuipers and Olshove introduced

Senate Bill No. 137, entitled

A bill to authorize a service bonus for certain veterans; and to make appropriations.

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

Senators Garcia, Cropsey, Allen, Gleason and Prusi introduced

Senate Bill No. 138, entitled

A bill to amend 2006 PA 317, entitled "An act to create certain centers in the Michigan strategic fund; to impose certain duties and responsibilities on those centers and on certain state employees and public employees; and to repeal acts and parts of acts," by amending section 2 (MCL 125.1972).

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

Senators Olshove, Anderson, Basham, Cherry, Clark-Coleman, Garcia and Birkholz introduced

Senate Bill No. 139, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 278.

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

Senators Olshove, Anderson, Cherry, Clark-Coleman and Garcia introduced

Senate Bill No. 140, entitled

A bill to amend 1980 PA 497, entitled "Construction lien act," by amending section 107 (MCL 570.1107), as amended by 2006 PA 497.

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

Senators Olshove, Anderson, Cherry, Clark-Coleman and Garcia introduced

Senate Bill No. 141, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2008 PA 198.

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

Senators Jansen, Basham, Birkholz, Garcia, Kahn, Richardville and Pappageorge introduced

Senate Bill No. 142, entitled

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 5 (MCL 338.885), as amended by 1998 PA 302, and by adding section 4.

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

Senators McManus, Barcia, Hardiman and Brown introduced

Senate Bill No. 143, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 47 (MCL 169.247), as amended by 2001 PA 250.

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

Senators McManus, Barcia, Hardiman and Brown introduced

Senate Bill No. 144, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 34 (MCL 169.234), as amended by 1999 PA 238.

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

Senators Barcia, Cropsey, Garcia, Anderson, Kahn, Birkholz, Hardiman, Allen, Kuipers, Gleason and Brown introduced

Senate Bill No. 145, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1a of chapter IX (MCL 769.1a), as amended by 1998 PA 231.

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

Senators Cropsey, Barcia, Garcia, Anderson, Kahn, Birkholz, Hardiman, Allen, Kuipers, Gleason and Brown introduced

Senate Bill No. 146, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 2, 16, 31, 44, 61, and 76 (MCL 780.752, 780.766, 780.781, 780.794, 780.811, and 780.826), sections 2, 16, 44, and 76 as amended by 2005 PA 184 and sections 31 and 61 as amended by 2006 PA 461.

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

Senators Brown, Sanborn, Birkholz, Jansen, Garcia, Richardville, Kahn, Van Woerkom, Kuipers, Cropsey, Patterson, George, Hardiman, Pappageorge, Gilbert, Allen, Basham, Bishop, Olshove, Gleason, Stamas, Jelinek, Barcia, Cassis and McManus introduced

Senate Bill No. 147, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 90h.

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

Senators Pappageorge, Brown, Sanborn, Birkholz, Jansen, Garcia, Richardville, Kahn, Van Woerkom, Kuipers, Cropsey, Patterson, George, Hardiman, Gilbert, Allen, Basham, Bishop, Olshove, Gleason, Stamas, Jelinek, Barcia and McManus introduced

Senate Bill No. 148, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2005 PA 336.

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

Senators Patterson, Cropsey, Jelinek, Kuipers, Garcia, Kahn, Hardiman and Richardville introduced

Senate Bill No. 149, entitled

A bill to amend 2004 PA 452, entitled "Identity theft protection act," by amending sections 3, 7, and 9 (MCL 445.63, 445.67, and 445.69), section 3 as amended by 2006 PA 566, and by adding section 7a.

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

Senators Patterson, Cropsey, Jelinek, Kuipers, Kahn, Hardiman and Richardville introduced

Senate Bill No. 150, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14h of chapter XVII (MCL 777.14h), as amended by 2008 PA 386.

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

Senators Patterson, Kuipers and Garcia introduced

Senate Bill No. 151, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16315, 16335, 17801, 17820, 17821, and 17822 (MCL 333.16315, 333.16335, 333.17801, 333.17820, 333.17821, and 333.17822), section 16315 as amended by 2007 PA 166, section 16335 as added by 1993 PA 80, section 17801 as amended by 1987 PA 213, sections 17820 and 17821 as amended by 2006 PA 387, and section 17822 as amended by 2005 PA 281, and by adding sections 17808, 17823, 17824, 17825, 17849, 17850, 17854, 17856, 17862, 17864, 17866, 17868, 17870, 17872, 17878, 17882, and 17884.

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

Senators Anderson, Gleason, Olshove, Switalski, Jacobs and Hunter introduced

Senate Bill No. 152, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 264a.

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

Senators Anderson, Gleason, Cherry, Olshove, Switalski, Brater, Hunter and Basham introduced

Senate Bill No. 153, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2008 PA 310.

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

Senators Anderson, Gleason, Cherry, Olshove, Kahn, Clark-Coleman, Jacobs and Hunter introduced

Senate Bill No. 154, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 7mm.

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

Senators Anderson, Gleason, Olshove, Switalski, Brater, Clark-Coleman, Hunter and Basham introduced

Senate Bill No. 155, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2229.

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

Senators Anderson, Gleason, Olshove, Switalski, Brater, Clark-Coleman, Hunter and Basham introduced

Senate Bill No. 156, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding sections 2203, 3149, 3400a, 3501a, 3600a, 4003, and 4403.

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

Senators Anderson, Gleason, Olshove, Switalski, Brater and Basham introduced

Senate Bill No. 157, 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 and Bioeconomy.

Senators Anderson, Gleason, Cherry, Olshove, Switalski, Brater, Clark-Coleman, Jacobs, Hunter and Basham introduced

Senate Bill No. 158, entitled

A bill to prohibit employers from making employment decisions based upon certain factors that are unrelated to employment; to prohibit certain inquiries; to prohibit retaliation; and to provide remedies.

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

Senators Anderson, Gleason, Cherry, Olshove, Switalski, Jelinek, Brater, Jacobs, Hunter, Basham and Whitmer introduced

Senate Bill No. 159, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310b.

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

Senators Anderson, Gleason, Olshove, Switalski, Brater, Clark-Coleman, Jacobs and Hunter introduced

Senate Bill No. 160, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending sections 2 and 3 (MCL 15.262 and 15.263), section 2 as amended by 2001 PA 38 and section 3 as amended by 1988 PA 278.

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

Senators Anderson, Gleason, Olshove, Switalski, Brater, Clark-Coleman, Jacobs and Hunter introduced
Senate Bill No. 161, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 134 and 3104 (MCL 500.134 and 500.3104), section 134 as amended by 1990 PA 256 and section 3104 as amended by 2002 PA 662.

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

Committee Reports

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 93, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," (MCL 408.1001 to 408.1094) by adding section 17.

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.

Alan Sanborn
 Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen and Gilbert

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development and Regulatory Reform submitted the following:
 Meeting held on Tuesday, January 27, 2009, at 3:30 p.m., Rooms 402 and 403, Capitol Building
 Present: Senators Sanborn (C), Richardville, Allen, Gilbert and Jacobs
 Excused: Senators Thomas and Hunter

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 10, entitled

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

With the recommendation that the bill pass.

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

Patricia L. Birkholz
 Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Patterson, Basham and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:
 Meeting held on Wednesday, January 28, 2009, at 1:00 p.m., Room 110, Farnum Building
 Present: Senators Birkholz (C), Van Woerkom, Patterson, Basham and Gleason

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:
 Meeting held on Wednesday, January 28, 2009, 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, Cherry, Clark-Coleman and Scott
 Excused: Senator Brater

Scheduled Meetings**Appropriations -****Subcommittees -**

Economic Development - Wednesdays, February 4 and February 11, 8:30 a.m., Room 110, Farnum Building (373-2768)

State Police and Military Affairs - Tuesday, February 10 and Wednesday, February 11, 3:00 p.m., Room 405, Capitol Building (373-2768)

Energy Policy and Public Utilities - Thursday, February 5, 1:00 p.m., Room 210, Farnum Building (373-7350)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 12:31 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, February 3, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate